EASTCHESTER ZBA - 7/15/2020

THE CHAIRMAN: Good evening, and welcome to the Town of Eastchester Zoning Board of Appeals meeting for Wednesday, July 15th, 2020. We are going to go over, at the beginning of the meeting, just a couple of quick ground rules because we are conducting this meeting via Zoom, so there are certain aspects of the monthly meetings that are either not practical or not possible, like a roll call. Tonight's meeting will be conducted, as they all are, under Robert's Rules of Parliamentary Evidence. We will also, again, not be going through the roll, but I could tell you that we have six matters on for resolution, and there are two new businesses items, and I'm going to explain that as well. At the last meeting, I had mentioned that we're only going to be hearing old business items, that there would be nothing new on the calendar. These are technically not new business items because they have been winding through our system, including ARB and Planning, for several months now. So the two items that are going to be heard tonight, Ray Place and Troublesome Brook.
EASTCHESTER ZBA - 7/15/2020

Number 3: I make a motion to approve Application 20-15, 23 Prospect Avenue; is there a second to that motion?

MR. DE MARCO: Second.
THE CHAIRMAN: Mr. DeMarco. To the vote. Mr. DeMarco.

MR. DE MARCO: Yes.

THE CHAIRMAN: Mr. Nurzia.

MR. NURZIA: Yes.

THE CHAIRMAN: Mr. Miller.

MR. MILLER: Yes.

THE CHAIRMAN: Mr. Cahalin.

MR. CAHALIN: No.

THE CHAIRMAN: I vote yes. That application has been approved four to one.

Item number 4: I make a motion to deny Application 20-16, 7 Hanfling. Just as a reminder, before I vote on my motion, when you vote on this application, a vote for yes would be to affirm the denial; a vote for no would be to approve the application.

Anyway, I make a motion to deny Application 20-16; is there a second?

MR. DE MARCO: Second.

DINA M. MORGAN, REPORTER

---

EASTCHESTER ZBA - 7/15/2020

THE CHAIRMAN: I vote yes. That application has been approved five to zero.

Item number 6: I make a motion to approve Application 20-18, 10 Roy Place; is there a second?

MR. DE MARCO: Second.
THE CHAIRMAN: Mr. DeMarco. To the vote.

MR. DE MARCO: Yes.

THE CHAIRMAN: Mr. Nurzia.

MR. NURZIA: Yes.

THE CHAIRMAN: Mr. Miller.

MR. MILLER: Yes.

THE CHAIRMAN: Mr. Cahalin.

MR. CAHALIN: Yes.

THE CHAIRMAN: And I vote yes. That application has been approved five to zero.

Now when we get into new business item number 1, I just want to mention that any items that are on the agenda for public hearing, the applicant and the board members will speak firstly, and then when it's open to the public, you will be able to make comments by raising your hand. It's feature on Zoom, what is that?

DINA M. MORGAN, REPORTER

---

EASTCHESTER ZBA - 7/15/2020

THE CHAIRMAN: Mr. DeMarco. To the vote.

MR. DE MARCO: Yes.

THE CHAIRMAN: Mr. Nurzia.

MR. NURZIA: Yes.

THE CHAIRMAN: Mr. Miller.

MR. MILLER: Yes.

THE CHAIRMAN: Mr. Cahalin.

MR. CAHALIN: Yes.

THE CHAIRMAN: I vote yes. The application has been denied five to zero.

Number 5: I make a motion to approve Application 20-17, 80 Grand Boulevard; is there a second?

MR. MILLER: Second.

THE CHAIRMAN: Mr. Miller. To the vote. Mr. DeMarco.

MR. DE MARCO: Yes.

THE CHAIRMAN: Mr. Nurzia.

MR. NURZIA: Yes.

THE CHAIRMAN: Mr. Miller.

MR. MILLER: Yes.

THE CHAIRMAN: Mr. Cahalin.

MR. CAHALIN: Yes.

DINA M. MORGAN, REPORTER
EASTCHESTER ZBA - 7/15/2020

what you are seeking before this Board.
Having said that, the applicant can
now proceed.

MR. VOGEL: Good evening. My name is
Ed Vogel. I'm with Warshauer, Mellusi,
Warshauer, Architects. We will begin the
presentation to the Zoning Board. So good
evening, Chairman and Members of the Board.

Are you hearing me, just to confirm?

THE CHAIRMAN: Yes.

MR. VOGEL: Okay. Thank you for the
nods. We're going to do some screen sharing
and walk you through the project a little bit.

Our project is 5 Ray Place. It is in the Town
of Eastchester, New York.

Why don't we move to the next slide.

This is a rendering of the proposed structure.

It is a multi-family residential 21 units. We
start at the first floor, which you see down
below, which is parking and lobby. We have a
second floor level that also relates to parking
as it works up Ray Place to the south, and then
floors three, four and five are the residential
units.

DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 7/15/2020

The architecture of the building is a
formal style, where we have a base, a middle
and a top or a crown, and then it's divided or
broken up vertically with horizontal elements.
We're holding some very strong corners, as you
will see on the next slide, which then shows
the backside of the building.

This is a view from White Plains Road
as we look past the CVS up toward the site.

Again, the base, middle and top, and then
vertically divided by strong corners. The
architecture has a residential scale with the
windows, the mullion break up, and then the
dormers as they come off the top.

To put this in a little bit of
perspective, our next slide is going to give
you where we are located in the town of
Eastchester. The red circle, as you see, is
our site, 5 Ray Place. North is to the left,
so Ray Place is just going to be to the west of
the site, as you can see the entry drive. As
you work your way downhill, you terminate at
Brook Street. Brook Street runs east/west, and
our major intersection is between Brook and

DINA M. MORGAN, REPORTER
EASTCHESTER ZBA - 7/15/2020
2 the sheet, here we see the unit layout. There
3 are seven units on a floor. We have one, two
4 bedroom, and then six, one bedrooms that make
5 up -- I'm sorry, one, two bedroom and seven,
6 one bedrooms -- no, I'm sorry, one, two bedroom
7 and six, one bedrooms, that makes seven units
8 on a floor, we have three floors, for 21 total
9 units. What's important on this sheet now to
10 mention, is that overlay of the -- not the
11 overlay, but the setback from the residential
12 zone. There's a 150 foot setback line, as you
13 can see at the top, that line running through
14 our building is where that 150 foot setback
15 will be. The variances that we will be asking
16 for are pertaining to height, a good majority
17 of them, and the base zone, and the setback
18 from the residential.
19
20 We move to the next sheet. This is
21 just typical unit plans. There is one bedroom
22 units and then two bedroom units. They range
23 in size, the one bedrooms from roughly 750 feet
24 to about 800 square feet, and then the one
25 bedroom is roughly a thousand square feet.

Move on to the next slide. These are
DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 7/15/2020
2 the elevations. So the top elevation is the
3 front facade. Again, you can see here the
4 base, body and the crown, and then how it's
5 divided vertically, strong corners, and some of
6 the architectural features between the windows,
7 the dormers, bringing down a very nice
8 residential scale with a formal style.
9
10 The site itself, the building is sited
11 not quite at the knoll or the crest of Ray
12 Place, it slides a little bit down off that
13 crest, but we recognize the uniqueness of the
14 site, and it actually has four very prominent
15 front, and then the architecture will work its
16 way around all four elevations. So the
17 elevation at the bottom of the sheet is the
18 south elevation that's toward the supermarket
19 parking area. If we move to the next slide, we
20 have the rear elevation, which is at the top of
21 the sheet, and that's the facade that would be
22 directly related to White Plains Road. Then we
23 have the north elevation, which borders the CVS
24 building, and that is the bottom of the sheet.
25
26 If we move to the next slide, this
27 here is a material composition board. I
DINA M. MORGAN, REPORTER
EASTCHESTER ZBA - 7/15/2020

north right now, just to give you an idea, with
the CVS in the foreground and our building in
the background. Now you're coming out to Route
22, looking west back at our site with the
proposed building, and traveling south on 22.
We could stop this and rewind this as you guys
please. You guys just let me know. Just
traveling back north on 22.
That's it for the 3D model. I could
rewind, pause, as you guys wish.

THE CHAIRMAN: I don't know if that's
necessary. I think that was a pretty good 3D
of it. You were able to circle it. I think it
work out well.

MR. BOHLANDER: Good. Just wanted to
turn it over to our attorney now, Rocco
Salerno.

MR. SALERNO: Good evening, Mr.
Chairman, members of the Board. Can you hear
me?

THE CHAIRMAN: Yes.

MR. SALERNO: Okay. First, I
apologize for the absence of my video presence.
I am not camera shy. I want to thank Margaret
DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 7/15/2020

Uhle for her assistance in trying to get me on
the video and audio portion of this hearing.
She is not my consultant, obviously, but she
did expend a substantial amount of time to get
me connected to this virtual meeting. I have
technical issues with my computer both at home
and in my office, which much be addressed.
Thankfully, Margaret was able to get me
connected by audio.
In any event, again, this is an
application for 5 Ray Place. The property is
located in an RB zone, consisting of
approximately 21,875 square feet.
The applicant proposes to construct a
5 story, 21 unit residential
doing. As noted in the zoning compliance
table and the Building Department's Notice of
Denial, 10 variances of the zoning code are
required to approve the plans submitted.
It should be noted, that the project
began to take shape early last year, and after
a year of planning and informal meetings with
the Planning and Building Departments, Highway
Department, Police Department, Fire Department,
DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 7/15/2020

and the Town's outside consulting engineers, a
public hearing was conducted by the Planning
Board on October 24, 2019. The plans were then
further revised in accordance with comments
received during that process.
The Planning Board then referred this
matter to this Board, the Zoning Board of
Appeals, on June 25, 2020. Although this Board
has the absolute right and obligation to
conduct a thorough, independent review of the
project, it is important to note that the
application has been well vetted and the
subsequent of intense scrutiny. The plan you
now have before you is the end result of the
process this far or thus far. We are now left
with 10 variances, which we request from this
Board, 6 of which pertain to height and/or
stories or, in effect, how tall the building
will be, leaving only 4 other variances to be
considered, each of which, I believe, are
nominal.
The first and foremost variances are
those regarding height and/or stories, okay.
Without repeating requirements of the sections
DINA M. MORGAN, REPORTER
EASTCHESTER ZBA - 7/15/2020

2 family residence district, it is also limited
3 to two and a half stories.
4
5 So again, the applicant is seeking six
6 variances which collectively will simply
7 dictate how tall the building will be.
8
9 The next variance the applicant
10 requests is for parking. The applicant
11 proposes 31 parking spaces for passenger
12 automobiles, while the code requires 33 spaces,
13 a deficiency of 2 automobile parking spaces.
14
15 The next variance the applicant seeks
16 is that regarding impervious surface coverage.
17 The code permits 70 percent or 15,313 square
18 feet. The applicant proposes an impervious
19 surface of 15,820 square feet, approximately
20 500 square feet above that which is required.
21
22 The next variance the applicant
23 pursues, is that regarding automobile
24 maneuvering. The code requires a backup and
25 maneuvering aisle between rows of parking
26 spaces to be at least 25 feet, while the
27 applicant proposes a backup and maneuvering
28 aisle of 24 feet, a deficiency of 1 foot.
29
30 Finally, the code requires a
31 DINA M. MORGAN, REPORTER

---

EASTCHESTER ZBA - 7/15/2020

2 landscaped area along the perimeter of the
3 proposed parking area planted with grass or
4 shrubs, to include at least one tree of not
5 less than 4 inch caliber at breast height for
6 every 30 feet. The applicant proposes no
7 planting on the east or north sides of
8 approximately 300 feet of the parking area. It
9 should be noted, that this variance was not
10 introduced or required until after approval by
11 the Planning Board, and is still the subject of
12 discussion.
13
14 Next, we refer to the area variance
15 test. In making it’s determination on the
16 application for an area variance, the Zoning
17 Board of Appeals shall take into consideration
18 the benefit to the applicant if the variance is
19 granted, as weighed against the detriment to
20 the health, safety and welfare of the
21 neighborhood or community by such grant. In
22 doing so, this Board is charged with
23 considering the five prong test for area
24 variances -- excuse me?
25
26 MR. MILLER: Nobody said anything.
27 MR. SALERNO: Oh, I thought somebody
28 DINA M. MORGAN, REPORTER

---

EASTCHESTER ZBA - 7/15/2020

2 did.
3 -- As provided Town Law and codified
4 by the Zoning Law.
5
6 First, with respect to the character
7 of the neighborhood, the first prong is whether
8 an undesirable change would be produced in the
9 character of the neighborhood or a detriment to
10 nearby properties will be created by a granting
11 of the area variance. This site is surrounded
12 by various uses permitted in an RB zone,
13 including a huge supermarket and The Enclave
14 condominium across the street. It should be
15 noted, that The Enclave condominium received a
16 variance to construct the present three and a
17 half story, 40 foot building, while the code
18 then permitted a two and a half story, 30 foot
19 structure. As noted in the rendering
20 previously submitted, The Enclave is at a
21 slightly higher elevation than the subject
22 site, and the additional half story proposed by
23 the applicant will not render the structure out
24 of character with the rest of the neighborhood.
25 I respectfully remind the Board, that the site
26 is on a steep slope, which is set back
27 DINA M. MORGAN, REPORTER
Regarding impervious surface, the property presently consists of a vacant, unused parking lot which is covered which macadam or blacktop, and there is little, if any, pervious surface existing at the present time. Any development to this site, will necessarily require additional storm water management and render a better environmental situation.

Backup and maneuvering are a technical issue which the Board must obviously consider, but has no relevance to the character of the neighborhood.

Finally, regarding the perimeter buffer, it is not possible, as the area of the site to which the Notice of Denial refers is presently improved by a concrete retaining wall. Of equal importance is the fact that the property is surrounded by commercial and retail uses, and it is not uncommon for plantings to be limited around such structures. I must again add that this additional variance was added after Planning Board approval of the project, and is still subject to further negotiation and resolution.

DINA M. MORGAN, REPORTER

In conclusion, the proposal and requisite variances will not produce an undesirable change in the character of the neighbor, nor a detriment to nearby properties, but rather will render the presently vacant, unused blacktop parking lot more in keeping with surrounding improvements.

The next prong of the area variance test is whether or not there is an alternative method for the applicant to pursue.

Should this Board deny the variances requested, the applicant has two choices, neither of which are financially viable.

The applicant can construct a small strip mall consisting of retail stores. However, what has been happening with brick and mortar stores over the past few years, even before the Covid 19 virus, it is unlikely the applicant will be able to secure the financing necessary to complete the project.

Furthermore, in accordance with the Town's master plan, the highest and best use for the site is a residential apartment building.

DINA M. MORGAN, REPORTER
EASTCHESTER ZBA - 7/15/2020
for the applicant to realize the full potential
and value of the property.
It should also be noted, that the
final project will generate substantial tax
revenue for the Town, without unduly burdening
municipal services.
That is my presentation on behalf of
the applicant with respect to the Zoning Board
variances. Thank you.
THE CHAIRMAN: Counselor, thank you
for your presentation. Does the applicant have
anything further?
MR. SARACENO: I have one.
THE CHAIRMAN: Yes, please.
MR. SARACENO: John Saraceno. Thank
you for allowing me to speak for a moment.
With regards to the one or two family
residential homes, they are behind the shopping
center and there's a very large green buffer
that exists that belongs to the town of
Eastchester. Quite frankly, I don't think
anyone could really have any visual -- will not
have a visual issue because, quite frankly,
with the buffer that exists there, it really
DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 7/15/2020
precludes people from even seeing the site and
for this new construction.
Also, I wanted to bring out one other
point. We built other properties in lower
Westchester, and it appears that there is a
growing need, especially with the Millennials
who are coming out of the city, people who are
downsizing, and who are either young
professionals, there is no real rental housing
new, that would address some of the things that
most people want in today's world. I have been
getting very good responses. We built a
project in Pleasantville, which was very well
received, and it turns out that we have a lot
of people who have downsized, who have come to
the property. I would say a good 40 percent of
those units are elderly couples who have sold
their home, or elderly people who are single,
and young couples that have come. Believe it
or not, we're by a train station, and we have
actually one tenant that commutes into the
city. So the demand is very strong in lower
Westchester for this type of housing.
That's all I wanted to say. Thank
DINA M. MORGAN, REPORTER
EASTCHESTER ZBA - 7/15/2020

1 reserve your right to come back in if you need
to. Mr. Nurzia?
4 MR. NURZIA: Yes, one question on the
5 3D video. Can you just confirm that that video
6 is actually to scale? In other words, when you
7 showed the video from White Plains Road looking
8 up the hill, the height of your project, that
9 that is how it will actually be. Can you just
10 confirm it's to scale?
12 MR. BOHLANDER: Are you talking about
12 our building or the surrounding buildings?
14 MR. NURZIA: Your building.
15 MR. BOHLANDER: Yes, that is the
16 actual height, and the heights of the
17 surrounding buildings was taken from
18 Westchester GIS information.
19 MR. NURZIA: Okay, good. I just want
20 to confirm that. Thank you.
21 MR. BOHLANDER: Yes.
22 THE CHAIRMAN: Anything further, Mr.
23 Nurzia?
24 MR. NURZIA: No, that was it.
25 THE CHAIRMAN: Okay. Mr. Cahalin?
26 MR. CAHALIN: I have some comments and
27 DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 7/15/2020

1 edification, as to what were the changes from
2 the beginning of this process in October with
3 the Police Department, Fire Department, and
4 everybody else, because you're coming to us for
5 variances, and I would like to understand how
6 we got to this point with the 10 variances that
7 you're required. Again, I understand that the
8 floor variances are very -- the backup and the
9 parking and stuff like that are minimal for a
10 development of this size, my issue strictly is
11 the height of the building. It concerns me
12 very much what's going on in the Town. We keep
13 getting asked for bigger and bigger structures.
14 When you look at that, you're going up
16 64 feet. Do you have an elevator in this
17 building, and is that what that is; is it an
18 elevator shaft that's protruding up? Is it the
19 mechanicals that are building covered? I can't
20 tell. It just looks from the render on the one
21 side -- to me, it's horrible from the backside
22 of White Plains Road from your own view of what
23 you've shown me. There are not that many trees
24 there. Are you planting trees, because there
25 are not trees right now behind CVS? There's a
26 DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 7/15/2020

1 some questions.
3 THE CHAIRMAN: Proceed.
4 MR. CAHALIN: To me, this is, again,
5 an overreach and something that, you know, we
6 have to be cognizant of. We had a project that
7 hasn't been built called Summerfield, where
8 they went for a fifth story. Now these guys
9 are going for a fifth story. When you rotate
10 this, as the gentleman did before, I think the
11 view from White Plains Road is horrific. So
12 they've been trying to point us in directions
13 that they want us to see, but this is a large
14 structure. When you go across the street to
15 24, that's tucked in. You can't see that.
16 This will be seen in a couple of different
17 directions.
18 I understand why they're asking for
19 the fifth floor, because of economics. We were
20 not privy to all the other meetings. I've read
21 the materials. I would really like a better
22 analysis of what was changed besides reducing
23 the number of units. What else is going on
24 there? I would be curious to see. So I would
25 like that as other information, at least for my
26 DINA M. MORGAN, REPORTER
EASTCHESTER ZBA - 7/15/2020

1 explain the evolution of the plan as it relates
2 to the elevation of the building.
3 MR. CAHALIN: Outside of the economic
4 need of going to 21 units, why did that happen?
5 THE CHAIRMAN: As it relates to the
6 elevation?
7 MR. CAHALIN: Why is that required,
8 when the code asks for three stories or four
9 stories, they're asking for another story, and
10 then they've got their mechanicals going up an
11 additional 9 feet or something? That's the
12 most substantial variance that they're asking
13 for, is the height variance.
14 MR. SARACENO: May I answer that
15 question? This is John Saraceno.
16 THE CHAIRMAN: Please.
17 MR. SARACENO: In terms of the tower,
18 one is the elevator tower. The second, there
19 is a plan to be a garden on that roof. Our
20 proposal is to do that.
21 MR. CAHALIN: I don't understand what
22 the garden has to do with the protrusions
23 coming off the roof.
24 MR. SARACENO: I'm just addressing
25 DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 7/15/2020

1 appear to be concerned about the height, and
2 actually thought the character of the
3 architecture was attractive. That being said,
4 it's the Zoning Board's role to determine
5 whether going from four stories to
6 five stories, how that fits into the five part
7 test for the area variances. So really the
8 evolution of how it got to this point may be
9 interesting, but that's your job as a Zoning
10 Board member to try to get additional
11 information to determine whether you believe
12 the application meets the test for an area
13 variance or not. This is not coming to you as
14 a final, set project. It's coming to you to
15 evaluate as part of your evaluation for the
16 area variances.
17 Again, the Planning Board did not
18 approve this. The Planning Board looked very,
19 very closely at things related to traffic,
20 parking, sanitary sewer, a lot of those site
21 plan issues. I believe that they thought that
22 the architecture was attractive and were not
23 concerned about the height, but, in all
24 honesty, beyond that, that's what you're
25 DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 7/15/2020

1 what that fifth floor is about -- above that
2 fifth floor. The elevator shaft is there. Any
3 building that is over three stories, ends up
4 having an elevator shaft.
5 MS. UHLE: Could I just say a couple
6 of things.
7 THE CHAIRMAN: Please, Mrs. Uhle. Go
8 ahead.
9 MS. UHLE: One thing I wanted to
10 clarify that Rocco said, he mentioned a couple
11 of times about how this tenth variance wasn't
12 identified until after the Planning Board
13 approved the project. The Planning Board did
14 not approve the project. I know that he
15 understands that, but I want to make that
16 clear. What the Planning Board did is, they
17 concluded the environmental review of the
18 project, meaning that they did not believe that
19 there would be significant adverse
20 environmental impacts as a result of the
21 project, and they referred it to the Zoning
22 Board in consideration of the area variances.
23 Now, the Planning Board in their
24 commentary with regard to the height, did not
25 DINA M. MORGAN, REPORTER
EASTCHESTER ZBA - 7/15/2020

very beautiful structure. I'm not going to argue about the architecture, it's not my thing, I like it, but from a concern of the Town, what this Town is starting to develop into, I'm very much concerned about the size of the structure.

THE CHAIRMAN: Okay.

MR. CAHALIN: That is one of the variances; correct?

THE CHAIRMAN: It's several of them.

MR. CAHALIN: Thank you.

THE CHAIRMAN: So if I could crystallize your request so that we could proceed with any further questions or comments you have, you're looking for the applicant to give you some sort of explanation on the evolution of the --

MR. CAHALIN: Yes. I would even like to see the economics of why it's required. Why can't they get their financing based upon a 4 story or 14 unit building?

THE CHAIRMAN: Anything further?

MR. CAHALIN: No.

THE CHAIRMAN: At this point, I don't

DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 7/15/2020

have any questions of the applicant, but I do make a motion to open the matter to the public for a public hearing; is there a second to my motion?

MR. CAHALIN: I'll second that.

THE CHAIRMAN: Mr. Cahalin. All in favor.

(Aye)

THE CHAIRMAN: As I have laid out the procedure, Mr. Tudisco will recognize any members of the public that want to be heard on this application.

MR. TUDISCO: Thank you, Mr. Chairman.

Any members of the public that wish to offer comment or be heard with respect to this application, please raise your hand. I will acknowledge you and invite you to un-mute yourself.

Mr. Chairman, there is a hand up, Frank Sweeney. I'm going to invite you to un-mute yourself.

Margaret, I believe that all of the attendees might be un-muted because I don't have the ability to --

DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 7/15/2020

MS. UHLE: Okay.

MR. TUDISCO: Mr. Sweeney, you can un-mute yourself and you may speak. Just please identify yourself and your address.

MR. SWEENEY: Sure. It's Frank Sweeney, 22 Lakeview Avenue. My questions are really basically threefold.

One is, are any of the apartments going to have handicapped facilities associated with them?

Two, issues of overflow parking in terms of guests.

The third being, is the fact that the mention by Rocco, storm sewer and sewage, not of this Board, but is still of grave concern to the folks in north Eastchester because we understand that the flow was going to be mitigated somewhere along the line, I would like to know, where, when, and how, and also whether the ultimately infrastructure is going to ultimately wind up on Scarsdale Avenue and Woodruff Avenue, which we already know now from a storage standpoint cannot handle any additional flow.

DINA M. MORGAN, REPORTER
1 EASTCHESTER ZBA - 7/15/2020
2 With regards to the parking
3 requirement, if I'm not mistaking, the Town's
4 parking requirement includes and would
5 incorporate the guest parking as part of that
6 parking requirement. So although we are asking
7 for a variance of two parking spaces, the
8 parking requirements by the town typically, and
9 I believe in this case, include requirements
10 for guest parking.
11 MS. UHLE: That's correct.
12 MR. NESTER: In regards to the
13 sanitary sewer mitigation, during the Planning
14 Board process and previous meetings, the
15 applicant and the Planning Board, the
16 Supervisor of DPW, and the Town's engineering
17 consultant are to get together to figure out
18 the best locations as to where to provide the
19 mitigation for the additional flows with
20 regards to the sewage generated by this
21 project.
22 So I hope that answers your questions.
23 THE CHAIRMAN: Thank you. Mr.
24 Sweeney, do you have any follow-up?
25 MR. SWEENEY: Yes, just one follow-up.
DINA M. MORGAN, REPORTER

1 EASTCHESTER ZBA - 7/15/2020
2 In reference to the mitigation relationship,
3 whether it be runoff or whether it be sewage,
4 the current concern that we have -- and we
5 don't know where it is, to be honest -- that
6 somewhere along the way between Brook Street
7 and the time it gets to Scarsdale Avenue,
8 there's a convergence of sewage, household
9 sewage, and storm sewage. So I'm trying to
10 determine how they go about determining, one,
11 resolving that; or two, what is the flow going
12 to be, because on Lakeview Avenue and I should
13 say Woodruff, those two blocks have running
14 water down to the manhole cover on Scarsdale
15 Avenue 7 by 24? The least amount of rain --
16 I've already submitted proposals and photos to
17 Margaret concerning the overflow -- I just
18 can't see without some sort of significant
19 change to the infrastructure to the piping,
20 whether that's going to get resolved before the
21 building is in process.
22 MR. NESTER: Chairman, if you would
23 like, if it's okay to address that comment, if
24 I may.
25 THE CHAIRMAN: Please do.
DINA M. MORGAN, REPORTER

1 EASTCHESTER ZBA - 7/15/2020
2 MR. NESTER: As part of the
3 Westchester County requirements, we are
4 required to mitigate our flows at a three to
5 one ratio. So if our flows are -- I apologize,
6 I don't have the exact numbers with me -- we
7 are mitigating three times the flows that the
8 project would generate under normal
9 calculations or hydraulic loading calculations.
10 So the infrastructure that Mr. Sweeney is
11 referring to is very old infrastructure that
12 runs down Brook Street. What we are
13 responsible for and what we are working with
14 the Town on is, one, the storm water influence
15 that he's referring to is called I & I. A lot
16 of the structures are old, per se, so when it
17 rains, water leaks into manholes that aren't
18 parged properly. There are also illicit
19 discharges, connections into the system. So
20 there are places where people may pump in or
21 tie in illegally sump pumps from basements and
22 things like that. So part of the mitigation
23 and part of our proposal is to, one, locate a
24 junction where to monitor the flow which
25 currently goes through the system right now.
DINA M. MORGAN, REPORTER

1 EASTCHESTER ZBA - 7/15/2020
2 So the monitoring will be done normal dry
3 conditions, as well as wet conditions, to try
4 to determine the amount of infiltration into
5 the system other than raw sewage. With regards
6 to the mitigation of that, once we determine
7 what the amount of I & I is, then there is an
8 assessment that needs to be made with regards
9 to our contribution of our project with regards
10 to the flows, and then there will be
11 improvements made to the system to limit the
12 amount of inflow into the existing structure
13 and systems.
14 That's what we are going to work with
15 through the planning process with the
16 consultants and the Supervisor of the
17 Department of Works.
18 THE CHAIRMAN: Thank you for that.
19 MR. TUDISCO, are there any other members of the
20 public who would like to be heard at this
21 point?
22 MR. TUDISCO: If there is anyone else
23 from the public that wishes to offer comment or
24 ask a question of the Board, please use the
25 raise your hand feature and I will permit you
DINA M. MORGAN, REPORTER
to un-mute yourself.

Mr. Chairman, at this time, I don't
see any hands. It would indicate that there
are no additional members of the public
offering comment or seeking to ask a question.

THE CHAIRMAN: Okay. I thank you for
that. The public hearing portion of this
application is going to be left open anyway. I
guess the best way to analogize how we were
handling the presentation to start with is
because of the complexity of the application
and as it's been winding through the various
boards, I wanted to get the presentation down,
get the Board comfortable with the application
and any questions they may have. The public
hearing will stay open on this because Mr.
Cahalin has expressed some interest in some
additional information. The board members have
reviewed the submission, and will continue to
do so, and we'll make a site view as well, and
we'll be back further questions and commentary.

As far as I’m concerned, the way I saw
it and reviewed the application, there are
elements of the application that, by my

DINA M. MORGAN, REPORTER

estimation, are really di minimus, like the
impervious surface and the parking distinction
between 33 and 31 parking spaces, as Mr. Nester
had expanded upon.

Some of the site items that we have
previewed or reviewed but are not really part
of this application, have been addressed and
will continue to be addressed, like the
improvement of runoff, et cetera, because it's
a New York State requirement, and the issues of
the sidewalk and grading and some of the other
things are in the application, they may be
asked at a later day.

As far as I’m concerned, the question
was always about the elevation. I think that
when you come back with, I guess, some
edification of that, I think some of it has
been answered to my benefit when you went
through the presentation in the visual
explaining that you have a substantial amount
of parking that's taken up on the first floor,
and the way the grade lays out so that each
floor is essentially one third of the project,
so lopping off a floor you’re losing a full one

DINA M. MORGAN, REPORTER
EASTCHESTER ZBA - 7/15/2020

THE CHAIRMAN: If the applicant would like to proceed with a synopsis of what the application is, please.

MR. SCIARETTA: Sure. Thank you,
Chairman Pilla, members of the Zoning Board,
Mr. Tudisco and Ms. Uhle. Thank you for having us this evening. My name is Lino Sciaretta.
I'm a partner with the law firm of Montalbano,
Condon and Frank. We have on the Zoon meeting this evening, our team. We have Mohammed Sellingir, who is our representative with Suez.
Also, we have John Bongiovanni from Jacobs Engineering, Vince Ferrandino and Steve Maffia from Ferrandino Associates, and we also have Joe Weaver and Bill Snyder on the project team.

Just to give you a little introduction, this is regarding the Troublesome
Bridge Pump Station located on 10 Leewood Drive in Eastchester on the corner of Leewood Drive and Dale. We seek for this project use and area variances for the demolition and the construction of a new pump station facility at that property, which has been operating as a pump station since the 1930's.

DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 7/15/2020

Just by way of background, as I'm sure you all know, Suez Water provides drinking water to Eastchester and several other communities in Westchester County. In Eastchester we have the Delaware Pumping Station on California Road, as well as this pump station on Leewood Drive.

The reason for this project is because of the new guidelines and water disinfection practices from the New York City DEP and the New York State Department of Health. Just to give you a little bit of background, Suez receives its water from the Catskill and Delaware Aqueduct Supply. Because the New York City DEP is changing its water disinfection practice, it will no longer provide what we call full-time chlorination at the Kensico Reservoir after December 31, 2022. This means that disinfection will now have to occur at the pump station upstream of Suez's connection point. So the reason for this is that we now have to install what's called onsite hypochlorite generation system, or what we refer to as OSHG, in order to maintain the New York State standards.

DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 7/15/2020

2 York City DEP and New York State Department of Health drinking water standards. Without this system after Kensico goes offline, the water would not be considered potable without the disinfection treatment.

7 Just high level, this plan will require the existing structure that's there now to be demolished and a new one to be constructed in its place in order to include these disinfection facilities. It will also require replacing all the aging pumping and the electrical equipment that's currently there now, and also there are pipes there now that we will connect to as well. It also involves installation of the OS system to meet those new water standards.

13 Just a little bit about the technology so you all are aware. This technology combines water, salt and electricity and produces .8 percent of sodium hypochlorite, which we commonly refer to as bleach. Just to give you just a reference, there are no hazardous chemicals that are being handled or transported at this site. It's .8 sodium hypochlorite.

DINA M. MORGAN, REPORTER
EASTCHESTER ZBA - 7/15/2020

required to show for a use variance, that
the -- there's a public assessment that's
required in order to render safe and adequate
service, here that safe and adequate service is
safe drinking water, and that there are
compelling reasons, whether they be economic or
otherwise, for the variance. There is a case
on this, it's referenced in my letter. It's
United Water versus -- New Rochelle versus Town
of Eastchester ZBA from 1998, which basically
sets the standards for a use variance for a
public utility.

Here we have a pump station that's a
pre-existing, non-conforming use In the R-7.5
zone district that's been in operation, again,
since the 1930's. Because we're mandated by
DEP and the New York State Department of Health
to install the OSHG system that will disinfect
the water, we have to do this. Without the new
pump station with this new disinfection
equipment, we could not provide potable water.

As for the area variances, there is
Notice of Denial dated 6/24/20. There are area
variances for impervious coverage, also

DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 7/15/2020

driveway slope, fence height, and gross floor
area. There was one variance that's listed on
there, which I note in my letter, which was
number 3, for the platform area, we do not need
that variance because our plant complies with
that. Again, the variances that we will need
are for the impervious coverage, driveway
slope, fence height, and the gross floor area.

Now, if the Board will permit me, Mr.
Chairman, I would like to turn this over to Joe
Bongiovanni from Jacobs Engineering just to go
through the requested area variances. I will
tell Mr. Bongiovanni, I'm sure your Board is
familiar with the area variance test, so I will
forgo that explanation. If you could go
through the variances, Joe, that would be
great, on the area. Thank you very much.

THE CHAIRMAN: Yes, please proceed.

Thank you.

MR. BONGIOVANNI: Thank you. Thank
you, Lino. Joe Bongiovanni, I'm with Jacobs
Engineering, the engineer of record for the
project.

Everyone could hear me and see my

DINA M. MORGAN, REPORTER
EASTCHESTER ZBA - 7/15/2020

1. does add a heck of a lot of impervious coverage.

2. Other than that, and obviously the building size, which I did talk about already, the other impervious, I guess, coverage is really associated with some walkways for moving equipment in and around the building as needed in different areas and egress as well, and then some minor equipment pads for air conditioning units, and we also will need a new transformer from Con Ed. as well, so that's depicted here.

3. I think part of this issue is attributable to the fact that we are an industrial building, effectively, and we are located in a residential zone. We have different requirements for our type of facility, although we are sited in residential. In light of this, we do have a substantial landscaping plan that will be implemented as part of this project. That's something else I could also show you, if you would like.

4. The other two, a little bit more minor. Fence height. There's an existing

DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 7/15/2020

1. are -- let me see if I could just zoom in on this -- the area of concern is really on this side of the project once we pass in front of the building and start exiting on this adjacent property here. We have existing piping infrastructure in here. What we've done is, we've cut down the grade as much as possible. We are limited into how much we can cut, and that's because there are large pipes existing in the ground. They require a certain amount of coverage over them to not only protect them, but to provide frost protection. So we like to maintain minimum cover. There's really no way to cut this down any more than it's been cut to. Do we want to make the point that it is not inconsistent with the neighborhood. There are some areas that do slope here. Adjacent to us is Oakland Ave, I have a picture of -- I don't know the exact slope of this driveway, but it is a little significant.

2. Those are our four area variances. I did want to show this as well, just to give you the grand scheme of the amount of underground infrastructure that is in and around our

DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 7/15/2020

1. fence right now. It's 6 feet. It goes around the entire facility. There's a picture of it on the top right there. We're not really changing the linear footage of the fencing.

2. I'll go back on the site plan and just give you the extent of that. Truly, 4 foot is permitted in the zone here, we have an existing 6 foot, we would like to keep it 6 foot. 6 foot is certainly a little more desirable than a 4 foot fence when in comes to security, and this is certainly a critical infrastructure. Just walking back to the site plan, the existing fence -- you can't really see it that well -- it does extend all the way around the building. The light blue portion is the portion to remain. The darker blue is the portion that we will have to rebuild after we construct our building and all the other improvements on site.

3. Lastly, we have driveway slope. We're permitted a 7 percent slope in the R-7.5 zone, we are proposing a 10 percent. Again, this is really necessary because of that pull through driveway. The slopes we're talking about

DINA M. MORGAN, REPORTER
EASTCHESTER ZBA - 7/15/2020

That's all I really have. Lin, I'll turn it back to you.

MR. SCIARETTA: That is all, Mr. Chairman, members of the Board, for our presentation. I know you wanted just an initial overview this evening. I know we'll be back in September, but we just wanted to give you the overview this evening.

THE CHAIRMAN: Thank you very much. That was precisely what we were looking for. Thank you for being concise. What I will do now is turn it over to the Board for preliminary question and if anyone has any commentary. Mr. Cahalin?

MR. CAHALIN: Well, just for full disclosure, I live up the street from this site, so I'm very, very familiar with the site. I drive by it all the time. My biggest concern on this project is the impervious surface with regard to the driveway coming out onto Dale. That's a beautiful berm that's created there. It's high. If you live in the area, or if you don't live in the area, if you come to Dale Road in the morning or a Saturday afternoon,

DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 7/15/2020

Traffic is horrendous. It backs up sometimes on Dale Road, it can go half the block waiting for that light. I understand that the truck is a certain size, but they're destroying -- even though they're trying to keep the landscaping, they're destroying a natural landscape for this building. This building in its current state, you don't know it's there. They're creating a building five times the size. I understand that they need to do this.

Is there any way that the driveway can back out onto Leewood and avoid Dale for traffic reasons? United Water, from what I understand back in '98, I was in Town, I was very much involved at that time with that project, United Water did a great job at that facility, and they had promised deliveries at night. To my knowledge, since the time they've done that, there's never been an issue with a tractor trailer getting in and out of the site on California Road. That said, this is a much more residential area than California Road on the corner there, to some degree. This impervious surface variance, to me, is the one

DINA M. MORGAN, REPORTER
EASTCHESTER ZBA - 7/15/2020

direct the attention to Mr. Bongiovanni, and then I know we also have Steve Maffia from Ferrandino on the line as well, to address a couple of the concerns regarding the deliveries and the truck, Mr. Cahalin.

Just so the Board is aware, we have been before the Planning Board, and we’ve been discussing, construction, traffic, trip generation with respect to deliveries. I know with submitted an FDAF, and we could talk about that at the next meeting. I just want both Joe and Steve just to give a brief response to those two issues that you raised, Mr. Cahalin. Joe.

MR. BONGIOVANNI: I do appreciate the comments. The deliveries are very infrequent. They will happen -- this has come up at the Planning Board, so we are looking at deliveries after peak morning rush and before the afternoon rush to get this truck in. It’s only about five or six deliveries a year, so we’re not talking about a consistent truck traffic that you would really notice.

The driveway itself, again, the other

DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 7/15/2020

truck is fairly large. The way the salt is actually delivered, it’s blown into the tank, which is inside the building, along with the generator being put into side the building. Everything is inside the building pretty much. It’s a little bit of a unique truck. It’s a decent sized truck. It’s maneuverability is not very easy. There’s no way to really turn around on the property. Backing up out of the driveway onto Leewood would be the only other alternative. I don’t think that’s a great idea given the amount of traffic on Leewood. This is really kind of what we were left with.

I understand the buffering of the hill side there as well. When I say we’re cutting the grade, I’m saying it’s about 1 to 2 feet because really that’s all we could do before we start to remove too much cover over our pipe. It’s not a significant grading. It’s just enough to get the slopes down to --

MR. CAHALIN: But you’re also putting in, from what I could see on your plans, is a 37 foot driveway, 37 foot wide?

MR. BONGIOVANNI: No, it’s not that wide. Joe, you’re on the phone, I believe it’s 20 feet? 16 feet on the paved. One of the comments of the Planning Board was to break up the massing of the driveway. What we’re proposing is to keep some of it paved, but then use pavers on the ends as well as on the aprons. I think the dimension is 20 feet.

MR. WEAVER: Could everyone hear me?

MR. BONGIOVANNI: Yes.

MR. WEAVER: The overall width of the driveway would be 20 feet. The paved portion would be 12 feet down the middle, and then the sides are the pavers.

MR. CAHALIN: Similar to what you’re doing on California with like grass coming up?

MR. BONGIOVANNI: That’s one option.

I think we’re proposing concrete pavers now right at this moment. If Eastchester would prefer the porous pavers, grass pavers, we could certainly consider that as well.

MR. CAHALIN: Thank you.

MR. MAFFIA: This is Steve Maffia. Can you hear me?

THE CHAIRMAN: Yes, please.

DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 7/15/2020

MR. MAFFIA: We just did some extensive traffic evaluations for conditions that we would expect both during construction and after construction. We have developed, and it’s still evolving because they’re still working with the Planning Board and their consultants, a list of conditions of approval. Among them, relative to the salt truck delivery, is the routing and the timing of the truck. As Joe mentioned, we’re looking at five or six deliveries per year. It’s once every other month that we’re going to get the truck. It will enter from Leewood and it will exit on to Dale and head south towards Tuckahoe. First of all, that makes the maneuvering of the truck easier. There will be a technician on site to open the gate so the truck doesn’t have to wait out on the roadway while the gate is open to get in. It will make its delivery. Someone will open the gate. It will leave onto Dale and off it goes. So at no time during its trip, during its delivery will it be backing out significantly. It may back up to maneuver into position near the building. After that,
EASTCHESTER ZBA - 7/15/2020

it just drives straight down the driveway onto Dale.

In terms of noise, it's minimal.
Again, as part of the condition of approval, we're limiting the times of delivery to the midday time period. Salt deliveries will not happen in the middle of the night or even early morning. It will be scheduled to avoid both the morning and afternoon rush hours.

In terms of other traffic after construction, it's an unmanned facility. It will generate one trip by an operator per day. They will enter from Dale and exit onto Dale. But again, it's only one trip per day, and it happens outside of the peak hours. Whenever the heaviest traffic lines are that you noticed out on Leewood and Dale, none of that traffic would be associated with access to and from the pump station. Our traffic is minimal in terms of volume, and it's just a single trip per day entering and exiting on the Dale Road side of the site.

Again, as we work with Margaret and the Planning Board, we're developing a list of
DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 7/15/2020

conditions, and these conditions will be included in the approvals from the Planning Board.

MR. CAHALIN: What does the construction --

MR. MAFFIA: I hope that answers the concerns you have about the truck traffic and traffic in general.

MR. CAHALIN: What's the construction time on this thing?

MR. BONGIOVANNI: We would start in March and we have until December 2022. So it's 2021, we don't think it's going to go all the way to December, we're figuring finishing up in November of 2222.

MR. CAHALIN: So you're going to submit the residents to construction for that period of time and disruption?

MR. BONGIOVANNI: The start of construction will be a lot of procurement and things like that, that need to happen first. That's one of the things to start moving.

MR. CAHALIN: But the actual build time.

DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 7/15/2020

MR. BONGIOVANNI: It will be close to 18 months.

MR. CAHALIN: What happens to the water, just in general, for people in the Town when this is removed; does the other station pick up the load?

MR. BONGIOVANNI: That is one of the ways this can happen. You're talking about Delaware, I'm sorry; right?

MR. CAHALIN: Well, I don't know where we get water. All I know is if my water doesn't turn on, can I call you?

MR. BONGIOVANNI: Yes, you could call me. California Road is the main pump station that distributes water to Eastchester. This facility is going to house some pumping equipment, but majority of the equipment that is being housed here is the disinfection equipment.

MR. CAHALIN: I understood that completely. It's just, you take something down, something always goes wrong.

MR. BONGIOVANNI: There will be a detailed plan for implementing the piping
DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 7/15/2020

changes that need to happen to maintain service to Eastchester, to California Road pumping station. That's certainly one of our major concerns in design.

MR. CAHALIN: I have no more questions, Mr. Chairman.

THE CHAIRMAN: Thank you, Mr. Cahalin.

Mr. Miller?

MR. MILLER: I have no questions.

THE CHAIRMAN: Mr. Nurzia?

MR. NURZIA: I do have a question, kind of following up on Mr. Cahalin's questioning, and this is a fundamental question. If this project isn't approved -- but don't read into that question -- if it's not approved, what happens to either the town of Eastchester residents' water or the other communities you serve, where would you put this project, or does that affect the overall big picture? Just elaborate on that.

MR. BONGIOVANNI: The way it's set up right now is, New York City DEP, which is in control of the aqueducts, will no longer chlorinate after December of 2022. What that
DINA M. MORGAN, REPORTER
EASTCHESTER ZBA - 7/15/2020

means for anyone down stream of that point, is
that the water is no longer considered potable.
We have potable water right now. It comes to
us potable right now. That will no longer be
the case. So you will not meet the
requirements of the Department of Health if
this facility is not built.

Mr. SCIARETTA: Just an explanation on
that real quick just to address Mr. Nurzia's
point. DEP had informed us of this requirement
that they would no longer be chlorinating
Kensico, so we've been doing this in other
parts of Westchester as well, getting our pump
stations up to speed in terms of equipment wise
in order to start chlorination. This is now
time from us to get Eastchester on line. We've
been doing this throughout in terms of our
customers. Again, it's something that we just
have to do because, as Joe stated, without the
system in -- Kensico is doing it now -- without
it, you will not have potable water. I'm not
the engineer. In terms of the pipe shut off
and how that's all done, I leave that to the
folks at Suez. That mandate comes from, again,

DINA M. MORGAN, REPORTER

---

EASTCHESTER ZBA - 7/15/2020

you would have to boil water if we didn't have
it.

Mr. BONGIOVANNI: This drawing here is
just showing the confluence of pipes on this
site. We have, I can't tell you how many
exactly going in different directions, but it's
a lot. This is the hub right here of where
this needs to happen. One of the reasons is
because of the pipe confluence here.

Mr. SCIARETTA: Just looking at that
infrastructure there, Mr. Nurzia, you could see
the complexity of it. We have no other choice.
The infrastructure is already there. We're
replacing some of it, but mostly adding to that
vast array of piping that's already there,
which doesn't exist anywhere else in the Town,
other than, obviously the Delaware Road.

Mr. NURZIA: Okay. Got it. Thank
you.

Mr. SCIARETTA: Thank you.

THE CHAIRMAN: Anything further, Mr.
Nurzia?

Mr. NURZIA: No, that's it.

THE CHAIRMAN: Mr. DeMarco, do you

DINA M. MORGAN, REPORTER

---

EASTCHESTER ZBA - 7/15/2020

the State, and we have to comply with that in
order to meet those safe water drinking
guidelines.

Mr. NURZIA: Okay. I get that. Maybe
the question should have been phrased like
this: If you don't get approval for this
project, do you need to build another facility
in Eastchester at a different location?

Mr. BONGIOVANNI: Something would have
to be done. You need this chlorination or else
you will be having endless boil water
advisories because you technically wouldn't be
able to drink the water.

Mr. SCIARETTA: Just by way of
practicality, we look at the existing stations.
In terms of Eastchester, there's not too much
property. The mandate is really for our
existing pump stations to be upgraded. It's
really not contemplated upon the utility to
really start going out and buying up properties
because these pump stations can't be fitted, or
if they can be fitted, they have to be built
anew to house these you pump stations. Again,
it's utilizing what's existing. As Joe said,

DINA M. MORGAN, REPORTER
hazardous material, but hazardous materials are
going to be on site as opposed to just a
pumping station. I don't know how much more
electricity and electromagnetic fields are
going to be there. My house is literally 10
yards from this facility. I can't imagine this
being five times bigger and not having any
impact on my quality of life, my resale value,
the quality of the neighborhood.

There is nothing in the reports or the
papers that were filed about the level of this
facility, how much electricity or anything like
that is going to be generated or anything. The
fact that we're sort of being held hostage
because, well, we have to do it. Do it on
Delaware Road. There are far fewer houses on
California Road than there are on Leewood.
It's seems capricious at best to just say,
well, we have the pipes here, so now we have to
put a five times larger facility, start

generating chemicals. I don't know.

I got a notice about this hearing
literally three days ago, so we didn't really
have advanced warning on this. I knew it

DINA M. MORGAN, REPORTER

existed from something I got a few months ago.
I can't imagine this in my backyard.

THE CHAIRMAN: Mr. Introzzi, I
appreciate your comments. This public
hearing is going to be remaining open, so you
will have an opportunity to be heard as this
winds its way through the Board. So the lack
of notice or timely notice is not going to
affect your ability to be heard on this.

As far as your comments or concerns,
would the applicant like to reply at this
moment, please.

MR. SCIARETTA: Real quick, and I'll
turn it over to you, John. Just to address --
we understand that, yes, this will be a larger
facility. As one of the other members
commented, once all is said and done -- just by
way of referencing, I believe -- correct me if
I'm wrong, John -- the Delaware already has the
onsite chlorination already there, but the
issue is this facility does not and it needs to
have it.

MR. BONGIOVANNI: Correctly.

MR. SCIARETTA: The other thing is,

DINA M. MORGAN, REPORTER

MR. INTROZZI: Salt is corrosive
though; no?

MR. BONGIOVANNI: It can be corrosive.

It's housed in plastic tanks, fiberglass
reinforced tanks, so it's really not an issue
for us. The salt is delivered, it's turned
into brine, the brine is pumped into the
reactor, the reactor basically converts salt
and water to hypochlorite, 0.8 percent
hypochlorite, which is a lot less strong than
bleach. Bleach is 5 to 6 percent, just for
reference. This is 0.8 percent. It's not a
hazardous chemical. It's not classified as
hazardous because of the low percentage of
sodium hypochlorite.

This facility cannot be located at the
Delaware Pump Station on California Road. For
the size of the facility we need to build,
there is no room there, number 1.

Number 2, in disinfection practices,
we have to adhere to something called contact
time, which means we need to dose at a certain
dose and have a certain amount of travel time
associated with it, so that the chlorine can be

DINA M. MORGAN, REPORTER
in contact with the water before it's delivered to the first customer. So that is another reason for housing it here. The station has been there since the 1930's, so it has been a feature in the neighborhood for quite a long time.

THE CHAIRMAN: Thank you, Mr. Bongiovanni. Mr. Introzzi, anything further?

MR. INTROZZI: No. I mean, I understand what he's saying. It is actually under the Clean Water Act listed as a hazardous material even in your own reports. It is obviously less hazardous than chlorine, I get that, but right now we have a pump station that pumps water, now we're going to have a system that generates hypochlorite acid, which is not as toxic as other hazardous chemicals, but, you know, again, this is a residential area, two blocks from the Bronx River, across the street from a country club, you know, 10 yards from house. Even if it's less, you know, toxic or less hazardous, you still can't get it in your eyes, you're still not supposed to slather it on your skin. If there's any kind of a leak or

DINA M. MORGAN, REPORTER

disruption, you have houses backing -- there are two houses that back this facility up. This is not something that seems like it's an appropriate structure in a residential neighborhood. A pump station is one thing, you're pumping water.

Again, I don't know how much extra electricity is being generated in there. I don't know what the side effects or ramifications of a malfunction in one of the reactors is. So, you know -- I mean, again, I know you said this will be talked about later. I, you know, sort of hate the done deal nature of the way this is being presented, that if this isn't done -- basically this has to be done, like it or lump it, maybe we'll change our driveway. There's not a ton of properties within 200 feet of this, you know, building, but I happen to be one of them, and I don't know what our recourse is for challenging this.

THE CHAIRMAN: Again, I'm setting forth the procedure for how this application is going to be heard. I generally give the public broad latitude. I have to take an issue with

DINA M. MORGAN, REPORTER

your characterization of this as a done deal. We are just in the preliminary stage of hearing this application. I see nothing, any evidence, of the fact that this is a done deal.

MR. INTROZZI: I appreciate that. It seemed from the back and forth, that they were basically saying, either you let us build this or you're going to have to boil your water or get poisoned by non-potable water, and we have a year to do it.

Anyway, I trust the process. I just wanted to, you know, put my input on it because it does really directly impact me. It might directly input all of our property values, including my neighbors, you know, up and down Dale, Oakland, the country club, everything else.

THE CHAIRMAN: Sure. What's before the Board is essentially an application for variances. We're a quasi judicial body, and we're governed by the area and variance tests. This is not just running up the flag pole to see you salute. There application is in. It's public record. This is going to be hashed out

DINA M. MORGAN, REPORTER

over a period of time. The public will continue to be allowed to be heard on it. We are going to be governed by the four corners of the area variance. Okay?

MR. INTROZZI: Thank you very much.

THE CHAIRMAN: You're welcome. Thank you for your time. Again, it will be open for you to come back and speak.

Mr. Tudisco, is there anyone else from the public who would like to be heard on this?

MR. TUDISCO: Mr. Chairman, I do not see any additional hands raised at the moment.

THE CHAIRMAN: Okay. Again, the public hearing will remain open this. If someone hasn't had an opportunity to be heard now, it will be heard again in September. Again, this was an opportunity for the Board to get familiar and comfortable with the application, ask any questions. Mr. Introzzi made a very interesting point, which I just want to flesh out, and that is that the ticking time -- I guess the hourglass where the sands are running has to do with a mandate by DEP. We're not under that mandate. We're under the
EASTCHESTER ZBA - 7/15/2020

MR. CAHALIN: Second.

THE CHAIRMAN: Mr. Cahalin. All in favor.

(Aye)

THE CHAIRMAN: Thank you for your time, applicant.

MR. SCIARETTA: Thank you.

THE CHAIRMAN: Okay. I make a motion to adjourn our meeting to the September meeting; is there a second to that motion?

MR. CAHALIN: Second.

THE CHAIRMAN: Mr. Cahalin. All in favor.

(Aye)

THE CHAIRMAN: Thank you. Enjoy the rest of your summer, everybody.

(Meeting adjourned.)

DINAH M. MORGAN, REPORTER

EASTCHESTER ZBA - 7/15/2020

Just a quick wrap up. I understand the comments made by Mr. Introzzi. Obviously, we did notice this, and, to your point, this has been before the Planning Board, the ARB. We've been, as you said, there for months. It has been, we believe, a transparent process. We will re-notice again for the September meeting once I have that date from Margaret, and we will send out notices again so that everyone in the neighborhood has sufficient notice of this application at the next meeting. Again, we did notice for this meeting, but we will re-notice again for September meeting. Again, it's in the interest of making sure everyone is aware of this. Again, we've been in Eastchester now for several months, again, at the Planning and ARB. It is our first meeting at the ZBA, and we appreciate your time and look forward to returning in September. Enjoy your summer.

Thank you very much. We appreciate your time.

THE CHAIRMAN: Thank you, Mr. Sciarettta. A make a motion to adjourn; is there a second so to my motion?

DINAH M. MORGAN, REPORTER

STATE OF NEW YORK )
) SS.

COUNTY OF WESTCHESTER)

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

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

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

IN WITNESS WHEREOF, I have hereunto set my hand this 14th day of October, 2020.

DINAH M. MORGAN
Court Reporter