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THE CHAIRMAN: Good evening, and welcome to our September 8th, 2020 meeting for the town of Eastchester Zoning Board of Appeals. As has been our last three meetings, it's being conducted remotely or virtually, so some of the items that we are accustomed to when we conduct our meetings, we will not be able to do. For instance, we won't be able to have a roll call with attendants. So what I'm going to be doing is just telling the audience what we have six items on this evening's calendar. The first two items are old business, and they have public hearings open. The last four items are new business.

Just so that the applicants know, we observe Robert's Rules of Parliamentary Order. Additionally, the materials have been marked submitted. They're all part of the public record. So the applicants are not under an obligation to read the tests and their answers to the five part test or three part test. It won't help your application, it won't hurt it, but we would ask that you actually summarize.

Procedurally, the Board usually has an opportunity thereafter to ask questions, we'll comment, and then the public is heard, and then the Board will come back with any comments or questions.

For those who are interested in speaking as part of the public hearing, if you want to make a comment, you're going to use the raise your hand feature on Zoom. It's star 9 if you're going to be calling in from a phone.

Our Town Attorney Robert Tudisco will acknowledge you and invite you to speak. Make sure that you un-mute your microphone and state your name and address for the record. All your comments are addressed to board members only.

Let's get started on old business. By the way, we also don't have minutes of our last meeting, so that will be dealt with in our next meeting, which is October 13th. Anyway, old business, this is 20-13, 10 Leewood Drive,

Troublesome Brook Pump Station. So if the applicant could just quickly summarize what was presented before the Board, and then we can go into any new material and the Board members could ask questions or comments.

MS. UHLE: It just takes a minute to get everybody set up here, so just bear with me for a minute.

THE CHAIRMAN: Sure.

MS. UHLE: I'm not seeing some people that should be here.

MR. SCIARETTA: I think we have everybody, Margaret. I think Mohammed is on. Missing a few. I don't see them on screen.

Steve Maffia.

MS. UHLE: Here we go. William Snyder just joined us. Steve Maffia. There you go.

MR. BONGIOVANNI: Joseph Weaver was also going to attend this one.

MS. UHLE: There you go. Thank you very much. I think that's everybody the let me know if you're missing anybody else.

MR. SCIARETTA: Mr. Chairman, members of the board, town staff, can you all hear me okay?

THE CHAIRMAN: Yes.

MR. SCIARETTA: Thank you very much for having us this evening. My name is Lino Sciarretta. I'm the attorney with the law firm.
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Montalbano, Condon & Frank on behalf of Suez.

Just a quick recap, Mr. Chairman. I know tonight we're here for a public hearing. This is the Troublesome Brook Pump Station project located at 10 Leewood Drive. The last time we were before your board was back in July, so just to give a quick recap. Suez seeks use and area variances for the demolition and the construction of a new pump station facility at the Leewood property. That pump station has been in operation since the 1930's. As you know, Suez provides drinking water for Eastchester and several other communities in Westchester County. In Eastchester we have two facilities, the Delaware Pumping Station on California Road and the Troublesome Brook Pump Station on Leewood, which is the subject property that we're talking about.

Now, the reason why we're doing this project, as I stated at the last meeting, the New York City DEP basically governs and dictates the regulations for us. What will happen come December 31st, 2022, is that the DEP and their Kensico Reservoir will cease chlorination at the Kensico Dam. Basically, Suez receives water from the DEP Catskill and Delaware Aqueduct supplies. Because the DEP is changing its water disinfection practice, we now have to provide onsite chlorination at our pump station. We'll get into that in a little bit, the mechanics of that. I know Joe Bongiovanni from Jacobs is on, and we'll go through that a later.

What this means is that now we have to tear down this existing pump station and build a new one to accommodate what we call an onsite hypochlorite generation system. All that means is, it's combining salt, it's combining water and electricity to produce bleach, which is less than what your household bleach usually has. I believe Clorox is 5 to 6 percent bleach, as opposed to what we will be producing here to disinfect the water, which is .8 percent. We have to do this because in order to make the water potable, ie drinkable, we have to, in essence, disinfect the water.

Now, our plan will require the existing structure to be demolished and

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A new one constructed in its place. We're going to be replacing all of the aging pumping and electrical equipment that's there now, and we're going to be installing this OSHG onsite hypochlorite system.

Just by way of background, the Planning Board heard this back in I believe June, and they issued a Neg Dec with respect to this application. It is an uncoordinated review, which means your Board will also have to do the same.

Now, Suez, just to give you background of what we're looking for, we are looking for a use variance and area variance. Use variance, it's not the use variance that you're probably familiar with with respect to single family homes or other properties where you have to show that there's a hardship, the financial hardship. Here, when you're a public utility, we're required to show that there's a public necessity required in order to render safe and adequate service. Here, it's a necessity because we have to provide safe, potable water, which is the reason why we're doing this.

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Again, we wouldn't be here but for the DEP's regulation now that we have to provide onsite chlorination.

As I mentioned, this pump station is preexisting and has been since the 1930's. We're mandated not only by DEP but the Department of Health to install this system. With respect to the use variance, again, it's public necessity requirement, and I believe we meet that.

We also need a few area variances for impervious coverage, driveway slope, fence height, and gross floor area, which we will get into in our presentation.

Before I turn it over to Joe Bongiovanni, just a couple of issues that were raised by the Board, and I know Margaret was kind enough to provide me with some comments that were raised at the July meeting, that we hope to address this evening. There were a couple for issues, for example, one was building aesthetics and tree removal and landscaping. Just so you know, we've had a couple of meetings with the ARB, and I thought

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they were very good, productive meetings and we're close to getting our design finalized for the building. So we're working with ARB to get that finalized.

There was also a comment, I recall, that we talked to about operating noise. Just so the Board is aware, we'll mention this again, right now on the site there is a current generator that's outside. As part of this new pump station, we are bringing that generator inside, so that will reduce any noise. The actual system that we install doesn't generate any type of noise, and I know Joe will get into that a little later. I know there was also construction impacts, and general information on the operation of the water system, we'll get into that, and also questions of construction schedule and the building itself. Again, we believe we've gotten the building to where we believe that the bulk works for what we need to have happen at the location.

Lastly, before I turn it over to Joe, there was a comment made with respect to, why can't we do this at the California Road pump station.

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The use pump station at the property is just not viable at California Road. In essence, the existing use and the property availability and the existing distribution system infrastructure there dictates that this facility be installed at the Troublesome Brook site. In essence, the California Road is not viable, and I know Joe has a slide that will show that.

So again, I'm done speaking. I'm going to turn it over to Joe. That's pretty much a summary of where we are. Again, we noticed this for a public hearing this evening, and we would hope that the Board would look favorably upon this and grant the requested variances this evening.

Without further ado, Mr. Chairman, members the Board, I'm going to turn it over to Mr. Bongiovanni for the rest of the presentation.

MR. BONGIOVANNI: Thanks, Lino. Hopefully, you could hear me and see my screen at this point.

There were several questions.

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subsequent to the meeting. Some of them were just general, hey, what's this system doing, can you talk about it a little bit, so I have a couple of slides for that.

This is just a general overview of some of the infrastructure in the area that we've been referencing. We get our water from the Delaware Aqueduct. It's owned by New York City DEP. We have a connection at that aqueduct. It's really Yorkers. I think it's Shultze Park, Shultze Field they call it. That's really where our line originates, and we travel down St. Eleanor's Lane is the name of this road, the pipe is in that road, it goes underneath the Bronx River, the parkway, and ends up on Leewood, where it enters into our Troublesome Brook. I say pipe, there's actually several pieces of pipe making its way down this way. From Troublesome, it heads down Leewood, maybe not in a straight line, but makes its way all the way to California Road, which is our California Road Pump Station that we've mentioned before, and that's located on the other side of Route 22. That's a high level description of the system itself.

MR. CAHALIN: Can I ask some questions?

MR. BONGIOVANNI: Sure.

MR. CAHALIN: It's a pump station. So are you telling me that the water today just pumps directly to California Road?

MR. BONGIOVANNI: No. Actually, I have another schematic for that, if you don't mind.

MR. CAHALIN: So it seems to me in the last meeting -- because I went and reviewed your testimony on line -- you said that this water had to be potable for the town of Eastchester. It seems this pump station, based upon what you said at the last meeting, that the water for the town of Eastchester was supplied by California Road and not this pump station. So are you saying none of this water will be used in Town?

MR. BONGIOVANNI: No, this water will be used in Town.

MR. CAHALIN: That's not what you said at the last meeting.
MR. BONGIOVANNI: I don't recall saying anything otherwise.

MR. CAHALIN: I could show you the tape.

MR. BONGIOVANNI: Let me go through the schematic. It will help clarify things. I mentioned the Delaware aqueduct, which is owned by New York City DEP, is where our intake is. We have pipeline that makes it way through Troublesome Brook Pump Station, and then through Troublesome Brook Pump Station to the Delaware Pump Station, the California Road Pump Station as we called before, and from there into the distribution system. We have pumps at Troublesome Brook Pumping Station. Mainly they're for an emergency interconnect we have with our sister station in Yonkers, which is the Central Avenue Pumping Station. That gets its water from the other aqueduct, the Catskill Aqueduct. This is obviously a resiliency and redundancy thing. We can receive water from the Central Ave. Pumping Station, or we can send water back in that direction depending on the situation. Sometimes New York City DEP

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The change we're implementing is at the T Brook Pump Station we're installing an onsite hypochlorite generation system. As Lino mentioned, this is specifically for disinfection.

MR. CAHALIN: So what's going on at California? I thought that was going on at California Road?

MR. BONGIOVANNI: No. California Road does have disinfection facilities, but they're basically a booster re-cooler system. That's a bit different from what we're trying to do. What we need to do is disinfect the water for virus removal, okay. So there is a different set of requirements for that. One of the big requirements is travel time, contact time.

That's part of the reason why we have to be at the T Brook Pump Station is we need a certain amount of pipe, which would equate to a certain amount of travel time for the water to be in contact with the chlorine, before we could

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consider it potable and before we could deliver it to our first user.

So that is just a high level of what's going on here. So, in effect, T Brook will still have pumping capacity to pump back in the other direction, but what we are adding is the chlorination capability.

MR. CAHALIN: Which can't be added at California Road?

MR. BONGIOVANNI: Correct.

MR. CAHALIN: So you're asking -- 10 years ago when this came up, part of the conversation was that the water had to be potable and that you were going to deliver salt into underground tanks at California Road to service the water. Now because the State has mandated or New York City has changed things, that facility isn't strong enough to make the water drinkable; is that really what's going on?

MR. BONGIOVANNI: That's correct.

This is all as a result of the New York City DEP's decision to cease chlorination at Kensico in 2022. It's affecting all the downstream

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users, so this system being one of them.

So I'll move on if that's alright?

THE CHAIRMAN: Please. Please proceed.

MR. BONGIOVANNI: Lino already talked about some of the high level scope items, new building, new pumps. It's a new station for the pumps and the electrical equipment to be put back in. I mentioned the disinfection system and all that goes along with it, our storage tanks for the product we're making, also the new generator which will be positioned inside.

Again, just some high level slides here for the benefit of everybody. Where we are, Leewood. We front Leewood. We have Dale Road and Oakland on our sides. There's three parcels here. The golf course is across the street.

Then specifically the variances. We already talked about the use variance for the public utility. The others we need that were also mentioned are gross floor area. We have a slight exceedance, it's less than 10 percent,
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and we're at less than 7 percent. It really
needs to be this size. We do have a lot of
equipment that needs to be placed in this
building. You'll see a little bit of a range
here. Obviously, we're speaking with ARB,
we've been to them twice, so the building is
kind of undergoing changes. I'll show you the
new renderings. We have shrunk the building.
I don't know the exact square footage. It
depends on when we get the design finalized, so
I don't want to commit to a specific square
footage number. We have reduced it somewhat
since the last meeting, and we also have
reduced the height of the building by 2 feet
8 inches since the last meeting. You'll see
some of that in the rendering.

Impervious coverage we talked about.
Really, and this came up at the last meeting,
one of the biggest drivers of the impervious
coverage issue is we have a driveway that
enters on Leewood and exits on Dale. That's
really specifically there for this truck. I'll
zoom in a little on this. This is our salt
truck. It's a specific truck for delivering

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salt. The way the salt is actually delivered,
it's blown into the tanks. So they actually
have a compressor on this truck, so to do
that. It's a little specialized and it's a big
truck. This is how the salt is delivered to
us. We need to have this truck enter on
Leewood and leave on Dale. There is really no
way to turn this thing around. Because of
that, we have a 200 foot long driveway, it's
about 20 feet wide at this point. That's
driving a lot of the impervious. This is a
residential zone we're in, this is industrial
building, obviously, so the impervious surface
requirements are different. To try and
mitigate some of that, we are heavily
landscaping pretty much all of the parcels that
we're next to. You'll see a slide on that as
well.

Fence height. The fence is existing.
It's a 6 foot fence. We're really just putting
it back. We have to take some of it down, and
we're going to basically put back what was
there. 6 foot is preferred for security
reasons versus a 4 foot.

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MR. CAHALIN: What's the new height?
MR. BONGIOVANNI: Joe Weaver, do you
know what we're down to now? I don't want to
say the wrong number.

MR. WEAVER: Give me a second, and
I'll look it up.

MR. BONGIOVANNI: Okay. We'll get
that for you as I scroll through these slides.
There's a bunch of renderings I have here for
you. This is the view from Oakland. This is
the view from Dale. Just another shot from
Dale but closer up the driveway. Then some
aerial views from different angles. Go ahead,
Joe.

MR. WEAVER: The roof height will be
20 foot 6 inches. That's the roof level. The
parapet would be another, I believe, 2 foot
8 inches above that.

MR. BONGIOVANNI: I think it's 3 - 6.

It's probably 24 feet. The top of the parapet

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is probably 3 foot 6 above the roof. It looks
like it's 24 feet now.

CAHALIN: What's the current
height?

BONGIOVANNI: It was -- that's the
current height. This is the current version.

CAHALIN: No, on the current
existing plan.

BONGIOVANNI: Joe, can you pull
that up too? I think we have that on the
zoning table, the existing roof line.

WEAVER: Sure.

BONGIOVANNI: So obviously from a
height standpoint, we've managed to be in
compliance with the zoning.

WEAVER: The existing building we
have at 23 -- no, I'm sorry, 20 feet.

BONGIOVANNI: 20 feet? Okay.

WEAVER: 20 feet. That's to the
principal eave, and then the building height to
the ridge is 22 feet.

BONGIOVANNI: Okay. Finally, this
is the last rendering. Just a close up so you
can see some of the details.

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Some questions were asked about, you
know, tree removal. This is our site
demolition plan as it exists right now.
There's a lot going on here. We have
everything coming down. There's a number of
buildings -- I shouldn't say a number --
there's the main building, and then there's
like a garage adjacent to it. We also have
some underground structures we're taking out.
The generator obviously is being removed.
Because of the extent of the construction and
there's a lot of underground piping work that
needs to be done as well, a lot of these trees
are unfortunately going to be removed. On this
side, you could see all the demolition. To
mitigate that, we do have, like I said, a
pretty extensive landscaping plan to try and
screen the station as best as possible and put
some of the trees back that were taken down.
Like I said, the majority of the property will
be landscaped.

Again, just another slide on what's
happening here. Just background stuff for
everybody's information. So, as it is today,

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MR. CAHALIN: What would I recognize?
MR. BONGIOVANNI: A busy city street.
MR. CAHALIN: So that's going to hum
outside those people's houses every month for
10 or 20 minutes?
MR. BONGIOVANNI: Correct.
MR. CAHALIN: That doesn't happen
today, though.
MR. BONGIOVANNI: It does?
MR. TELESCO: It does happen today.
MR. BONGIOVANNI: With an outdoor
generator right now we have.
MR. CAHALIN: I hope one of the
neighbors is on, so they could confirm that.
Are you putting back mature trees or
are you putting back 6 footers that are going
to grow?
MR. BONGIOVANNI: They won't be that
mature. We have --
MR. CAHALIN: So the renderings you're
showing us, are not exactly what's going to be
there when it's built.
MR. BONGIOVANNI: Not day one, no.

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Those are what they're designed to be over
time.

MR. CAHALIN: I understand, but you're
asking for a facility that's basically
invisible to the community, and now you're not
going to put back the same type of landscaping
or even close. I know you're not going to put
up a 20 feet tree, but you're not going to put
anything near that. The community is going to
have to look at that for 10 years until these
trees grow in.

MR. BONGIOVANNI: They look like
mostly 2 inch caliber trees.

MR. CAHALIN: They're not very big.
MR. BONGIOVANNI: Saplings. I'm not
sure of the height.
Mr. CAHALIN: I mean, and then you
guys keep talking about ARB, but you're asking
for variances that you haven't even told us
what it is. You're showing us a facility and
asking us to do variances. I mean, I, myself,
would like to see the final rendering before we
move forward.

MR. SCIARETTA: Just as a side, the
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again, that all goes to the underlying use, which is a pump station.

MR. CAHALIN: I disagree with that.

MR. SCIARETTA: We'll agree to disagree, but I think nature of the variances themselves, the impervious coverage, the slope, fence height, and gross floor area, this design that you see here will not change all that much in terms of the front of it. Again, we've been asked to submit two renderings, with quoins and without, correct, Joe, from what I understand from the ARB?

MR. BONGIOVANNI: Yes. The comment was -- we do have quoins now, they just happen to be stone. They preferred more of a brick quoin so they don't stick out as much. They want to see one with brick and one without brick. The only other comments we got were transoms over the doors. They want to get these lintels on the same plane, on the same line. HVAC units, the prefer we have small compressors for some small air conditioning systems. They preferred them out of sight maybe off to the side or on the roof. Those

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1 2
2 are the major -- and a couple more renderings they wanted to see, but that was it.
3
4 MS. UHLE: Michael, one thing I will mention, the ARB reviews the landscape plans, and they did say that they would re-evaluate the landscape plans once they felt settled on the proposed architecture.
5
6 MR. CAHALIN: I think that's huge.
7
8 MS. UHLE: Yes, but typically the landscape plan does not appear before the Zoning Board. That typically goes afterwards to the ARB. The ARB reviews the landscape plans. They have a licensed landscape architect as actually a member of the Board, so they can look at the sizes of the trees. I will say that you can't plant mature trees because they don't acclimate. So it's not atypical to plant smaller trees. That's something the ARB is very cognizant of and takes very seriously. They already made some comments about the landscape plan, but they will continue to review that.
8
9
10 MR. CAHALIN: I understand, Margaret, but, you know, three of the five part test here

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that the exceedance of the allowable is under 7 percent. Again, as Joe said, we have reduced the size of the building since the last meeting. So it will be a little smaller than what is there on the site plan now.

With respect to the impervious coverage, we spoke about that. The reason for that -- again, these are just the area variance, Mr. Chair, that we're just going through. We don't believe that any of the four variances that we are seeking here will create an undesirable change in the neighborhood, or, for that matter, are any of these substantial.

The impervious coverage, again, we need that because you see the type of truck that we need to get to the site and out of the site. Again, this truck delivery will only be, if I'm not mistaken, six times a year. In terms of whether that is going to affect the character of the neighborhood, again, I believe it will not.

Lastly, with respect to the fence -- Joe, can you go to the next slide, please.

With respect to the fence height and driveway

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slopes, again, the driveway slope, there are similar driveways with this slope in the neighbor, it's not inconsistent.

Lastly, the fence height we believe is just a minimum variance just for the sake of safety. When you factor in and you balance the five area variance criteria like Mr. Cahalin talked about, these variances, we do not believe, are substantial, and will not have any physical or environmental impact with respect to the neighborhood.

Again, this is a pump station. It's been a pump station. Yes, we are making it bigger, that's obvious, but what we are doing given the screening and what we're proposing, and again, with the comments that were received from the ARB with respect to the actual design of the building, we think it will be, again, a nice addition to the neighborhood with respect to the way it's going to look.

Mr. Chairman, again, that's our presentation with respect to the area variances.

THE CHAIRMAN: Thank you.

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MR. CAHALIN: This was outside. It was clearly an outside pad.

MR. BONGIOVANNI: Joe, do you recall any other pads?

MR. WEAVER: I'm wondering if on the erosion and staging plan, we did show the temporary parking area.

MR. BONGIOVANNI: Oh, right.

MR. WEAVER: It was kind of along Dale. I remember we had that at one point.

MR. BONGIOVANNI: That could be what it was then. We did have a drawing that we submitted as part of the application that showed effectively the staging area.

MR. CAHALIN: So is that gone?

MR. BONGIOVANNI: It's a temporary staging area for the construction. This is what it will look like when it's done.

MR. CAHALIN: So you're asking for impervious surface. You're going to build an impervious surface for 18 months, and then you're going to remove it; is that correct?

MR. BONGIOVANNI: Correct. It will be stoned, you know, for equipment purposes --

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MR. CAHALIN: You see, now, that wasn't anywhere in your presentation. If I don't ask this question, that goes right by the way side.

MR. BONGIOVANNI: This is the restoration, so it will just be --

MR. CAHALIN: I understand what the restoration is, but you submitted as part of the record, that you were going to have a pad, and it was looking like a parking pad, and now you're telling me it's going to be a staging paid for construction.

MR. BONGIOVANNI: That's what the drawing was, it was a staging drawing, and the pad was not concrete, it's stone.

MR. CAHALIN: Anybody reading that would not understand that. So at the end of the day, we don't have a parking pad, I guess, is the answer I'm going to get?

MR. BONGIOVANNI: That's correct, yes.

You still --

MR. CAHALIN: But during 18 months of construction, you're going to put a pad down that's going to be there --

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worse, and I could tell you traffic is back
from the pandemic. It's here. This morning
was horrific, and you're going to do traffic
like that. I don't understand the traffic. I
can't believe -- I would like to hear from our
engineer in detail about why he thinks this
won't be a problem, at some point, Mr.
Chairman.

My next question is, you said you had
a 20 foot driveway, but when I look at the curb
cuts, they're greater than 20 feet. The way
you fanned them out, it's closer to 30 feet.
Is this a 20 foot curb cut or a 30 foot curb
cut?

MR. BONGIOVANNI: It's a 20 foot
driveway. The actual apron itself does flare
out quite a bit because it --

MR. CAHALIN: Right. That's not
allowed in the Town. Our rules for driveway
cut are 20 feet. You're not asking for a
variance on that.

MS. UHLE: That applies to one and two
family homes, not to commercial properties.
Often the curb cuts are larger to allow for
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emergency service vehicles and trucks,
etcetera, for commercial properties.

MR. CAHALIN: Fine. Then they're
going to come out and they're going to exit, I
guess, left up Dale Road, or are they going to
try to go right back up to Leewood?

MR. BONGIOVANNI: Normally, our
operator will most likely come in from Dale
because you could pull in and then there's a
gate here for security reasons. So he'll be
able to open that gate and pull his work
vehicle in. He will be able to exit onto
Leewood fairly easily. That's a normal work
vehicle. That's not real large.

MR. CAHALIN: No, but the truck is
going to go the other way.

MR. BONGIOVANNI: Yes. The truck has
to come in from the Route 22 side, has to make
a left turn into our driveway from Leewood.
Obviously it cannot turn around on the
property, so it has to exit Dale and make a
left. Same would go for the fire truck, and
that has come up with the Planning Board as
well. If we did have emergency services here,
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MR. TUDISCO: Sure, Mr. Chairman. Let me just get my screen up.

If there is anyone who would like to address the Board, please use the raise your hand feature, and I will allow you to un-mute yourself and address the Board with questions or comments.

Mr. Chairman, at this time I am looking through all of the attendees, and I don't see anyone signaling that they would like to address the Board.

THE CHAIRMAN: Okay. So before I make a motion, I just want to comment for the record, that we did receive an e-mail from a neighbor at 76 Dale Road, and e-mails, plural, from Board Member Cahalin, but those concerns have already been voiced, as well as questions asked by Board Member Cahalin.

Having said that, I'm going to make a motion -- actually, I'm not going to make that motion yet. Let's hear from Mr. Grealy, his commentary on traffic first.

MR. GREALY: Good evening, Mr. Chairman, Philip Grealy, Maser Consulting.

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We have been reviewing this application since early this year. We prepared actually three separate review memos dated February 19th, April 15th, and June 15th -- June 13th, actually. Those memos -- the initial memo asked several questions relative to the operations, the deliveries, the construction period, and just kind of a recap as for information on accidents, on traffic volumes. Knowing how traffic flows in that area, we had asked very specific about the operations and what would be expected after the facility is built, but, most importantly, while the construction is ongoing for the 22 month period.

The initial application actually had a traffic management plan that was to close a portion of Leewood Drive for an extended period of time as part of their initial proposed work zone traffic control plan. Through some iterations and clarification in coordination with their consulting groups, that was clarified and refined.

The operations, you've heard the

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with maintaining the traffic because the area
does have issues, especially during peak hours.
They've also identified that the truck
deliveries would not occur during peak hours
when people are heading to the train or
commuter traffic, so they would be scheduled
off peak. Again, those would be conditions of
approvals. As I said, after construction, it's
really just the operator visiting the site,
other than the six deliveries a year.
So I think in terms of the comments
that we had made in each of our memos and the
applicant either revised or responded to with
clarifications, they've addressed those. There
will definitely have to be, you know, the
conditions, I'll call it, of the site plan
approval, which is typical what we would
recommend: To make sure that everything is
adhered to relative to no on-street parking,
the diversions of traffic when they occur and
how they can occur, and all the other
particulars relative to the operations during
construction. So I think in our memos, they
are spelled out. I've gone through some of the

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highlights of the key parameters. Again, no
parking in the neighborhood, control of the
traffic so that there are no backups through
the tunnel, which occurs on a typical basis
with the signals. Also, after construction,
the arrangements and input from the Highway
Department, there are going to be some
resurfacing of various roadways. Anything that
gets damaged will have to be repaired.
Re-striping and bringing everything back to a
good drivable condition. If any of the signal
equipment, and what I mean by equipment,
actuation loops or anything else, are damaged,
the applicant will have to be responsible for
those.
So those are kind of the highlights of
what we've identified as conditions of site
plan approval if and when it gets to that stage
with the Planning Board. That's pretty much
it. I could answer any other questions.

THE CHAIRMAN: Thank you, Mr. Grealy.
I'm going to ask the board members if they have
any questions or comments on your presentation.

Mr. Cahalin?

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1 would be a very, very heavy lift for the neighborhood, Crosshill has parking on one side all year long.

5 MR. GREALY: Correct.

6 MR. CAHALIN: It's narrow. And now you're going to drive thousands of cars through that part of the neighborhood. I can barely get up the neighborhood on a Saturday afternoon because people are driving down towards Leewood and I'm trying to go up towards Crosshill and you have to wait. I kind of feel like I'm back in the Bronx where you have to yield to people go by, which, you know, if that's going to be part of the remediation or the plan, again, it's an awful lift for the neighborhood for that period of time. I'm surprised about that.

19 MR. GREALY: Part of their requirement in terms of this work zone traffic control, is to coordinate with the Police Department and have manned control as necessary so that the --

23 MR. CAHALIN: It won't work. It just won't work. I'm sorry, Mr. Grealy, as a 25 year resident, you couldn't put enough police

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1 out there to get these cars to flow properly.

3 You just can't. You just can't. Again, it speaks to my issue about the neighborhood, it has a negative impact on the neighborhood. Even though it's a short period of time, it's an awful thing to put people through. I'm sorry for cutting you off.

9 MR. GREALY: That's okay.

10 MR. TUDISCO: Mr. Cahalin, if you could please just as a general proposition let people finish speaking.

13 MR. CAHALIN: I try to. I'm sorry.

14 THE CHAIRMAN: Mr. Cahalin, do you have anything further?

16 MR. CAHALIN: No. I'm glad that was -- I'm glad Mr. Grealy gave us that bit of information. I think that's relevant.

19 THE CHAIRMAN: Thank you, Mr. Cahalin.

20 Mr. DeMarco, do you have any questions?

22 MR. DE MARCO: No questions.

23 THE CHAIRMAN: Mr. Nurzia?

24 MR. NURZIA: No questions.

25 THE CHAIRMAN: Mr. Miller?

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THE CHAIRMAN: Mr. Cahalin?

MR. CAHALIN: I think I said everything I needed to say.

THE CHAIRMAN: Okay. Would the applicant like to sum; would you like to conclude?

MR. BONGIOVANNI: Is Lino still there?

MS. UHLE: Yes. He's muted. Lino, you're muted.

MR. SCIARETTA: Can you hear me?

MR. BONGIOVANNI: Yes, there you are.

MS. UHLE: Now we can.

MR. SCIARETTA: Sorry about that.

What I was saying, thank you for your time, Mr. Chairman, members of the Board and Town staff. All I want to say is, tonight I think we've gone through everything for the variances. We would hope that the Board can vote on the variances this evening. Again, not to waste any more time, you have a busy agenda, we would hope that the Board will look favorably on the variances this evening and thank you for your time.

THE CHAIRMAN: Counselor, just as a DINA M. MORGEN, REPORTER

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point of order, I'm not sure if you are aware, it's clearly printed on all applications as a term and condition, we do not render opinions either the first time on or when matters have been closed.

MR. SCIARETTA: I knew that. I was just asking.

THE CHAIRMAN: Okay. So having summed, I thank you for your time. I make a motion now to close this matter for resolution at the next meeting; is there a second to my motion?

MR. DE MARCO: Second.

THE CHAIRMAN: That was Mr. DeMarco. Let me pole the Board. All in favor. Aye.

MR. DE MARCO: Aye.

MR. MILLER: Aye.

MR. NURZIA: Aye.

THE CHAIRMAN: Mr. Cahalin?

MR. CAHALIN: No.

THE CHAIRMAN: No. Okay. So the matter is carried. The ayes have it four to one. The motion is passed. It will be resolved at the next meeting.

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MR. SCIARETTA: Thank you, Mr. Chairman, thank you members.

THE CHAIRMAN: Thank you.

MR. BONGIOVANNI: Thank you, Margaret.

THE CHAIRMAN: Next matter on the calendar is under old business, 19-42, that's 5 Ray Place.

MS. UHLE: This will take me a minute.

Just bear with me for a minute. I think that's everyone. Am I missing anyone? Let me see. Rick, do you see everyone on your team up?

MR. BOHLANDER: Yes, we are all good.

Thank you, Margaret.

THE CHAIRMAN: So we had left off, the public hearing was open on this matter. As we allowed in the prior application, if the presenters would like to bring to our attention any modifications, changes, additions, etcetera from the application, and also a brief summary as to what the application is all about.

MR. VOGEL: Good evening, Chair, members of the Board. My name is Ed Vogel from Warshauer Mellusi Warshauer Architects.

From our last presentation, there had DINA M. MORGEN, REPORTER
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property. This arch will become an important piece for discussion regarding variances.

We move to our next slide. Here we have our floor plans for the project. The building actually sits on the site utilizing the site terrain. So the existing project site is vacant. It has two parking fields, a lower parking field, retaining walls, and then an upper parking field. We're going to access the site keeping those two access points, being a lower entry and upper entry. So on the upper left-hand corner of the sheet, you can see a floor plan. That's dedicated to parking as being our lowest, and we're calling that our first floor. At the lower left of the sheet, that's what we're calling the second floor.

Here you could see that there's parking as well. That parking will then bridge over the top of the first floor of parking. Then we have three levels of residential units. There are seven units on the floor, making up the 21 units, as I mentioned earlier. At the roof level, we have an amenity of a roof garden for the residents to use.

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We'll continue to the next slide.

Here we're just showing the units themselves. Basically, they're one bedroom units. The units range in size from 700 to 800 square feet. Then we have a few two bedroom units, and they're roughly a thousand square feet.

Continue to the next slide. Here's the architecture of the building and elevation. We do have some renderings that we'll talk about and demonstrate and show. You can see the building from the upper elevation is five stories, but that first floor is the lower level of parking. Then we have the building broken up horizontally with a base, middle and a top. So the body is what you're seeing is three stories, and the crown and the top is the final story. The architecture is then further defined and having strong corners. Those corners are accentuated by giving relief in the facade. The elements and sides are very human in scale and residential in feel. The windows themselves are large and open for the benefit of the units.

As we work our way around, the lower

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our building, but it basically crosses our
building at the upper level parking lot. So
here the number of stories permitted is 2.5 and
we have four stories of building on that side.
The maximum height is 30 feet, and we're
requesting 50.2 feet. Then the maximum height
of the bulkhead is 40 feet, and it's just under
60 feet at 59.2 feet.

So those are the two major groupings
of variances.
The third grouping is variances that
are more or less a result of the existing
topography as well, but we fall short on the
parking spaces; 33 are required, we’re
proposing 31. Impervious surface coverage we
just exceed by 500 square feet. The backup
desk and the parking configuration, the zoning
requires 25 and we're at 24. The last one in
that group is parking lot perimeter
landscaping, and we are deficient in length
partly because of the existing retaining walls,
and again, the topography as we work around.
We did work on providing as much landscaping as
we can around the property.

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Some of the site influences that you
can see on the site plan is that we have fire
apparatus access. That happens on the south
side of the property. That was a direct result
of conversations with the Fire Department and
staff.

So at this point, that's a brief
summary of the project. What I would like to
do now is turn the presentation over to Rick
Bohlander, and he will walk us through a 3D
model of the project site, and it will help
describe and place the building into context.

MR. BOHLANDER: Good evening, Chairman
and members of the Board. For the record, my
name is Rick Bohlander with JMC. I just want
to take you through our 3D model.

Starting off with a bird's eye view
above our site, this is our proposed building
right here.

MR. VOGEL: Rick, we don't see the 3D
model. We're still seeing the slides.

MR. BOHLANDER: Hold on. Sorry about
this. Just bear with me for a second.

MR. CAHALIN: Is this the same model

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at the last meeting. So there’s actually more
existing screening than we’re showing in this
rendering. We didn’t have them on the survey,
but I went out to the site just to take
pictures and show the thickness of the actual
screening out there. Those trees will be
planted that we’re showing here, the proposed
trees.
MR. CAHALIN: So it won’t look like
this when it’s finished.
MR. BOHLANDER: It would --
MR. CAHALIN: Because you’re planting
stuff that will have to grow to that height.
MR. BOHLANDER: Yes.
MR. CAHALIN: Okay. Thank you.
MR. BOHLANDER: Now just heading north
on Route 22. That is that.
So we kind of just wanted to keep this
brief tonight and just open it up for any
further questions from the Board, see if there
were any more comments from the public.
THE CHAIRMAN: Great. Thank you for
your presentation. Thank you for interjecting
because there probably were members of the
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public that didn’t get a chance to see the
presentation because, even though it was a
public meeting, July was a special meeting. So
I appreciate your injection because I think it
was a good idea to recap the highlights of the
application even though there are no
modifications.
What I’m going to do, the public
hearing was open on this matter, but I’m going
to ask the Board members if they have any
questions firstly. So we’ll start in reverse
order. Mr. DeMarco, any questions?
MR. DE MARCO: No questions.
THE CHAIRMAN: Mr. Nurzia?
MR. NURZIA: No questions.
THE CHAIRMAN: Mr. Miller?
MR. MILLER: Yes, just one quick one.
What’s the difference, as far as height,
between the proposed building and The Enclave
building?
MR. BOHLANDER: I wish I could give
you an exact answer. That model was generated
from GIS information, so I don’t have an exact
height. I could probably get that for you
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<td>MR. VOGEL: We are going up a little further for bulkheads. Up onto the roof, we have two stairs and the elevator, and that would then continue up for another 9 feet.</td>
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<td>MR. CAHALIN: 9 feet. So it's 3 feet short of another story; would that be fair?</td>
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<td>MR. VOGEL: They do project up, and they project up the 9 feet from the parapet, yes.</td>
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<td>MR. CAHALIN: So if it's -- really, I always thought a story was 10 feet, I was going to give you 12, but it seems to me like it's almost 6 stories at it's highest point.</td>
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<td>MR. VOGEL: Bulkheads are a permitted element up on the roof, and they do have criteria for that. If we wanted to match bulk head to bulk head, you would be permitted 55 feet for the bulkhead, and we're proposing 64.6 feet. So it is that 9 feet that we're talking about.</td>
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<td>MR. CAHALIN: Okay. Thank you.</td>
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<td>THE CHAIRMAN: Anything further, Mr. Cahalin?</td>
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<td>MR. CAHALIN: No.</td>
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<td>THE CHAIRMAN: I don't have anything at this time.</td>
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<td>Mr. Tudisco, the public hearing is open on this matter, so if you can, see if anyone from the public would like to be heard.</td>
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<td>MR. TUDISCO: Thank you, Mr. Chairman.</td>
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<td>5</td>
<td>As we with the prior application, if there are members of the public -- I see someone who has indicated a raised hand, so what I'm going to do is I'm going to acknowledge your hand and give you the ability to unmute yourself.</td>
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<td>Un-mute yourself when I do, and please give your name and address and address the Board.</td>
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<td>Nicole, if you're out there, you can unmute yourself now. Okay, go ahead. It appears that she's un-muted herself. I don't know, maybe there's a technical issue, Mr. Chairman.</td>
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<td>Nicole, can you hear us?</td>
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<td>THE CHAIRMAN: Mr. Tudisco, perhaps see if there is anyone else, and she could work on her technical issue and see if we can get back to her later, if that's possible.</td>
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<td>MR. TUDISCO: Yes. There's another one here. It looks like a Mr. Galanack.</td>
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problem and a half. When Decicco goes in, I believe there's going to be a lot of traffic, more so than any of the supermarkets that we ever had up there.
That's my feelings. Thank you.
The CHAIRMAN: Thank you, Mr. Galanack.
MR. GALANACK: You're welcome.
The CHAIRMAN: Mr. Tudisco.
MR. TUDISCO: Yes. There are a couple of other hands that are raised now. I'm going to go back to Nicole. If you could un-mute yourself and address the Board, please.
MR. CAMA: Hi. Can you hear us now?
MR. TUDISCO: I could hear you now.
MR. CAMA: Okay. Great. This is Nicole's husband, Sean. How are you?
MR. TUDISCO: Just state your name and address for the Board, please.
MR. CAMA: Yes. Sean Cama (Ph.), 24 Ray Place. We live in The Enclave, right across the street from where it's going to be built.
The CHAIRMAN: Okay. Please speak DINA M. MORGAN, REPORTER

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freely.
MR. CAMA: So we're going be looking out from the patio, we've been here for years or whatever, and I'm going to be looking at this construction going on.
The first question is, did this thing start out at four levels and now you're looking to go to five?
MR. CAHALIN: I think you can ask your questions all at once.
The CHAIRMAN: If you don't mind, if you could make your commentary, and then if the question needs answering, I could answer it or have the applicant answer it. If you can, please make your comments, and we'll take it from there.
MR. CAMA: We're looking at this thing, and everyone in The Enclave building, since -- I guess, one of your mothers or sisters live here --
The CHAIRMAN: Mother and mother-in-law.
MR. CAMA: Mother and mother-in-law.
We probably know them. Everybody in here is DINA M. MORGAN, REPORTER

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great. The thing is, the construction that's going to be going on over here, you know, people walk up and down this driveway, we're just trying to figure out the traffic, it's pretty busy already even with the Corona Virus, and especially with the new supermarket going on here, how are people going to have access up this driveway? It's already narrow to begin with. I don't know how we're going to have access going up and down this driveway, walking up and down this driveway.
Was this started out with four floors and now you're trying to get it to five floors, which is really almost six floors, which I think is like six feet short of it being six floors? It's also, you know, with our vision looking out the patio, I mean, all we're going to be seeing is a gray building.
The next one is, how is this construction going to be going in and out while it's pretty much parallel with our driveway coming in and out?
The CHAIRMAN: Okay. Do you have anything further?

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MR. CAMA: I might think of something else.
The CHAIRMAN: Why don't you do that because I'm going to answer your question as it relates to the variance. I'm going to have the applicant talk about the construction time period because I think it's somewhat related to the variance, so I'll have him do that. Do you have any other commentary?
MR. CAMA: That's good.
The CHAIRMAN: It's a common comment and sometimes question that is posed, Mr. Galanack posed it, you posed it, it really summarizes as, why don't you just stay within what is allowed. A variance is, by its very nature, at variance with the law. The application is coming in at five stories.
Four stories is what's known as as-of-right. So it's not that an application came in and then there was a decision to amplify the application. What happens is, this application winds its way through other boards, Architectural Review, Planning, etcetera, after actually even previous to that meeting with the DINA M. MORGAN, REPORTER
HEAD OF PLANNING AND ZONING, MRS. UHLE. SO THE LAW PROVIDES FOR APPLICANTS, WHETHER IT'S A SINGLE FAMILY HOME WHO WANTS TO PUT A DECK ON OR THIS TYPE OF WORK, TO COME BEFORE THIS BOARD AND ASK FOR SOMETHING THAT IS AT VARIEVCE WITH THE LAW. THEY HAVE A VERY SHORT MENU WHEN IT COMES TO AN AREA VARIEVCE, IT'S A FIVE PART TEST. SOMETHING LESS FREQUENTLY IS A USE VARIEVCE, WHICH IS A THREE PART TEST. SO THE APPLICANTS, LIKE EVERY APPLICANT TONIGHT, LIKE EVERY APPLICANT THAT COMES BEFORE US -- WE'RE QUASI JUDICIAL BOARD -- ARE ASKING FOR SOMETHING THAT THE BOARD DOES NOT ALLOW WITHIN THE FOUR CORNERS OF LAW. SO THEY ARE MAKING AN APPEAL BASED ON THIS FIVE PART TEST TO HAVE THEIR REQUEST FOR A VARIEVCE GRANTED.

THE APPLICANT COULD ANSWER YOUR QUESTION AS IT RELATES TO THE CONSTRUCTION TIME, SCREENING, AND MAYBE SOME SITE IMPROVEMENTS FOR SIDEWALKS, ETC., BUT I'M GOING TO HAVE HIM DO THAT AFTER THE PUBLIC HAS BEEN HEARD ON THAT.

IS THERE ANYTHING ELSE THAT YOU MAY HAVE ON THIS APPLICATION?

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MR. TUDISCO: ACTUALLY, I MUTED HIM.

MS. UHLE: ALAN, CAN I JUST ADD SOMETHING VERY QUICKLY TO WHAT YOU JUST SAID OR CLARIFY SOMETHING?

THE CHAIRMAN: SURE.

MS. UHLE: OKAY. SO JUST TO BE CLEAR, THE APPLICANT ALWAYS SUBMITTED AN APPLICATION FOR A FIVE STORY BUILDING. THIS HAS NOT BEEN BEFORE THE ARCHITECTURAL REVIEW BOARD. EVEN THOUGH THIS DID APPEAR BEFORE THE PLANNING BOARD FOR PRELIMINARY REVIEW, THE APPLICANT HAS ALWAYS PROPOSED THIS NUMBER OF STORIES. I JUST WANTED TO MAKE THAT CLEAR. SO REGARDLESS OF THE PROCESS, THE APPLICANT ALWAYS PROPOSED FIVE STORIES. EVEN THOUGH IT'S BEEN REVIEWED BY THE PLANNING BOARD, THEY CERTAINLY DID NOT RECOMMEND THAT THEY ADD A STORY AND THEY ACTUALLY DID NOT RECOMMEND THAT THEY REMOVE A STORY.

THE CHAIRMAN: RIGHT. MY POINT WAS, THAT IN A GENERIC APPLICATION WHICH IS BEFORE US FOR SOMETHING THAT IS AT VARIEVCE WITH THE LAW, ALL THESE OTHER ISSUES GO BEFORE VARIOUS TAXES.

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MR. CAMA: THE LAST THING I JUST WANTED TO SAY WAS, IT'S GOING TO STICK OUT LIKE A SORE THUMB A LITTLE BIT, I MEAN, WITH IT BEING THAT MANY STORIES. I MEAN, IT'S DEFINITELY GOING TO BE ONE OF THE TALLEST BUILDINGS HERE; CORRECT? I'M GOING TO BE LOOKING AT IT EVERY SINGLE MORNING WHEN I WAKE UP.

THE CHAIRMAN: OKAY. ANYTHING FURTHER YOU WOULD LIKE TO ADD?

MR. CAMA: JUST THE TRAFFIC. THAT'S WHAT I JUST WANT TO TAKE INTO CONSIDERATION ALSO. I SAW A COUNTER HERE, I FIGURED THERE WAS SOMETHING GOING ON. NOW WITH THE TRAFFIC SINCE THE CORONA VIRUS IS OVER AND THE SUPERMARKET HERE, HOW IS THAT GOING TO WORK OUT? ARE THEY GOING TO WIDEN THE ROAD A LITTLE BIT SO PEOPLE COULD GET UP AND DOWN IT.

THE CHAIRMAN: THE TRAFFIC CONSULTANT AND EXPERT WILL BE SPEAKING ON THIS APPLICATION AFTER THE PUBLIC HAS BEEN HEARD.

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MR. CAMA: OKAY. THANK YOU.

THE CHAIRMAN: THANK YOU FOR YOUR TIME.

MR. CAMA: OKAY.

MR. TUDISCO: MR. CHAIRMAN, THERE ARE A COUPLE OF OTHER HANDS. PATRICIA GABRIELE, I'M GOING TO INVITE YOU TO UN-MUTE YOURSELF. PLEASE DO SO AND IDENTIFY YOURSELF FOR THE BOARD.

MS. GABRIELE: HI. MY NAME IS PAT GABRIELE. I LIVE AT 24 RAY PLACE. I BASICALLY AGREE WITH THE PRIOR TWO PEOPLE WHO HAVE CALLED IN. THIS BUILDING IS WAY TOO LARGE FOR THE SITE. IT'S WAY TOO HIGH. IT'S GOING TO STICK OUT LIKE A SORE THEREM. THE CONSTRUCTION, THE TRAFFIC, ALL THE THINGS THAT THE PRIOR PEOPLE TALKED ABOUT, I JUST WANTED TO WEIGH IN THOSE ARE MY FEELINGS TOO.

THE CHAIRMAN: THANK YOU. THANK YOU FOR YOUR TIME, MR. TUDISCO.

MR. TUDISCO: YES. MR. FASCIGLIONE, I'M GOING TO INVITE YOU TO UN-MUTE YOURSELF. PLEASE UN-MUTE YOURSELF, AND GIVE YOUR FULL NAME AND ADDRESS AND ADDRESS THE BOARD.

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MR. FASCIGLIONE: Chairman and members of the ZBA Board, my name is Michael Fasciglione. I live at 43 Woodruff Avenue, Scarsdale, New York. I've been a resident of Woodruff Avenue for over 50 years, and also a member of the North Eastchester Civic Association.

I would like to make some quick comments pertaining to the report that was made by Mr. Rocco Salerno on behalf of the developers during the ZBA meeting I believe in July with reference to some of the area variances, particularly area variance numbers 8 and 9.

Number 8, referring to the bulkhead height within 150 feet of a one and two family residence. The request was 59.2 feet where a maximum of 40 feet is permitted, and area variance number 9, which refers to the maximum stories, also within 150 feet of a one and two family residence, whereas as a maximum of 2.5 stories is permitted, they request 4 stories. It is 4 stories were you to just look at the area at the upper level, whereas the area at the lower level closer to the CVS, that DINA M. MORGAN, REPORTER

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is definitely a 5 story structure. Now, both of these variances made reference to the one and two family homes that were directly behind the green buffer zone that was discussed at the last meeting, which I believe, in essence, is Parkway Circle. Those references were made by Mr. Salerno and also confirmed by the developer in their report. However, the private homes that are on Brook Street at the foot of Ray Place were never mentioned. I believe that they appear to be more severely impacted by the project. Also, the reference I made to the fifth story, they are the closest to the fifth story of that building. So we're going to go from to 2.5 to 5 stories, although the developer refers to it as a 4 story elevation.

I want to take exception to that. The second area variance I would like to discuss is number 3, which is the bulkhead height. Mr. Vogel discussed it earlier. He made mention of the fact that it's 9 feet more. That makes that elevation 64.6 feet high. I believe that this structure is on a very visible incline. Those numbers will make this DINA M. MORGAN, REPORTER

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proposed structure a true eyesore to the community because it really is a very, very overbearing site, especially from Route 22.

I also would like to discuss the comments that were made by Mr. Salerno referring to The Enclave as to being a very similar type construction, and the fact that they were variances granted there. The comment I would like to make about The Enclave is that for all those members of the Town, they know that The Enclave is situated on a very set back portion of that incline on Ray Place. The structure is not very prominent because it really is set back in that hill, whereas the Ray Place structure would be very visible from all locations due to its position on the Ray Place incline, and it's visibility, of course, from White Plains Road, which is Route 22.

As a final comment, I would like to take exception to the statement that Mr. Salerno made during his presentation, in which he stated that any of the sewerage and storm water problems that would ensue due to the approximate 10,000 gallons of waste water to be DINA M. MORGAN, REPORTER

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mitigated, would be addressed by the Planning Board and the Building Department after the project was approved. I have to take exception to that. To me, it's getting the cart before the horse. I believe that this problem must be resolved prior to any approval by the Town since municipal services will definitely be impacted if this building is built.

In conclusion, I feel that the entire project is much too large and will have a detrimental influence on our neighborhood as per the five part test that you had made reference to, Mr. Pillai.

That is all of my comments. I thank you for your time, and I thank you for your service.

THE CHAIRMAN: Thank you, sir. I appreciate your time and your compliment as well.

Just one point of order, if and when an applicant has their variance approved, it doesn't actually approve the project. So site issues, like water runoff, would be addressed down the road. So I don't want you to think DINA M. MORGAN, REPORTER
that the entire project would be approved. We're hearing just items within the project that are at variance with the law if constructed, and that's what we're really opining on.

Mrs. Uhle, also, I believe that the storm water was addressed, and maybe you can best explain the policy on -- what is it -- three to one or two to one?

MS. UHLE: Actually, I think Joe Cermele, our engineering consultant, can do that a lot better than I can.

THE CHAIRMAN: I'm sorry. That's right. I apologize for putting you on the spot.

MS. UHLE: No, that's okay, but that's what he's here for.

THE CHAIRMAN: We also have Mr. Grealy, who's going to talk about traffic. Why don't we do that now. Mr. Cermele, if you don't mind.

MR. CERMELE: Good evening, Mr. Chairman, members of the Board. As Margaret just mentioned, we reviewed the plans, several outstanding items to be addressed with regard.

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our last, which was June 19th, 2020.

As each of those documents focused on traffic, parking, impacts during construction, one of the major items was the initial traffic study. The data was collected pre-Covid, and their analysis was done at the time the supermarket was unoccupied. As we went through the process, we were aware that DeCicco's was to occupy this space. The applicant updated their traffic study to include traffic for that use, which is significant additional traffic compared to what was on the roadway system on Ray Place and entering and exiting from Brook Street.

Now, Brook Street is a County road, County Route 1, so there is input that was obtained from the County Department of Transportation, and also we had input from the Town's Highway Superintendent. The condition of Ray Place currently has need of some repairs. Once the construction is completed, there will be additional repairs that will be necessary, curbing. The applicant is required to resurface that roadway, essentially from the

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777 White Plains property out to Brook Street. They will be installing a new sidewalk and curbing. At the intersection with Brook Street, they will have to replace the pedestrian ramps with A.D.A. compliant ramps.

Part of our review, there were two other main focuses in terms of traffic conditions. Under existing conditions exiting from Ray Place on to Brook Street, even prior to DeCicco's reoccupying the space, the site distance exiting from Ray Place on to Brook Street is somewhat restricted due to on-street parking. The applicant had developed plans to show -- and in consultation with the Town and the Town Board -- the removal of a space or two along Brook Street, which would be west of the driveway, and the provision of an additional space on the east side of the driveway that would not impact sight distances. So that would improve the current conditions. Again, these are existing conditions not being caused by this application, but that would be improved as part of this application.

Subsequently, and this may answer some

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of the questions from the public, I think it was at the February 27th hearing that Mr. Galanack had asked about the possibility of a traffic signal, and we had required the applicant to prepare what is called a traffic signal warrant analysis. That analysis not only included this project's traffic, but the re-occupancy traffic from the supermarket. The analysis indicated that a signal would not be warranted at that intersection. Again, it's a County controlled roadway, the County has the ultimate say on any traffic control devices, but the applicant's traffic engineer had prepared an analysis that showed that it would not be warranted.

The site distance improvements that they would be making by removing those few parking spaces, would improve that existing condition. They also have to work together with the 777 White Plains Road property on coordinating the termination of their sidewalk. Again, they're building a sidewalk from Brook Street all the way up to their eastern property line, which comes just short of the shopping

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traffic study was updated to account for that. The rest of the details would be part of conditions of any site plan approval that they would obtain from the Town.

I think in terms of the comments from the public, again, the traffic movements there, there is going to be no restriction of left turns exiting from Ray Place on to Brook. It is permitted today. It will actually be improved by improving the site distance, which is very restricted under current conditions.

I think that's really a recap of those five different reviews that were completed and the applicant responded to, and that's kind of where we are right now.

THE CHAIRMAN: Thank you, Mr. Grealy. Mr. Tudisco, if you would like to see if anyone from the public is still interested in being heard on this, and then I'll allow the board members to ask questions of our engineering and traffic experts and take it from there.

MR. TUDISCO: Yes, there is another hand up, Mr. Chairman.


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Mr. Tudisco, it looks like Janice Meo. I'm going to invite you to un-mute yourself. Please identify yourself, name and address, and address the Board.

MS. MEO: Hi there. Can you hear me?

MR. TUDISCO: Yes.

MS. MEO: I'm Janice MEO, I own a condo at 24 Ray Place. I just wanted to also align with the other people that live in the condo, that we're concerned about the building. It looks like a very pretty building, but we're concerned about the height. I have a question about the driveway. When they did the aerial view, he went through the Ray Place viewing so quickly, it was hard to tell, but is their driveway in the front on Ray Place going to be opposite our driveway on Ray Place? Also, what is the setback of the building? In Tuckahoe, all the buildings they built down there are right on the street, and this appeared to be very close to the street, where ours, as they said, is a little bit nestled in and it's not as noticeable.

That's my questions and coming.

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that driveway has really altered much. So
whatever jog or setback further south on Ray
Place from the existing Enclave driveway,
thats where our proposed driveway will be
located. So it kind of mimics what the
existing conditions are out there today.

THE CHAIRMAN: Okay. Thank you.

Thank you for that orientation.

Mr. Tudisco, anyone else from the
public interested in being heard?

MR. TUDISCO: Yes. I do see Mr.
Sweeney has his hand up. I'm going to invite
you to un-mute yourself. Just identify
yourself and address the Board.

MR. SWEENEY: Good evening, members.
It's Frank Sweeney from 22 Lakeview Avenue.
I'm kind of blown away. We met in
July with a number of items that we discussed
that we thought were going to be at least
addressed in this meeting. We talked about
infrastructure, we talked about storm water and
sewerage, we talked about the bulkhead being
64 feet. I don't see any changes from the
developer whatsoever.

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I have other questions that I need
some additional information from. One of the
things that we said in our last meeting is,
that they were going to attempt to put in an 8
inch pipe that was going to run through
Woodruff Avenue and flow down into the Yonkers
sewage plants. Have we heard from the MTA?
The next question is, that in your
first variance, number 1, they say the building
is five stories, but we now know the building
is really 64.6 feet tall. So we have a little
divergence of what's going on in terms of the
real numbers.

Coming back with zero changes that we
discussed in July, this is no surprise to
anybody, that we were looking for the
convergence of where this sewage and the storm
water came together. We still don't know that.

We don't think this project should move 1 inch
from tonight because the North Eastchester
Civic Association is buried at the four corner
of Woodruff Avenue. If you want to come down
and take a look at it any time after a decent
rain, you can't even stand on the stench in the

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corner, that's how bad it. This has got to be
resolved before we move forward. We just talk
about it and we're not doing anything about it.
I want things done.

THE CHAIRMAN: Anything further, Mr.
Sweeney?

Mr. Sweeney: Yes, I do. I have
plenty of things.

THE CHAIRMAN: Please, continue.

MR. SWEENEY: We have the
ability that -- we don't know what the MTA is
doing. Have we notified the people at the
Yonkers processing plant on the sewage
overflow? Has anybody spoken to those people
at all? Maybe we should get a little bit of
what's going on there as well.

Who's going to pay for the 8 inch
pipe, passing it through the covert underneath
the railroad tracks? We haven't discussed that
one either. We don't know.

Where is the overflow parking for the
residents and the guests of the apartment going
to go? We don't have enough room. It was
suggested last time we may use DeCicco as a
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bypass for some additional parking. Have we
spoken to DeCicco? I don't know. Have we
spoken to the landlord? Not only DeCicco.
DeCicco is only a renter. We need to get to
the landlord in terms of the capability.

We spoke about traffic on Brook
Street. I think Charlie brought it up in terms
of the requirements, but it's going to require
some sort of New York State approval in order
to get that done. I just think 64 feet is way
beyond the scope of what we intended this
project to be, and I'm not going to stand by
until all of these items are clearly defined
and accepted by the authorities in terms of
which we have to deal with, and also the
community of the North Eastchester Civic
Association. We have been sidetracked for two
and a half months, three months, give it a
month. We haven't gotten any answers. Maybe
you could provide to the developer, let him
make the decision on answering those specific
questions for us. Thank you.

THE CHAIRMAN: Thank you for your
time, Mr. Sweeney. Mr. Tudisco, anybody else?

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MR. TUDISCO: Yes, a Mr. Fioravanti.

I'm going to invite you to un-mute yourself.

Please un-mute yourself and identify yourself, name and address for the Board.

MR. FIORAVANTI: Hi. Good evening.

My name is Bill Fioravanti. My mom lives at 24 Ray Place. I lived there for a number of years as well.

A couple of issues I just wanted to address. I thank the Chairman and the Board members and the developer for coming to this meeting tonight.

I agree with all of the other callers as well. A lot of their issues are very valid.

I just want to enhance a couple of other issues. In 24 Ray Place, there are a lot of older residents or owners that live in this building. With additional traffic coming from DeCicco's and this new building proposed, you know, older people sometimes reactions of coming in and out of driveways is not as good as middle-age or younger people. The additional traffic coming from this new proposed unit and DeCicco's as well, as one of

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the other Board members stated previously, at this moment we really do not know what the traffic will be from DeCicco's, it's still kind of new. Yes, there probably will be additional in the beginning because it's a new store, people from other areas will come here as always.

Also, as well, in terms of addressing an issue to the developer, I'm not an engineer, my background is in finance, I did go to law school, but will the developer take like -- will they assess like our building or other buildings in the area, will they take pictures of our basements because the construction, will that cause any damage to 24 Ray Place or the building below us or CVS? Will they do such things as soil borings or test pits? These are things that I guess -- you know, tests to see the soil, you know, if there's any engineering when the building is built across the street, 5 Ray Place, will there be any damage to our building or other surrounding buildings as well?

Lastly, I just want to say is that,

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away sale and nobody has even been in there for
8 to 10 months. That place was baron. Nobody
was even going in there. Everybody went to
Stop & Shop, ShopRite and Costco. So when you
took these traffic patterns into consideration,
you never really gave a breakdown of how many
cars are going to be coming up, how many cars
are going to be coming down, at what times is
this going to happen. They built this store up
here that is off the charts. There is no store
ever -- they even have a bar in there. This
place is going to be so packed with people
coming up and down here, this is going to be
the place where they go to for their meats and
everything. It's a very high end place. Also,
because of the Corona Virus. I saw these guys
counting. They were across the street. I
thought they were private detectives sitting
there for days. There wasn't much traffic
pattern going on at that time. How did you
come up to assess that the traffic was okay?
With the size of the road and the traffic going
up and down, how did you assess that that was
fine?

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THE CHAIRMAN: Mr. Grealy, if I may.
I don't want to have cross talk. I'll let the
public continue, and then you'll have an
opportunity to respond.

MR. CAMA: I'm done. That's it with
that. That's pretty much it.

THE CHAIRMAN: Great. Okay, thank
you. Anything further, Mr. Tudisco?

MR. TUDISCO: No, Mr. Chairman, that
is it.

THE CHAIRMAN: Okay. So I'm going to
go to Mr. Grealy now to reply. I'm also going
to leave him on because the Board members may
have questions.

MS. UHLE: Excuse me. There is also a
question or another comment from Charlie
Galanack.

MR. TUDISCO: Mr. Galanack, go ahead.

MR. GALANACK: I'm sorry, maybe I'm
not working the modern day electronics like a
four year old, but what can I tell you.

MS. UHLE: Charlie, before you
continue, Rob, I think you need to lower
people's hands because then if they want to

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developer, but never mentioned about the
sewage. He stated, if I understood this, that
the storm water is not going to increase any,
but never addressed the amount of sewage water
that is now going to be amplified by these
buildings.

As far, we again, being all Town
residents, we know that what area looks like
when you're driving, driving up Brook Street,
down Brook Street, down 22. Different times of
the days it's heavier, lighter at other times.
When this thing comes in to play when someone
is going to try to take a left turn at a busy
time going north and coming down Ray or vice
versa again crossing over Brook Street going
west on Brook to try to get into Ray going up,
it's going to be difficult, and that's where I
had mentioned the traffic control. I mean, if
anything is going to happen, that might help,
and it would probably save accidents and maybe
worse than that.

So what I would also mention would be,
and one of the residents from Enclave had
mentioned, about the height of the different

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buildings. Perhaps at the next meeting -- and
I hope you will open this up to the public
again -- the height of the current Enclave,
what it is at its different points. This may
show you, Board members, and also the Town
members, to see what we're talking about here.
Personally, when I used to drive up to go to
Acme, and before that I guess it was Food
Emporium, you could hardly ever see Enclave, 
you could almost bypass it because it was sunk
in so well, well designed, well thought of.
You're not going to miss this. If these are
some of the things that the Board could ask the
developer to put forward, and also to get
answers to some of the questions or to the
questions that others have proposed tonight,
especially with the sewage and how it's going
to go and do they have authorization to do
that, who's going to pay for it. Again, like
the retaining wall, if that thing goes, we're
taxpayers, we have to pay for it? No, I don't
think so. I'm just asking for you to consider
these things. Thank you again, and I
appreciate the second time around.

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THE CHAIRMAN: Thank you, Mr.
Galanack.

MR. GALANACK: You're welcome.

THE CHAIRMAN: Mr. Tudisco?

MR. TUDISCO: I don't see any further
hands, Mr. Chairman.

THE CHAIRMAN: Okay. Thank you, Mr.
Tudisco.

So I want to get back to Mr. Grealy
and maybe Mr. Cermele as well. Before we do
that, I think what I want to let or foreshadow
at least for the new applications, more than
likely I'm going to adjourn those applications
to the next meeting because, particularly the
first couple of applications, they deserve
attention. I don't want to give them short
shift because we are putting time in on these.
These are complicated applications, the first
and the second, and there is more to Ray Place
that we're going to be drilling down upon.

I do want to say this: I don't want
to see applications go sideways on issues that
are not appropriate for us to consider. I'll
give you a perfect example. The Board spent

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many months and, in fact, the Town spent years
on a Summerfield application, and several
meetings wound up going sideways on issues that
were really not appropriate for the tribunal
that they were before. The time lapse is the
time lapse, but that project now is not going
forward, and many people who have spoken up on
that project years ago are now wondering why
it's not going forward. So what I want to do
is focus on those issues that are before the
board in this area variance and drill down on
some of those concerns as they relate to the
area variance because, again, some of these
other site issues, like retaining walls and
sidewalks and other things, are going to be
fleshed out and they will undoubtedly be
changing as it winds its way through
Architectural Review, etcetera.

Having said that, I want to now get
back to the traffic because a couple of points
were made and I want -- I'm not here to defend
Mr. Grealy, but I want to be clear that Mr.
Grealy was not opining on the actual traffic
that be faced when this project was completed
but on his observations.

Mr. Grealy, if you can, can you
clarify that, please?

MR. GREALY: Yes. Just to repeat, the
initial traffic study that was prepared by the
applicant, his traffic engineer, is what we
reviewed initially. I didn't get into a lot of
the details. When we discussed this with the
Planning Board, we were in more details
relative to what was contained in the traffic
study and how you prepare a traffic study.

So the initial traffic study was based
on counts pre-Covid last year at a time when
the Acme Supermarket was basically generating
no traffic. One of our early comments on the
applicant's study was, that in addition to
background traffic growth and traffic from
other projects that were in front of the Town,
either proposed or approved, that they would
include that traffic in their background
numbers. So one of our comments was that they
needed to account for traffic from DeCicco's.
As Mr. Cama, I think his name is, Sean,
described, this supermarket, similar to their

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facilities in Millwood and in Armonk, have some
high end offerings. They have bars, etcetera,
etcetera. So the applicant's traffic engineer,
in response to our comments, did account for
re-occupancy of the space, of the DeCicco's
space. In order to do that when you don't have
that space there today in terms of generating
traffic, you have to base it on what's called
the Institute of Transportation Engineers.
This is something that the State requires, the
County requires, and us, as your Town's traffic
consultant, requires an applicant to base these
projections on. So part of their updated
traffic study included additional trips for
DeCicco's.

Just to kind of put it in perspective,
the applicant's traffic study looked at
morning, what we call the AM peak hour, the PM
peak hour on a weekday, and a Saturday peak
hour in terms of both existing conditions and
future conditions.

Now, on Brook Street, just to give you
an order of magnitude, peak hour traffic on
Brook Street passing the Ray Place intersection

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2 of the supermarket space. They used trip
3 generation based on standards for that type of
4 space and that type of use.
5 THE CHAIRMAN: Thank you, Mr. Grealy.
6 So at this time, I want to bring the Board
7 members back in because there's a lot to digest
8 today. Again, I don't want to wind up burning
9 time and money on issues that are really not
10 appropriate for this Board. What I want to do,
11 again, I'll go in reverse order, Mr. DeMarco,
12 do you have any questions of either our
13 engineer or traffic expert or of the applicant
14 at this time as it relates to what was
15 discussed in this presentation?
16 MR. DE MARCO: No questions.
17 THE CHAIRMAN: Mr. Nurzia?
18 MR. NURZIA: No questions.
19 THE CHAIRMAN: Mr. Miller, any
20 questions, comments?
21 MR. MILLER: I do not.
22 THE CHAIRMAN: Mr. Cahalin?
23 MR. CAHALIN: I do.
24 THE CHAIRMAN: Proceed.
25 MR. CAHALIN: For Mr. Grealy. You had

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1 said that on Brook Street the Town was
2 approached with removing parking spaces; did I
3 hear that correctly?
4 MR. GREALY: That's correct.
5 MR. CAHALIN: Does anybody know if the
6 Town has considered that?
7 MS. UHLE: I do. That was a
8 discussion with the Supervisor, and actually,
9 Phil, please correct me, I believe they're
10 removing -- there will be a net loss of one
11 parking space; correct? So they're removing
12 one parking space, creating a new parking space
13 on Brook Street. That's to improve sight
14 distances at that intersection of Brook and Ray
15 Place to make it safer. So the Town Supervisor
16 is aware of that, if this project were to
17 proceed, and the Highway Superintendent as well
18 evaluated it, that the Town Board would allow
19 the removal of one parking space, but also
20 would create an additional parking in another
21 location on Brook Street in the vicinity.
22 MR. CAHALIN: So it's net neutral
23 then?
24 MS. UHLE: I think there would be a

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1 loss of one parking space.
2 MR. GREALY: The applicant showed
3 removal of one space, and then they showed the
4 removal of two spaces but with one looking to
5 west, looking down the hill. If they removed
6 the two spaces, and the early input from the
7 Supervisor and the Town Board was they did not
8 want to lose more than one space, the applicant
9 then further and looking to the right or east
10 of where Ray Place comes in, east of where the
11 loading dock is for CVS, there is enough room
12 to get one space back in there, that would not
13 in impede site distance because the parking is
14 recessed there. So the net result, if they
15 removed the two and replaced it with one
16 metered space, there would be a net loss of one
17 space, which seemed to be acceptable to both
18 the Highway Superintendent and the Supervisor's
19 Office.
20 MR. CAHALIN: I don't want to
21 criticize the Town Board at all, but we have
22 been approving restaurants up in the north end,
23 parking has always been a consideration, so I'm
24 surprised that -- I know it seems like one is

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on this for the Town Board to do it.

MS. UHLE: I don't believe -- I'm not sure about that process. I believe it's a Town Board action. I'm not sure whether a public hearing is required or not. That I do not know. I could get back to you on that.

MR. CAHALIN: I have no other questions for the engineers. Thank you, gentlemen.

THE CHAIRMAN: Thank you, Mr. Cahalin.

Mrs. Uhle, as a point of order, because I've made this comment several times over the years and certainly in several applications and in this application, the waste water runoff question seems to have come up today when it had been discussed in July, and it seemingly been an improvement to the site. Can you explain that, please, so that people understand?

MS. UHLE: Again, the only thing that I'm going to explain, and then I'll defer to Joe Cermele again, is that the issue with regard to sanitary sewer especially, which Mr. Sweeney is most concerned about, which Mr.

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Galarecki is correct kind of ties in to storm water management issues as well, that issue has been addressed thoroughly at four previous Planning Board meetings, as well as staff meetings, and there are alternatives that have been proposed. My understanding is, those alternatives will create improvements over existing conditions, but there is still some analysis in terms of weighing the alternatives, as Mr. Sweeney mentioned, you know, if the MTA doesn't approve one thing, then we'll have to go to alternative B, etcetera. Joe Cermele can explain those better than I can.

I just want to make it very clear, those issues have been addressed and discussed at these meetings extensively. I think the problem is, that there are options and we're weighing the benefits and the pros and cons of those options, and they obviously won't be implemented unless the project is approved. When Mr. Sweeney mentioned that those things should be taken care of ahead of time, the improvements would be at the total cost of the applicant, so the applicant is not going to do

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got held up by any other Board that didn't get completed. Summerfield is whole different case. As you know, I voted against one of the variances. I was very strongly against it. I don't know that that's the case. We see most of the stuff go forward. I think a fairer way of saying it is, once they get their variances, your point is acceptable that it may not go through, but I'm going to say 90 percent of the time the projects get done.

Ms. Uhle: Can I also make another point?

The Chairman: Please.

Ms. Uhle: To reiterate, before it comes to your Board, except for unusual circumstances, the Planning Board does not refer it to the Zoning Board, and in this case they did not refer it to the Zoning Board until they completed the SEQRA process, which they looked at sanitary sewer issues, storm water management issues, traffic and parking issues, which is the reason that they retained Mr. Cermele and Mr. Grealy to review these issues. So there ought not to be surprises when it goes.

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So to an extent -- I mean, you're both right. Alan is correct that if there are issues that can't be overcome when the application returns to the Planning Board, the Planning Board can certainly deny an application. But Michael is also correct because, in all honesty, again, this particular applicant met with staff, and by staff I mean to make sure that any kind of red flags and any kind of issues were identified up front. The very first meeting we had, we talked about the most significant issues being sanitary sewer, storm water management and building height. The applicants were very aware that. We had the Police Department involved, we had the Highway Superintendent involved, we had the Fire Department involved. Then it appeared before the Planning Board on four different occasions. I will say the first occasion there were some changes to the Board, so maybe that one doesn't count as much, so on three different occasions. So there is a lot of work that goes into this before the Planning Board.

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system, number 1, and then secondly, you want to try and provide some form of mitigation. Westchester County policy for mitigation is to try and provide a three to one offset of sewer flow. So in general numbers, if this project generates 2500 gallons per day of sewage, you want to try and mitigate by finding 7500 gallons of sewage or waste in the system that you can eliminate. Typically, that's done by removal of what's called inflow and infiltration or I & I. That's largely due to aged sewer mains, cracked lines, poor joints, illicit discharges, illegal connections. We're working with the Highway Superintendent, as well as with the applicant, to try and narrow down a study area to identify and eliminate some of these problem areas. In doing so, what we try to achieve is, while we're not going to correct and eliminate all the problems that Mr. Sweeney, for instance, has specifically mentioned in Woodruff Avenue, what it will do is insure that this project will not have a negative impact above what's currently taking place.

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Mr. Cahalin, any follow-up on that issue? Mr. Nurzia?

THE CHAIRMAN: Mr. Miller?

THE CHAIRMAN: Mr. Nurzia?

MR. NURZIA: No.

THE CHAIRMAN: Mr. DeMarco?

---

We all know that there's an issue at the north end with sanitary sewer flow and capacity, so this project is going to generate a certain amount of flow, we want to find and eliminate three times that flow so there is no net increase, and, in fact, there will be a decrease in sewer flow into this system. So it will, in effect, help the situation. Like I said, it probably won't correct it, but it certainly won't make it worse. The two alternatives we're looking at are simply trying to find enough of this I & I and eliminate it from the system so that we could provide capacity for this project and then a surplus.

Then the second alternative, which would be I think the ideal scenario, I think this has been going on -- and the guys from JMC can correct me if I'm wrong -- I think this has been going on since the time of the Summerfield project, and that is to provide a sanitary bypass line underneath the MTA tracks to provide an emergency overflow for those times when the sewer system is surcharged. I haven't heard anything from the MTA or the applicant as

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THE CHAIRMAN: I would appreciate that. Would you be able to have that for the next meeting?

MR. VOGEL: That would be our goal, sure.

THE CHAIRMAN: Good. Our calendar is printed a year in advance. We meet, as you know, generally the second Tuesday of every month. We do not meet in December. That's why I asked you whether it's something you could get for the next meeting in October. I'm not sure whether it will be a virtual meeting or whether it will be in person, but I think that would help to really distill what I think is remaining on this application.

MR. CAHALIN: Mr. Chairman?

THE CHAIRMAN: Mr. Cahalin.

MR. CAHALIN: Is the public hearing still open?

THE CHAIRMAN: Oh, definitely.

MR. TUDISCO: It's still open at this point.

THE CHAIRMAN: The public hearing will remain open.

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One other thing, because I had responded to Mr. Miller. I considered this when the applicant first came before us in July and now, I just want to put on the record that I do have two close family members, a mother and a mother-in-law, that both live in separate units at The Enclave, and have not commented to me at all about the application, which is unusual since they comment to me just about every other topic. I had not had any commentary at all. So I am not going to be recusing myself on this because, A, I'm seemingly not adverse to the application, but, B, because they don't seem to have a position on this. I just wanted to put that on the record as well.

MR. TUDISCO: Mr. Chairman, just to address Mr. Cahalin's comment about the public hearing being open, my suggestion, and I don't see any way around this at all, if you are suggesting that the applicant potentially come in with some type of modified drawings or any type of new facts, you would have to really keep the public hearing open in the event that...
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1 can, that we should not be concerned about the
2 height.
3
4 THE CHAIRMAN: That's a fair
5 assessment, but again, I think the spatial
6 orientation is creating an issue that there is
7 a concern about height, we're not sure whether
8 there really is a concern about height.
9
10 MS. UHLE: So you're asking them to
11 come back and demonstrate to you that you don't
12 need to be concerned or that there are things
13 that they could do. Again, what Rob said,
14 clearly the public hearing will remain open
15 until October.
16
17 THE CHAIRMAN: Definitely. I have not
18 made a motion to close the public hearing.
19
20 MS. UHLE: Other than addressing the
21 concern about height, are you asking the
22 applicant to come back with any other -- there
23 are a lot of other issues raised and some of
24 them I think you made clear you thought were
25 more site plan approval issues, but just to be
26 clear to the applicant, other than the height,
27 is there anything else the Board wants to see?
28
29 THE CHAIRMAN: That is correct. Right
30
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1 now it's strictly about height.
2
3 MR. TUDISCO: Mr. Chairman, just to
4 let you know, there appears to be a hand up. I
5 don't know if you want to address that now or
6 the next time?
7
8 THE CHAIRMAN: I think it will be at
9 the next time. Let me rephrase that. Not I
10 think, it will be at the next time.
11
12 Just to recap, the applicant will be
13 coming back with some more information,
14 illustrations about the proposed height of
15 the structure as it relates and compares and
16 contrasts to almost everything else in its
17 immediate vicinity. Also, I've raised the
18 issue of whether more screening could be
19 proposed. It's not a change in the application
20 or the request as it relates to the area
21 variances, but it may mitigate some of the view
22 as it relates to when people are driving on
23 Route 22. That seems to be a concern, so I'm
24 just raising that.
25
26 Whether or not the applicant modifies
27 its application on its elevation, no one is
28 asking them to do that, but if they are doing
29
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1 that, they see that they can do that and
2 mitigate, that's fine as well.
3
4 MR. VOGEL: Okay. Understood.
5
6 THE CHAIRMAN: Does anyone else need
7 clarification on what we're doing going
8 forward?
9
10 (No comments.)
11
12 THE CHAIRMAN: Seeing nothing further,
13 I'm going to make a motion to adjourn this
14 application to the next meeting; Is there a
15 second?
16
17 MR. NURZIA: Second.
18
19 THE CHAIRMAN: Was that Mr. Nurzia?
20
21 MR. NURZIA: Yes.
22
23 THE CHAIRMAN: All in favor.
24
25 (Aye)
26
27 THE CHAIRMAN: Is that unanimous, Mr.
28 Cahalin, Mr. Miller? Are we all okay with an
29 adjournment on this?
30
31 MR. CAHALIN: Okay.
32
33 THE CHAIRMAN: Good. Okay. So that
34 resolution is passed. It's going to be
35 adjourned to the next meeting. Thank you to
36 the applicant.
37
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1 MR. VOGEL: Thank you, Mr. Chairman.
2 MR. BOHLANDER: Thank you.
3
4 THE CHAIRMAN: Now, as I intimated
5 earlier, we have four new matters on that
6 require and deserve the attention of the Board,
7 and, unfortunately, our meeting has gone on
8 longer than our meetings ever gone on or that
9 we've anticipated. I don't want to give these
10 applications a lack of attention because of the
11 hour we've come upon. I am going to adjourn
12 new business matters to the October meeting; is
13 there a second?
14
15 MR. DE MARCO: Second.
16
17 THE CHAIRMAN: Mr. DeMarco. All in
18 favor.
19
20 (Aye)
21
22 THE CHAIRMAN: Was that unanimous; Mr.
23 Miller?
24 MR. MILLER: Yes.
25
26 THE CHAIRMAN: They ayes have it in
27 favor of adjourning to the next meeting. Okay.
28 Thank you for your time, everybody. We'll see
29 you at the October meeting. The public will
30 know in advance whether it's going to be remote
31
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or whether it's going to be in person. Thank you and good night.

(Meeting adjourned.)

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STATE OF NEW YORK

COUNTY OF WESTCHESTER

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

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

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

IN WITNESS WHEREOF, I have hereunto set my hand this 21st day of October, 2020.

DINA M. MORGAN
Court Reporter

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