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## TRANSCRIPT OF

TOWN OF EASTCHESTER PLANNING BOARD MEETING

OCTOBER 27, 2016

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

## BOARD MEMBERS IN ATTENDANCE:

ACTING CHAIRMAN PHILIP NEMECEK  
ROBERT PULASKI, MEMBER  
MARK CUNNINGHAM, MEMBER

## EASTCHESTER EMPLOYEES IN ATTENDANCE:

MARGARET UHLE, DIRECTOR OF PLANNING  
ROBERT TUDISCO, DEPUTY TOWN ATTORNEY  
JAY KING, BUILDING INSPECTOR  
MICHAEL VERNON, ASSISTANT PLANNER

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

DINA M. MORGAN, REPORTER

## EASTCHESTER PLANNING BOARD - 10/27/16

today -- the next item on our agenda is the approval of the minutes of the September 22, 2016 meeting; however, because of the fact that there are only three of us here and of the three of us here only two of us were at the September 22, 2016 meeting, we are not in a position to approve those minutes. So we will adjourn that item to the next meeting.

In terms of the agenda of actual applications, we have one item of old business, five items of new business, and we have one adjourned item, that's 22 and 24 Water Street and 42 Stewart Place. So if you are here for that application, you don't need to continue to be here, we're not going to hear it. It has been adjourned to the next meeting pending the submission of additional information.

So without any further interruption, let's get to the schedule. The first item is an item of old business, it's application 16-14, 600 White Plains Road.

MR. VILLANI: Good evening. My name is Jonathan Villani. I am with Annunziata & Villani Design Consultants representing 600

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ACTING CHAIRMAN NEMECEK: All right.

I would like to call to order the town of Eastchester Planning Board meeting of October 27, 2016. Let's begin patriotically with a Pledge of Allegiance.

(Whereupon the Pledge of Allegiance was said.)

ACTING CHAIRMAN NEMECEK: As you may have noticed, there are only three of us, not our traditional five. The Chairman, Jim Bonanno, could not make it today, and, therefore, I, Phil Nemecek, am serving as the Acting Chairman today.

Let me do the balance of the roll call. Mr. Pulaski.

MR. PULASKI: Present.

ACTING CHAIRMAN NEMECEK: Mr. Cunningham.

MR. CUNNINGHAM: Present.

ACTING CHAIRMAN NEMECEK: Mr. Bill West has indicated that he will not be here.

So the next item of business -- and we do have a pretty full schedule today, we have six items, six applications before the board

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White Plains Gas Mart. We were before the board a few months ago representing my client proposing a conversion from an existing service station to a convenience store. We presented a site plan layout with a new parking arrangement, a proposed planting bed, some landscape lighting as well as post lighting, and the improvements to the building to convert it to a convenience store.

There was positive feedback with this one suggestion of getting a traffic study. We did get a traffic study. There has been communication back and forth between the town traffic engineer as well as the client's traffic engineer, Michael O'Rourke, who is present tonight. There have been suggestions from Margaret Uhle that have been addressed as well. So I guess we're here today to clarify those suggestions on which ones are -- which are going to be finalized and presented on the modified site plan to be issued via the town. I don't know if you had the time to review the report from Phil Grealy, but there were comments that my client is aware of and we're

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2 hoping to amend the plan accordingly.

3 ACTING CHAIRMAN NEMECEK: Why don't

4 you tell us a little bit about -- because I

5 think you were before us in March, I happened

6 not to be at that meeting but I did read the

7 minutes of the meeting thereafter, but since we

8 do have a very sizeable viewing audience both

9 here and at home, I'm sure everyone wants to

10 know what's going to happen here; what's your

11 plan.

12 MR. VILLANI: Sure.

13 ACTING CHAIRMAN NEMECEK: What's there

14 now and what's changing?

15 MR. VILLANI: Presently there's a

16 service station with a small office space

17 that's -- you could say the building is -- my

18 client has already made improvements to make it

19 a little more attractive than it was

20 previously. They pretty much have an open

21 paved area, fully paved area with gas pumps

22 that are --

23 ACTING CHAIRMAN NEMECEK: This has

24 been a gas station for some number of years.

25 MR. VILLANI: Yes.

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2 ACTING CHAIRMAN NEMECEK: Do you know

3 how long that has been a gas station?

4 MR. VILLANI: In the Seventies he

5 suggested. I don't know when it was actually

6 constructed. So his proposal is to convert it

7 to a full convenience store with parking at the

8 rear and along the side as well. We were

9 clarifying the square footage and the amount of

10 parking that's required. We were able to get

11 that parking on the site. The concern was the

12 traffic that would occur, the buildup of

13 traffic, as well as the deliveries of the pump

14 truck. Those have been -- what's been

15 communicated between the two traffic engineers.

16 There will be site improvements, a planting

17 bed, landscape lighting, pole lighting, and

18 obviously improvements to the building. The

19 facade will be fully done. Right now it's

20 presented in stucco, but we're hoping the site

21 plan gets approved and maybe some minor changes

22 to the facade design.

23 Presently, that's pretty much it.

24 There's not many monumental changes to the site

25 as far as digging or moving structures. The

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2 structure is staying the same, the pumps are

3 staying there. So minor alterations to the

4 site are going to occur. No fill in and out.

5 The client has already removed the old tanks

6 and replaced them with new tanks, so there

7 won't be any digging in this proposal.

8 ACTING CHAIRMAN NEMECEK: Just to be

9 clear, the building that is on the site, you're

10 not intending on changing the footprint to that

11 building at all?

12 MR. VILLANI: Not at all.

13 ACTING CHAIRMAN NEMECEK: It's just

14 the use?

15 MR. VILLANI: Yes. Right now there

16 are two service bays that aren't in use. Those

17 service bays, along with his office space,

18 planning space is a thousand -- the

19 clarification now is 1,072 square feet of

20 convenience store.

21 ACTING CHAIRMAN NEMECEK: Okay. Yes,

22 there was some uncertainty as to what the space

23 was and that dictates the amount of parking

24 that's required?

25 MR. VILLANI: I remeasured everything.

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2 I could do an FAR drawing that I could include

3 with the amended drawings to show how

4 everything was measured to dictate that.

5 MS. UHLE: You're just going to

6 clarify it?

7 MR. VILLANI: Yes, to clarify it.

8 It's actually 1,072, which is dictating 8

9 spaces, 7.15 spaces which we're bumping up to

10 8, and we're able to fit that on the site so we

11 don't need a parking variance.

12 ACTING CHAIRMAN NEMECEK: What are the

13 current hours of operation of the service

14 station?

15 MR. VILLANI: Well, the service

16 station is not operating. Actually, they're

17 just pumping gas right now.

18 ACTING CHAIRMAN NEMECEK: I'm sorry,

19 the gas pumps.

20 MR. VILLANI: I believe from 7 or 8 in

21 the morning until 11 or -- 11 is the latest? 6

22 to 10.

23 ACTING CHAIRMAN NEMECEK: Okay. And

24 what are the intended hours of operation of the

25 convenience store?

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MR. VILLANI: I don't believe there's a change. You're not presenting a change? 6 to 12 or, I mean, that's up to --

MS. UHLE: The applicant is proposing 6 to 12, so that is something you could discuss.

MR. CUNNINGHAM: I believe one of the bones of contention though of the community was that 10:00 because all of the other stores in the area, that would be something they were looking for.

MS. UHLE: I don't think we heard from this community. That was for the service station that was --

ACTING CHAIRMAN NEMECEK: There was a similar application for a gas station in the Chester Heights area of Eastchester that, after considerable input from the community, we did approve it but one of the major concerns was the hours of operation. That's one of the reasons I've brought it up here, because I don't want there to be any hidden problems here. Let's get everything out front.

MR. VILLANI: Sure.

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ACTING CHAIRMAN NEMECEK: I think the main -- the two main issues here are the conversion of the building into a different use as a convenience store and right now it's really not being used for anything. I don't think -- the service bays, for example, haven't been used as service bays, so you couldn't even use them as service bays right now if you wanted to without getting approval from this board.

MR. VILLANI: Correct.

ACTING CHAIRMAN NEMECEK: So that's the first issue. And the second issue, which goes hand and hand with it, is if we were to approve the use of the building as a convenience store, what implications would that have for traffic flow, in particular, parking, and the continued use of the site as a gas station as well. It is on a busy road. It has, as you said, been used as a gas station for some numbers of years to this point. I can't remember a time before there was a gas station there, and I've lived in this town for 50 years. So let's --

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MR. VILLANI: We'll go to the second issue. I don't perceive it to be such an issue since we did have both the traffic engineers, licensed professionals discuss traffic load and the way the site will be designed. There were minimal suggestions that could be accommodated very easily on the site. We're just trying to see which way is going to be enforced or which way will be the final implications of that discussion between the two traffic engineers. Really, the use of the building, obviously the service bays I don't even think they would be allowed at this point if we tried to return it back to its original state. So the present use of the building is being unused. So my client obviously wants to make it a usable space and the options are, you know, limited.

ACTING CHAIRMAN NEMECEK: Do you have a sense as to what percentage of the business of the proposed convenience store would be generated by people coming in to buy gas and how much is stand alone business?

MR. VILLANI: As far as walk-in business?

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ACTING CHAIRMAN NEMECEK: Yes, and people who would just go into the convenience store.

MR. VILLANI: It's not a highly -- the walk-in, from my experience, and I've lived in Eastchester as well, the walk-in traffic is not expected to be the bulk of his business. The bulk of his business is the cars coming in, stopping, they'll have parking now, designated parking, striped parking to pull off to the side to be able to use the store. So it's more of the -- more for the car, the vehicular traffic than the pedestrian traffic.

ACTING CHAIRMAN NEMECEK: What about the high school that's nearby, any sense as to --

MR. VILLANI: That's going to be an isolated -- it will be isolated -- it will be isolated to times of when just the high school really, really is just let out, isolated time of pedestrian traffic.

ACTING CHAIRMAN NEMECEK: Okay. What are -- do we have a floor plan of what the layout of the convenience store would be?

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2 MR. VILLANI: The entry of the store

3 will be in the middle, glass storefronts

4 flanking either side to an open space with

5 gondolas selling small package goods, coolers

6 in the back for obviously beverages, a

7 handicapped bathroom, mechanical closet, as

8 well as a counter for the cashier, and a coffee

9 area. There is no cooking or anything

10 presented.

11 ACTING CHAIRMAN NEMECEK: Will you

12 have any of those hot dog roller things?

13 MR. VILLANI: Umm --

14 ACTING CHAIRMAN NEMECEK: Particular

15 peeve of our --

16 MR. VILLANI: Not as of yet, no.

17 ACTING CHAIRMAN NEMECEK: Okay. And

18 again, the proposed hours of operation?

19 MR. VILLANI: 6 to 10.

20 ACTING CHAIRMAN NEMECEK: To 10?

21 MR. VILLANI: I'm sorry, 6 to 12.

22 ACTING CHAIRMAN NEMECEK: 6 to 12.

23 6:00 a.m. to 12:00 midnight.

24 MR. VILLANI: Just so we're clear,

25 that other project was 6 to 10, the Chester

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2 Heights project?

3 MS. UHLE: It was approved at 6 to 11.

4 MR. VILLANI: 6 to 11.

5 ACTING CHAIRMAN NEMECEK: I think they

6 had sought 6 to midnight. I think there had

7 been other commercial operations in the area

8 that seemed to all close at around 10. So for

9 what it's worth.

10 Why don't we hear from the traffic

11 experts.

12 MR. VILLANI: Sure.

13 ACTING CHAIRMAN NEMECEK: Traffic

14 consultants.

15 MR. O'ROURKE: Good evening. My name

16 is Michael O'Rourke. I'm with Adler

17 Consulting. We're traffic and transportation

18 engineers based in White Plains.

19 We did perform a traffic study, as Mr.

20 Villani mentioned, collecting traffic data,

21 turning volumes in and out. We then performed

22 capacity analysis on the anticipated operations

23 with the convenience store using standard trip

24 generation. Our analysis indicated that there

25 would be no change in levels of service and

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2 operations at either of the driveways. They

3 would operate at acceptable levels of service

4 C, which is generally considered to be

5 acceptable operations. Essentially there would

6 be minimal traffic volume increase and

7 essentially no changes in operational

8 conditions at the driveways.

9 In response to one comment from Mr.

10 Grealy about potentially changing the

11 operations so that we operate one driveway in

12 and one driveway out, it is our opinion that

13 since the driveways now both currently operate

14 with two way operations and there would be just

15 a minimal change in traffic volume and they

16 would be expected to operate at acceptable

17 levels of service, we do not see a reason to

18 impose one way operations. The current two way

19 operations are adequate and sufficient.

20 ACTING CHAIRMAN NEMECEK: How many gas

21 pumps are there again here?

22 MR. O'ROURKE: It's a total of four

23 nozzles. It's two pumps, two sides and that

24 does not change.

25 ACTING CHAIRMAN NEMECEK: I know it's

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2 a full service, it's not a self serve facility

3 right now. I've actually bought gas there.

4 MR. O'ROURKE: Full service.

5 ACTING CHAIRMAN NEMECEK: Is that

6 going to change?

7 MR. O'ROURKE: I don't believe so, no.

8 ACTING CHAIRMAN NEMECEK: Okay. So

9 what is the anticipated increase in the volume

10 of traffic over what exists right now with just

11 the gas station open should your application to

12 open a convenience store be approved? You said

13 it's a minimal operational difference. Tell me

14 what that means, operational as opposed to --

15 there presumably would be an increase in volume

16 unless you're counting on no additional

17 business other than from gas purposes.

18 MR. O'ROURKE: There would be a slight

19 increase in traffic volumes. It's expected

20 that there would be approximately -- there

21 would be approximately 13 new trips in the a.m.

22 peak hour and our analysis indicates that there

23 would be approximately 35 new trips in the p.m.

24 peak hour. As I said, even with those trips

25 it's expected that the driveways would operate

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at acceptable level of service C conditions both now and in the future.

ACTING CHAIRMAN NEMECEK: What are your peak hours of operation that you identified?

MR. O'ROURKE: We did identify the peak hours that we observed based on our traffic counts were 7:30 to 8:30 in the morning and 5:15 to 6:15 in the evening on a weekday.

ACTING CHAIRMAN NEMECEK: Are there any other issues in terms of curb cuts, in terms of -- I think there was a concern over the length of the planting bed; are those issues that you were in a position to address?

MR. O'ROURKE: Actually, those are site design and Mr. Villani. We did make some recommendations. He did accommodate that. We did recommend that he shorten that planting bed to facility entrance and exit, and I believe the current plans show that.

ACTING CHAIRMAN NEMECEK: Okay. It was my belief that that was traffic motivated, that's why I asked that.

MR. O'ROURKE: It was. It was.

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ACTING CHAIRMAN NEMECEK: Do you guys have any other questions concerning traffic?

(No questions.)

ACTING CHAIRMAN NEMECEK: Anything else you want to comment on before I ask Mr. Grealy to comment?

MR. O'ROURKE: No.

ACTING CHAIRMAN NEMECEK: Just be available should we have any questions. Mr. Grealy.

MS. UHLE: Just to clarify, Jonathan, I don't believe that the board has received an amended site plan yet. They're agreeing to do things. Also, I think it's partially because I had comments, plus they're going to hear the comments from Phil Grealy, plus you may have comments so it will come back; is that correct.

MR. VILLANI: The final amendments.

MR. GREALY: Good evening. Philip Grealy, Maser Consulting. We reviewed the traffic study prepared by Mr. O'Rourke. We confirmed the traffic volumes in the study.

The peak hours that he referred to on White Plains Road passing this site you have

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somewhere in the order of 1100 up to almost 1500 vehicles total both directions passing these driveways. That's what he shows in the reports. His counts were done in June. We did some counts in September just to make sure and confirm. Also compared that with New York State DOT counts since this is a state highway. So the base traffic counts on the roadway were consistent.

In terms of the traffic generation at the site today, because the garage is not operational, the volumes are lower than what you would typically calculate for this site. In terms of the projected volumes that Mr. O'Rourke stated, we calculated them slightly different, you know, methodology. He followed the standard procedures ITE but there's a couple of different categories. Whether you look at it as a service station with convenience store or the pumps doesn't make a big variation. The types of increases that he was talking about up to 35 trips, maybe a few more than that, but not drastically different. They looked at accidents. Most of the

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accidents that occurred at Leewood Drive at the signal were turning accidents, left turn accidents, as you had you would expect. Because this is a state highway, I think the board or the town has referred it to state DOT who usually weighs in on these applications, so they may have some comments.

In terms of the results of the study in terms of traffic exiting, we agree with his analysis what's classified as a level of service C. You do get some gaps in this section of road because of the signal there and the signals to the south, which is beneficial.

We prepared a memo October 20th that went through our comments on the traffic study, but we had numerous comments relative to the site plan, circulation. There will be more traffic on the site, so the important thing is to get them onto the site and to circulate efficiently so that there are no effects on the highway.

I'll just go through those quickly, and then if you have questions I could respond to them. So right now --

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1        ACTING CHAIRMAN NEMECEK: Just one  
2  
3 issue that has already arisen. We heard Mr.  
4 O'Rourke say they had considered your  
5 suggestion to have, I guess, one in and one  
6 out, and, again, we're talking about four gas  
7 pumps here, and I know that there's always an  
8 issue whether your car has the tank on the left  
9 or the right and that causes cars to endlessly  
10 circle to try to get the proper pump, but in  
11 this instance we're also talking about full  
12 service, we're not talking about pumping  
13 yourself so --

14        MR. GREALY: Correct.

15        ACTING CHAIRMAN NEMECEK: -- there's a  
16 quarterback, there's somebody who's directing  
17 traffic and maybe that could help. So keeping  
18 that in mind --

19        MR. GREALY: Absolutely. Let's start  
20 with that, and then there's some other, you  
21 know, minor issues I think, you know, in terms  
22 of the fuel deliveries he identified turning  
23 tracks, you know, to cut down on that planter  
24 to make sure that that can function properly,  
25 that's fine.

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1        In terms of the circulation pattern,  
2  
3 the reason why or one of the main reasons why  
4 we're suggesting that as opposed to what occurs  
5 today is with the increased traffic and also  
6 the site is pretty tight and the parking is  
7 around the rear of the building most of it, so  
8 it's logical to make a one way circulation  
9 pattern because you don't want to create other  
10 conflict points. So if you kept it two way,  
11 then do you keep the circulation around the  
12 back of the building two way? One of the  
13 concerns is that the width of the drive aisles  
14 between the building and the guide rail on the  
15 south side, let's say, of the property -- so  
16 there's a dimension shown from the property  
17 line to the building at the tightest point of  
18 15 feet but you have the guide rail, so now,  
19 you know, it's really tight for two way  
20 traffic. So our thought was that should be one  
21 way circulation around the building. It also  
22 will allow people to get into their parking  
23 spaces behind the building more easily,  
24 possibly just angle them slightly so that if  
25 you came in a counterclockwise direction you

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1        would be on the south side of the building, you  
2  
3 would pull into your space, come do your  
4 business, when you leave you exit on the north  
5 side. So with that in mind, the circulation up  
6 front kind of begs the question: Why not look  
7 at making that a one way circulation? So the  
8 area I'm talking about is, you know, on the  
9 plan, so here's the two access drives, which  
10 are currently two way and, you know, you have  
11 the pump islands here with fueling on either  
12 side that if you look at this area -- this is  
13 where that 15 foot dimension is -- so to be  
14 able to circulate around there and if these  
15 spaces could be angled slightly you would be  
16 able to get in and pull out more easily, just a  
17 soft, you know, angle.

18        ACTING CHAIRMAN NEMECEK: Anyone who  
19 has used a drive-through is familiar with this  
20 concept.

21        MR. GREALY: Yes. Absolutely.  
22 There's not a lot of parking space, but, again,  
23 it just -- you know, people will be walking,  
24 there is a walk along this side of the  
25 building, so the other reason to make this one

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1        way is now the pedestrians going from their  
2  
3 cars to get to the front of the building they  
4 only have to deal with one way of traffic, you  
5 know, in terms of observing it, and then they  
6 can walk along the concrete walk to get to the  
7 front of the building. When they're leaving,  
8 they would circulate and exit out this  
9 driveway. So that's part of the reason why --  
10 looking at the front area -- why it makes sense  
11 to follow that same type of a pattern. If  
12 traffic is only exiting from this driveway, it  
13 makes it more orderly and you don't have two  
14 points of people stopping on White Plains Road  
15 to try to turn in left. Right now, you know,  
16 again, there's not a lot of volume but you'll  
17 see where someone may stop here to make the  
18 left in and there will be someone behind them  
19 making the left in. So the concept was to  
20 create a fully one way circulation pattern. It  
21 does away with vehicle conflict points here and  
22 here. With the number of pumps, I think, and  
23 especially if it remains full service, you  
24 know, it can be a pattern that people will get  
25 used to. It will be controlled regardless of

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1 which side of your car your pump is on. It's  
 2 not like you're scrambling for four different  
 3 sets of pump islands. It also allows some  
 4 ability -- there's a vacuum and air pump in  
 5 this portion of the property, by making this  
 6 one way it would allow you to stripe this area  
 7 out so when there is someone there using those  
 8 facilities, there's more -- you're not trying  
 9 to handle two way traffic in the remaining  
 10 pavement section, you would be able to just  
 11 deal with one way entry. So if there is a car  
 12 stopped here, someone entering would be able to  
 13 get around. Also, when the cars pull up to the  
 14 pumps, as you can see in the diagram, you know,  
 15 the fueling position is here but the vehicle  
 16 actually extends pretty far in some cases when  
 17 they're at the pump island. So when having  
 18 traffic exiting and entering at the same time,  
 19 you could see you start losing area.

20 So that's the rationale behind the one  
 21 way circulation pattern. I think DOT will have  
 22 something to say about it, but for a cleaner  
 23 flow on the site and considering that traffic  
 24 will be now coming, you know, around the back

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1 of the building, it just, you know, seems to be  
 2 a better pattern. It gives better ability to  
 3 control traffic movements.

4 MR. TUDISCO: On that issue, I don't  
 5 know if the Police Department has weighed in on  
 6 that, but because the site is unique to other  
 7 gas stations in that it is adjacent to the  
 8 school, I know that from an enforcement  
 9 perspective there are a number of issues at or  
 10 about that site on White Plains Road in terms  
 11 of school buses and drop off and pick up, as  
 12 well as entering into the school area. I think  
 13 if you limit the direction of the traffic in  
 14 there -- I don't know if the Police Department  
 15 has weighed in on this yet -- I think that is  
 16 definitely an issue that you may want to kind  
 17 of reach out to them about.

18 ACTING CHAIRMAN NEMECEK: If you limit  
 19 it, is that good or bad?

20 MR. TUDISCO: I think it would be much  
 21 better because you have instead of potentially  
 22 four directions of traffic on either side of  
 23 the driveways, you have now one on one side and  
 24 one on the other.

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1 ACTING CHAIRMAN NEMECEK: The only  
 2 significant disadvantage to that is for  
 3 southbound traffic, the southbound traffic  
 4 entering the gas station has to go past and  
 5 potentially lines up and blocks the traffic  
 6 exiting going southbound.

7 MR. GREALY: This distance is very  
 8 short. In some cases where there's more  
 9 separation between the two, that becomes a real  
 10 problem because you're coming out at the same  
 11 time where somebody is stopped in there.  
 12 Because of the proximity, it almost requires  
 13 the person exiting here making a left out to  
 14 wait for that to clear before they leave,  
 15 because, you know, the distance here is he have  
 16 very close.

17 ACTING CHAIRMAN NEMECEK: But one of  
 18 the other -- I don't know if it was you or Mr.  
 19 O'Rourke who mentioned this about I believe the  
 20 term was gaps created because the --

21 MR. GREALY: Signals.

22 ACTING CHAIRMAN NEMECEK: -- the  
 23 signals, and that's actually a fortuitous thing  
 24 because there are signals to the north and the

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1 south which create opportunity -- I guess  
 2 breaks in the traffic that actually make this  
 3 work a lot better than it might in the absence  
 4 of those signals.

5 MR. GREALY: Correct.

6 ACTING CHAIRMAN NEMECEK: Personally,  
 7 I see very little not to like about having that  
 8 circular flow with one in and one out, you  
 9 know, apart from that one scenario I could  
 10 envision where it makes it a little more  
 11 difficult for a southbound exiting car  
 12 potentially. That's something that you feel  
 13 would be an enhancement?

14 MR. GREALY: Yes. We feel that's the  
 15 better layout here.

16 There were several other comments that  
 17 we had, some of which were very simple;  
 18 striping, signing. There is one other existing  
 19 constraint exiting this driveway looking to the  
 20 right -- and we attached some photos to our  
 21 memo -- you'll see when a driver is exiting he  
 22 has to pull up very far because of the  
 23 vegetation on the property to the north.  
 24 Now --

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 2 ACTING CHAIRMAN NEMECEK: But if  
 3 it's --  
 4 MR. GREALY: -- some of that may be  
 5 within the right-of-way of the state highway.  
 6 If it is, then it could be pruned. I'm not  
 7 saying remove any vegetation because once you  
 8 pull forward, you can see up to the traffic  
 9 signal at Leewood Drive. But, again, it's  
 10 somewhat overgrown onto the sidewalk and, you  
 11 know, you'll see in the photos or in the field  
 12 that possibly some pruning would enhance that  
 13 to make it better visibility for traffic  
 14 entering and exiting and also just seeing any  
 15 pedestrians walking along there to have a  
 16 better visibility of pedestrians. Looking to  
 17 the south is wide open, you can see very  
 18 clearly.

19 ACTING CHAIRMAN NEMECEK: Looking to  
 20 the north is presumably a lesser concern  
 21 because the traffic is coming from the south,  
 22 the vehicular traffic would becoming from the  
 23 south. The concern would be, I guess, a kid on  
 24 a bike. A pedestrian, I'm assuming, isn't  
 25 moving that fast that they're going to create a

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 2 problem in that short area where the driver is  
 3 making a right turn and should be able to see  
 4 at least the distance that a pedestrian would  
 5 cover within a short period of time. Since the  
 6 traffic is coming northbound at that point, the  
 7 driver would be looking to his or her left and  
 8 would presumably see the traffic that would be  
 9 likely to hit them. If there is somebody  
 10 driving the wrong way, well, you know,  
 11 that's --

12 MR. GREALY: The point was that even  
 13 when you're exiting if you're making a left  
 14 turn out to head south on 22, that the traffic  
 15 heading southbound coming from the Leewood  
 16 Drive direction --

17 ACTING CHAIRMAN NEMECEK: That's  
 18 obstructed as well?

19 MR. GREALY: -- that's where you would  
 20 get some benefit for the vehicular traffic to  
 21 see. Again, it has to be just identified where  
 22 the right-of-way is because you're not going to  
 23 go on the private property to do this, but it  
 24 could be just some minor clearing and it would  
 25 increase sight distance probably 100 feet

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 2 easily more.  
 3 ACTING CHAIRMAN NEMECEK: We're not  
 4 talking about the Sycamore trees, we're talking  
 5 about the other vegetation?

6 MR. GREALY: They're evergreens.  
 7 Again, I'm not an arborist. But again,  
 8 depending on where the property line is, I  
 9 think it is something that should be looked at  
 10 to enhance the safety there for both motorists  
 11 and pedestrians and/or bicyclists.

12 Are any other questions? I think the  
 13 rest of the items are pretty straightforward.  
 14 Thank you.

15 ACTING CHAIRMAN NEMECEK: Mr.  
 16 O'Rourke, any comments on any of that?

17 MR. VILLANI: We were able to review  
 18 the comments and we're willing to accommodate  
 19 those comments.

20 ACTING CHAIRMAN NEMECEK: The one way  
 21 in, one way out?

22 MR. VILLANI: Yes, and all the minor  
 23 comments.

24 ACTING CHAIRMAN NEMECEK: I think  
 25 there's a lot of value to that. It is a pretty

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 2 tight site, and, again, I don't think this is  
 3 foreign concept to people, the counterclockwise  
 4 flow. Every McDonald's in the world has that.  
 5 I'm not suggesting this a McDonald's. That's  
 6 just the way any type of drive-through facility  
 7 works, and I think people are very accustom to  
 8 that counterclockwise flow and it seems to make  
 9 a lot of sense here.

10 MR. VILLANI: Some of the comments  
 11 we've already addressed. Obviously, I haven't  
 12 submitted them, but we wanted to get a final  
 13 agreement on what those comments and  
 14 adjustments will be and I can make those  
 15 accommodations on the drawings and submit them.

16 MR. PULASKI: Do we have some expert  
 17 recommendations on how we put signage out so  
 18 that people know which way in and which way  
 19 out? I've seen gas stations put up temporary  
 20 signs, but is there some consensus on what is a  
 21 good way of signing it?

22 MR. O'ROURKE: I don't know that you'd  
 23 necessarily sign it so much as pavement  
 24 markings in the driveways; an in arrow and out  
 25 arrow as appropriate.

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1 MR. PULASKI: I concur with that, but  
2 I'm just thinking about the southbound traffic  
3 they might not see the pavement markings as  
4 clearly. I mean, coming north it's just a  
5 natural thing that you pull in on the first  
6 driveway. So I'm thinking of some kind of a  
7 standing sign that would say, you know, one way  
8 enter and the other way one say do not enter.

9 MR. O'ROURKE: There could be one way  
10 signs installed concurrent or in the same  
11 direction, same vain as the pavement markings  
12 so that they're visible from both directions  
13 and motorists would see them as they approach  
14 from either direction.

15 MR. PULASKI: That would be my  
16 recommendation, but I thought perhaps the  
17 engineers have some experience with this, have  
18 made some recommendations, and then the  
19 applicant would know what to put on the revised  
20 application.

21 MR. TUDISCO: There is a similar site  
22 further south on Route 22, the True Value  
23 Hardware Store, it has a one way sign as you  
24 come in. It's only a restricted way to go in,  
25

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1 there is a one way sign there, and from the  
2 opposite way I believe there's a do not enter  
3 coming from the other way. Clearly, it's not  
4 always followed, but there is very clear  
5 signage as to the direction of the traffic flow  
6 going through there because that's another very  
7 tight spot.

8 MR. VILLANI: I was hoping to maybe  
9 just because of the final decision on that if  
10 we could do the one way sign in and one way  
11 sign out would be ideal as opposed to do not  
12 enter.

13 MR. TUDISCO: I think what you're  
14 going to need to do is the Police Department  
15 has to get involved with that, and because it's  
16 a state road, the state may also need to weigh  
17 in.

18 ACTING CHAIRMAN NEMECEK: Maybe enter  
19 only and exit only. Again, I'm not sure -- and  
20 I think Bob was asking the same question --  
21 what's the best way to do this.

22 MR. PULASKI: I also think that there  
23 would probably be a benefit of a vertically  
24 oriented sign at the corner of the store so as  
25

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1 to maintain that counterclockwise circulation.

2 MR. VILLANI: Around the building you  
3 mean? To go that way and around the building?

4 MR. PULASKI: Right. When it's  
5 raining or when there's snow down, you won't  
6 always see the -- if you're going to put it on  
7 the pavement, you put it up nice and big and  
8 that illuminates with headlights, that's  
9 fantastic.

10 ACTING CHAIRMAN NEMECEK: Usually the  
11 pavement works pretty good, I think. You have  
12 a big arrow on the pavement. Most people know  
13 what that means. All right. Public hearing?

14 MS. UHLE: Yes. I just have one quick  
15 question for Jonathan too. Right now there's  
16 no storm water management facilities on the  
17 plan.

18 MR. VILLANI: There is no proposed  
19 disturbance to the existing impervious surface  
20 that's there.

21 MS. UHLE: There's no increase. But I  
22 thought in one of your cover memos you did  
23 indicate that you would be providing some storm  
24 drains.  
25

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1 MR. VILLANI: The analysis is we're  
2 not going to be scraping any existing -- we're  
3 not proposing any drainage.

4 MS. UHLE: Okay. That's still  
5 something you may want to consider if you want  
6 them to try to accommodate something.

7 MR. PULASKI: Why would we need --

8 MR. CUNNINGHAM: Is there an issue  
9 now?  
10

11 MS. UHLE: I think just in general for  
12 all new construction you provide storm water  
13 management facilities because there is a  
14 problem just in general regionally with storm  
15 water management, so it's an opportunity. I'm  
16 not saying you should. The applicant actually  
17 indicated they were going to do, which is why I  
18 was following up with that question. With  
19 regard to our zoning law, you're not required  
20 to accommodate --

21 MR. VILLANI: Only an increase over a  
22 certain amount.

23 MS. UHLE: Only an increase, yes.

24 MR. PULASKI: So right now anything  
25 that's falling on that pavement is making its

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1 way to Route 22?

2 ACTING CHAIRMAN NEMECEK: Or on the  
3 other side?

4 MR. VILLANI: It's actually pitched  
5 towards the back of his property and there's  
6 actually a mitigation -- a natural mitigation  
7 behind his property because there's a buffer  
8 roughly 40, 50 feet behind him of vegetation.

9 MR. PULASKI: And that's all your  
10 property back there?

11 MR. VILLANI: Yes, correct.

12 ACTING CHAIRMAN NEMECEK: All right,  
13 let's move forward. There was no public  
14 hearing on this. I'm going to move to open the  
15 public hearing for Application 16-14, 600 White  
16 Plains Road.

17 MR. PULASKI: Second.

18 ACTING CHAIRMAN NEMECEK: All in  
19 favor.

20 (All aye.)

21 ACTING CHAIRMAN NEMECEK: Anyone want  
22 to comment? Come on up and identify yourself  
23 for the record by your name and your address.

24 MR. ARAYA: My name is Alberto Araya.

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1 I actually live across the street. I'm at 591  
2 White Plains Road. I've been living there for  
3 the last three years. Previously, I used to  
4 live at 585 White Plains Road, which is  
5 directly across from it.

6 Since I've lived there, the previous  
7 owners were very, very respectful. Never had  
8 deliveries between the hours of -- before 6 in  
9 the morning and any time after 9:00. With the  
10 new owner, 3:00 delivery in the morning, 6:00  
11 delivery in the middle of the day where traffic  
12 is backed up. You have students going in and  
13 out of schools. You do have parents who stop  
14 at the gas station and drop off the kids and  
15 run back off. I know because I work from home  
16 and I actually have my office on the first main  
17 level that actually looks at the gas station.

18 The idea of putting a convenience  
19 store is terrible because, A, the neighborhood  
20 is going to get busier so there's a lot more  
21 people coming in and out of the traffic. What  
22 does that do for our kids? What does that do  
23 for our neighborhood?

24 Second of all, the new owner doesn't

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1 really care about his neighbors. I have video  
2 here to prove that. His employees just blow  
3 leaves, junk right onto White Plains Road which  
4 then flow across the street onto our property.  
5 What kind of neighbor is that? How do I trust  
6 a neighbor? We should be friends. We should  
7 be able to do stuff together and not damage  
8 other property. At the end of the day, I have  
9 to go out and clean it or my gardeners have to  
10 come and they clean it, which cost more.

11 Again, deliveries is one of the bigger  
12 issues. When you're having deliveries come in  
13 in the middle of a busy day when kids are going  
14 to school, when kids are coming back, that area  
15 that they're saying that you'll be able to park  
16 eight cars, not going to happen. If the  
17 inspectors that were looking at the traffic  
18 were looking at that, there's no way. A truck  
19 actually comes out up to the road. That's how  
20 it parallel parks to give gas because the gas  
21 pumps are right there and that's where they  
22 drain all their gas into the station. So doing  
23 what they're proposing doesn't make sense,  
24 especially for someone who has lived across the

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1 street and knows how the day-to-day is.

2 I mean, personally, I don't think it's  
3 the best option for the town or for the  
4 neighborhood --

5 ACTING CHAIRMAN NEMECEK: I do want to  
6 comments. I don't think you're saying -- I  
7 hope you're not saying it's the owner's fault  
8 that parents are using the facility as a drop  
9 off point.

10 MR. ARAYA: I'm not all, but that  
11 should be regulated also by his employees, stop  
12 and say, please don't do that. Just like at  
13 575, Colavita's office, he doesn't let students  
14 park there, he doesn't have parents do that as  
15 well. He's addressed that issue. I know  
16 because I used to live right there. So I know  
17 the area, but they haven't addressed it. So  
18 how do you have a neighbor that doesn't address  
19 it, because he is an integral part? He is  
20 right there on the main road and he is a  
21 neighbor. There is all residential housing and  
22 there is a high school and middle school and  
23 behind that there's more housing and cars are  
24 coming in and out from the back. He should be

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1 part of this and try to help, not cause anymore  
2 issues, not cause anything else that can  
3 potentially cause an accident that may harm a  
4 pedestrian, which may be a high school student,  
5 a grammar school student, a middle school  
6 student, an older lady walking from her house  
7 to, you know, just taking a walk.

8 **ACTING CHAIRMAN NEMECEK:** With respect  
9 to the 3:00 a.m. -- you were talking about  
10 deliveries at 3:00 a.m., and that's gas  
11 deliveries, I assume, at this point because  
12 there wouldn't be anything else being delivered  
13 there; right?

14 **MR. ARAYA:** Right now there's only gas  
15 deliveries. I know for a fact because I knew  
16 the previous owner, I had spoken to him before  
17 and he readjusted schedules, and that was the  
18 right thing to do as a neighbor, as --

19 **ACTING CHAIRMAN NEMECEK:** What gas  
20 station was it previously?

21 **MR. ARAYA:** Previous owner was just a  
22 Getty, but then that was removed, and he held  
23 that for about ten years, and before I got  
24 there he had just taken over, and, like I said,

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1 I've been there for 13 years.

2 **MR. PULASKI:** So what time was he  
3 receiving gas?

4 **MR. ARAYA:** 6 in the morning, 4 in the  
5 morning, 8 at night, 10. It all depends.  
6 Literally my bedroom is across the street.

7 **ACTING CHAIRMAN NEMECEK:** Are you  
8 talking about the current owner?

9 **MR. ARAYA:** The current owner. The  
10 previous owner would have it either in the  
11 morning after school times, or after school  
12 times after 4 or 5 but never late at night.  
13 The other part is the owner here said that his  
14 gas station opens at 7, it doesn't. It opens  
15 at 6:00. I know because he turns on all the  
16 bright lights and they wake me up. Since I  
17 work from home, I know that for a fact. I  
18 don't go to bed until 11:30, 12 and they are  
19 just shutting down the gas station.

20 **MR. TUDISCO:** Mr. Chairman, there's  
21 been a bit of a history at this particular  
22 site. When it was a Getty Station, I can tell  
23 you that there was an owner and there were also  
24 a number of sub-tenants that were actually

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1 leasing the gas station from the owner of the  
2 property that was turned over a number of  
3 times. When I actually came in as the deputy  
4 town attorney, one of the first Building  
5 Department cases we had was with the tenants  
6 there that were not in compliance with the  
7 restriction on the use of the bays that are  
8 supposed to be empty. That was one of the  
9 first violations I actually addressed.

10 **Currently,** that has been an issue with  
11 the current owner in that they have been  
12 selling out of those bays in direct  
13 contradiction to what they're allowed to do.  
14 The Building Department and I have discussed  
15 this on a number of occasions. So I know that  
16 there have been some compliance issues with the  
17 site from prior owners as well as the current  
18 one.

19 **MR. ARAYA:** To add to that, he has the  
20 bays open now and he's either playing loud  
21 music or he's playing something else that you  
22 could hear at 7 in the morning, 6 in the  
23 morning, which is really not great for  
24 neighbors who are trying to sleep for the extra

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1 hour before they have to get to work. It's  
2 unacceptable. Plus the fact that you have it  
3 open and you're seeing where he does have  
4 shelves where they have been selling items. I  
5 know that has been addressed, but still it does  
6 happen.

7 **ACTING CHAIRMAN NEMECEK:** What are  
8 they selling from there?

9 **MR. TUDISCO:** They were selling like  
10 auto part equipment, fluids, various items. My  
11 understanding was, and I discussed this with  
12 the building inspector in the past, based upon  
13 the restriction with respect to the bays, I  
14 don't even think they're permitted to store  
15 products they're selling out of the current  
16 store area. I think the bays were supposed to  
17 be not used for anything at all. In addition  
18 to storage, which they're currently being used  
19 for for products, they were actually having a  
20 retail space where they were actually selling  
21 windshield washer fluid, other fluids, there  
22 were shelving displays coming out of there, et  
23 cetera, up as recently as a week or two ago.

24 **MS. UHLE:** I think we're getting a

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1 little bit off track, because those are  
2 compliance issues that actually a gentleman  
3 brought that to our attention so we issued the  
4 Notice of Violation or just spoke to the owner,  
5 and I think the owner addressed it, whether he  
6 was aware that he could or could not be doing  
7 that.

8 I think the issue is, the property is  
9 zoned for single family residential only.  
10 That's the only actual permitted use on this  
11 site. It was a legal non-conforming service  
12 station. As soon as the service bay use  
13 discontinued, this owner, previous owners have  
14 not been able to occupy that space to do  
15 anything. So again, obviously before he was  
16 asking you if he could legally occupy that  
17 space for a convenience store. And actually,  
18 I've got to clarify that, he is not asking you  
19 that, he is going to be asking the Zoning Board  
20 that. So you're not really approving the use.  
21 You're looking to see whether, if they do get  
22 approval for use as a convenience store,  
23 whether they'll be significant adverse  
24 environmental impacts to the neighborhood

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1 mostly as a result of the, in this case,  
2 traffic impacts basically. If the use variance  
3 is granted by the Zoning Board, you could look  
4 at some other site plan issues and those kinds  
5 of things as well. I just wanted to clarify,  
6 you're not really approving the use, it would  
7 be the Zoning Board that would be granting the  
8 use variance.

9 ACTING CHAIRMAN NEMECEK: And it would  
10 be the Zoning Board that would be considering  
11 the potential adverse effects of having this  
12 non-conforming use as a --

13 MS. UHLE: They're different  
14 standards. You're looking at the environmental  
15 impacts. The use variance is looking more at  
16 the economic hardships. So they're different  
17 standards. You're looking at the impacts to  
18 the neighborhood. They look at that to some  
19 extent as part of the use variance test, but  
20 they're also looking at sort of hardship  
21 issues.

22 ACTING CHAIRMAN NEMECEK: Okay. Good.

23 MR. PULASKI: So your concerns were  
24 the lights, the music, the time of delivery --

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1 MR. ARAYA: All times.

2 MR. PULASKI: -- And that was it?

3 ACTING CHAIRMAN NEMECEK: Hours of  
4 operation.

5 MR. PULASKI: Okay.

6 ACTING CHAIRMAN NEMECEK: I think we  
7 understand your concerns. Thank you.

8 MR. ARAYA: Thank you.

9 ACTING CHAIRMAN NEMECEK: Let's first  
10 see if there is anyone else to comment. Lady  
11 over there. Hello.

12 MRS. ARAYA: Hello. My name is  
13 Virginia Araya. I'm also a resident of 591  
14 White Plains Road. I would just like to  
15 reiterate my husband's statements. Really the  
16 increased traffic is the concern here. We have  
17 small children in the neighborhood. It's just  
18 a huge concern. It's already a state road,  
19 it's already a main road, to have a convenience  
20 store there with the children in the school  
21 district, with children across the street,  
22 small children, people, pedestrians walking to  
23 and from the Crestwood station, having a  
24 convenience store there is just going to

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1 increase the foot traffic, it's going to  
2 obviously increase the car traffic. It's just  
3 a huge inconvenience to us who are there across  
4 the street living there having to deal with the  
5 traffic, having to deal with the foot traffic,  
6 and as my husband stated, having to deal with  
7 the increase of just traffic there. It's  
8 overwhelming to live there and to have, you  
9 know, increased traffic due to the convenience  
10 store that's being proposed. It's just, you  
11 know, you have to really take into  
12 consideration, yes, we live there, it was a  
13 choice to live there; however, to have a  
14 convenience store there, increase that, it's  
15 really a disturbance to the two houses that are  
16 directly across the street, as well as the  
17 houses adjacent to the gas station currently.

18 So we would just like for you to  
19 respectfully take that into consideration that,  
20 you know, it's just going to increase the foot  
21 traffic and the vehicular traffic. We  
22 understand there's been a huge amount of time  
23 and money invested into the studies; however,  
24 take into impact the impact on the neighbors'

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lives as well. Thank you very much.

ACTING CHAIRMAN NEMECEK: The gentleman over here.

MALE SPEAKER: My name is Gileo (Ph.). I live on 585 White Plains Road. I can confirm everything that the previous two guys have said already. The main concern is increase of the traffic. I have a lot of concerns about the new owner.

It's a real mess, a real mess. I'm taking care of two kids, one baby and a five year old boy. I'm working from home. I can tell that the new owner, the situation is really bad. So the whole day I can hear, even with all this traffic on 22, I can hear the music. The radio is on. I went there twice to make a complaint to ask them to lower it down. Nothing. It's a real mess. They put two trash cans in front of the gas station. Of course people go there, put their trash in the cans, no one cares, birds come, take it out from the can and the area is really messy.

The main concern is the kids in the school. Sometimes they run. I mean, I guess

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the teachers send them around the school to run 3, 4:00 in the afternoon. So the whole class is running on the street in front of the gas station. I cannot imagine with the increased traffic, because now it's really bad around 3, 4:00 in the afternoon and 8:00 in the morning because all the buses, even my son goes with the bus to Waverly, so it's a lot of traffic. People come to drop off their kids and sometimes you have to wait around 5, 6 minutes just between Leewood Drive and our door. With convenience store I think the situation will be really bad.

Also, the noise from these guys, the new owners. They don't care about anything. What else? The mess and the garbage everywhere. Also, when the winter comes, all the snow from the machine it goes there. It's even slow now because you have to clean everything and the traffic goes slower, even slower. That's the other thing, left turn, when the people try to exit from the gas station to make left turn and go south, it's -- I don't know how many could be there -- you

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think I'm working from home and taking care of the kids and around between 2:40 and 4:00 in the afternoon all the people goes to the middle of the lane and of course you can hear the horn, beep, beep, beep.

The other thing, the delivery truck the whole night. Like I said, I have babies so every two hours me and my wife wake up to feed him, but you can see 1:00, 4:00, 3:00 beep, beep, beep for 20, 40 minutes and it's a residential area. So it seems like they don't care. So can you trust these guys? Thank you.

ACTING CHAIRMAN NEMECEK: Thank you. Any other comments from the public at this point?

(No comments.)

ACTING CHAIRMAN NEMECEK: We can keep it open?

MS. UHLE: I would keep it open, yes.

ACTING CHAIRMAN NEMECEK: Do you want to comment on any of that?

MR. VILLANI: No. My final comment is that the process, and I've been through this process many of times, we're presenting a

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project, and it's your opportunity to present restrictions on the project and it's a happy medium. If there are compliance issues, we can address them and put restrictions on store hours, deliveries as far as the Planning Board is concerned. It's hard to understand the process from the outside looking in, but this is the process we're trying to go through to establish those restrictions so that there is a harmonious, you know, habitat that the gas station can live in --

ACTING CHAIRMAN NEMECEK: You heard from the three members of the public who spoke that --

MR. VILLANI: Absolutely.

ACTING CHAIRMAN NEMECEK: -- There is a level of mistrust. I agree with you that this board has the ability to place restrictions on any approval of an application, and certainly we would, but this board is not enforcement body either. So there is some trust that goes into that and we do have ways of enforcing and we do understand, for example, having dealt with the Chester Heights

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1 application just very recently that, yes, there  
2 are certain -- there is only so much changing  
3 of a delivery schedule that you could do,  
4 particularly if you are just one of many gas  
5 stations, for example. Right now you are  
6 operating as a gas station, you're getting  
7 deliveries. I don't know what restrictions the  
8 town imposes on when those deliveries could be  
9 made. It may be that we can do the public a  
10 service here by reaching a deal with you as  
11 part of the application process whereby you  
12 would be restricted from accepting deliveries  
13 other than in a certain band of time.

15 MR. VILLANI: Same with store hours  
16 and noise ordinances and certainly that's our  
17 intention.

18 ACTING CHAIRMAN NEMECEK: I know one  
19 of the concerns that was raised here was one of  
20 increased volume of traffic. I think certainly  
21 there would be an increase volume of traffic  
22 within the particular site. That would be your  
23 hope that there would be an increase in traffic  
24 on site. There wasn't anything I heard from  
25 either of the two consultants that suggested

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1 that there would be any significant increase in  
2 the traffic on Route 22.

4 MR. VILLANI: If anything, an  
5 improvement with the one way traffic.

6 ACTING CHAIRMAN NEMECEK: I guess in  
7 theory there might be a slight -- a very, very  
8 slight bump in the total volume of traffic  
9 because there may be somebody who wouldn't  
10 otherwise have gone out who wants to either  
11 visit the convenience store or the gas station  
12 or both. But I think given the volume of  
13 traffic on that road already, any incremental  
14 increase would be very, very minimal in terms  
15 of Route 22 traffic. Traffic on the site  
16 itself, of course, would be presumably  
17 increased significantly, and that's where  
18 addressing flow, traffic flow, and also hours  
19 of operation and alike we would hope to be able  
20 to reach a combination that would work the best  
21 for everyone.

22 So I think we've heard enough comment.  
23 Gentlemen, do you have any further questions?

24 MR. PULASKI: Well, my view of this  
25 site is I don't think that a fuel station or a

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1 store should be located here. I agree with the  
2 public comments. But a store is located there,  
3 a fuel depo is located there, and that, as  
4 Margaret points out, has to go before the  
5 Zoning Board and the Zoning Board has to make a  
6 decision on whether or not to allow it to  
7 continue.

9 As a planner, I'm looking at it that  
10 if it comes back, that it will continue, how  
11 can we make it the best that we can make it.  
12 So I've taken it off the table as to permitting  
13 it or not permitting it. As far as I'm  
14 concerned, it's there and I just have to make  
15 the best that I can of it.

16 Listening to some of the comments, I  
17 think that lighting issues are solvable,  
18 they're fairly easily solvable. I would just  
19 encourage the present owner, who is now  
20 applying for a permit to remain in business on  
21 this site, to open your eyes and be a good  
22 neighbor. If the neighbors are complaining  
23 about the lights, do something about it. Don't  
24 wait for us to go through a plan review. Same  
25 thing with music. Of all the gas stations I've

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1 visited in Eastchester, I never hear music. I  
2 can certainly appreciate somebody living  
3 nearby, listening to music, and it may not just  
4 be from a gas station it may be from other  
5 places, but it is annoying. You're applying to  
6 the town of Eastchester and you're abusing your  
7 neighbors and that's not good.

9 One of the things I particularly keyed  
10 on as a statement was the traffic, the amount  
11 of traffic on 22, and the problem of just  
12 crossing 22. Usually you look for a traffic  
13 light. You don't try to make that left or that  
14 right to cross 22 except where you see a  
15 traffic light, and then you know that that  
16 light will change and you will have a positive  
17 ability to cross the road. When that road is  
18 really heavy, it's problematic. So my own  
19 druthers is that you won't get a lot of  
20 business from southbound traffic and where  
21 southbound traffic does turn, it's going to  
22 slow down -- it's going to impact flow on 22.  
23 That's my opinion.

24 I think that at times when school is  
25 coming in or departing and the observation that

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 2 school children run, and they certainly do, and  
 3 you have the combination of traffic on 22,  
 4 somebody trying to make a turn across 22, as  
 5 well as trying to watch children that are  
 6 moving targets, I think that there is a  
 7 potential of a problem there. But, again,  
 8 that's not -- the only way to properly solve  
 9 that would be not to have this facility at this  
 10 location.

11 I think the fueling has an ability to  
 12 be set up at more conducive times of the day.

13 As far as the storm water mitigation,  
 14 I'm realizing that this is an old site and so  
 15 it was developed at a time probably before  
 16 there were certain codes. If we were trying to  
 17 develop this right now, we would be putting in  
 18 storm mitigation, we would be sloping the  
 19 asphalt to the drain locations. I would think,  
 20 Margaret or James, on a site like this where  
 21 you have fuel and you have oil, that you would  
 22 have some kind of an oil separator to that  
 23 storm system so that water wouldn't just run  
 24 off the back and seep into the ground, you  
 25 would actually be trying to separate those

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 2 fluids. When I look at this photo and I see  
 3 along this south side, if I was the next door  
 4 neighbor, I don't know if I would like you as  
 5 my neighbor because any water falling on the  
 6 station property looks like it will flow off  
 7 onto the neighbor's property. At the moment,  
 8 that neighbor's property is just the school and  
 9 it's just the grass and nobody's complaining,  
 10 but my druthers would be to put some kind of a  
 11 swale along that edge and bring it back to a  
 12 property line and bring it back to a receiver  
 13 dry well towards the back of the station.  
 14 Those are my comments.

15 **ACTING CHAIRMAN NEMECEK:** I have a  
 16 further comment on music. I would hope that if  
 17 there was a convenience store open, that  
 18 perhaps the presence of a business there might  
 19 inspire the employees to act in a slightly more  
 20 businesslike manner than to be blaring the  
 21 music. That would be a hope. There is, by the  
 22 way, a great opportunity to be had with the  
 23 prices of gas in New Jersey November 1st going  
 24 up to market, which means New Jersey is no  
 25 longer going to be the mecca for cheap gas.

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 2 **MR. PULASKI:** Is it time to address  
 3 some of these as far as curb cut or to wait for  
 4 this to come back?

5 **MS. UHLE:** What I was going to say is,  
 6 the applicant has an e-mail from me that had a  
 7 number of points outlined that were included in  
 8 your notes, they have Mr. Grealy's memorandum,  
 9 they have a comment from the board about the  
 10 signage with regard to one way, Rob had  
 11 mentioned getting Police Department input,  
 12 we've already initiated the process with New  
 13 York State. So I think we don't need to  
 14 reiterate all those things because I think  
 15 that's already documented for the applicant to  
 16 try to incorporate into plans, and then between  
 17 now and the next meeting I could look at some  
 18 of these other issues with regard to lighting,  
 19 music, hours of operation, snow removal, site  
 20 maintenance, deliveries, and try to see how we  
 21 could maybe formulate those into conditions of  
 22 approval. I think the applicant is probably  
 23 pretty well aware of what modifications to make  
 24 to the plan, and then we can look at more  
 25 detail in addressing some of the neighbors'

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 2 concerns.

3 **MR. VILLANI:** My only question is,  
 4 because we do have to go to zoning, can we get  
 5 referred to zoning and address those when we  
 6 come back or how does that work?

7 **MS. UHLE:** No, because --

8 **MR. VILLANI:** It has to be a positive.

9 **MS. UHLE:** What I think the Planning  
 10 Board should do tonight is declare their intent  
 11 to be lead agency and then they may be in a  
 12 position at the next meeting then to refer you  
 13 to the Zoning Board.

14 **MR. VILLANI:** Right.

15 **ACTING CHAIRMAN NEMECEK:** I think  
 16 we're at the point where we could make a  
 17 motion.

18 **MR. PULASKI:** Yes.

19 **ACTING CHAIRMAN NEMECEK:** I make a  
 20 motion that the Planning Board serve as the  
 21 lead agency for the coordinated SEQRA review of  
 22 Application 16-14, 600 White Plains Road for a  
 23 proposed convenience store.

24 **MR. PULASKI:** Second.

25 **ACTING CHAIRMAN NEMECEK:** The proposed  
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1 action is an unlisted action.

2 MR. PULASKI: Second.

3 ACTING CHAIRMAN NEMECEK: All in  
4 favor.

5 (All aye.)

6 MR. PULASKI: Thank you.

7 ACTING CHAIRMAN NEMECEK: You have  
8 your work cut out for you, all right.

9 MR. TUDISCO: Is the public hearing  
10 still open?

11 MS. UHLE: The public hearing remains  
12 open, so you will be able to review the --  
13 sorry -- the public hearing is remaining open,  
14 so when they come back with the revised plan  
15 you're welcome to come up and comment on that  
16 as well.

17 (Question from the audience.)

18 MS. UHLE: It has not been referred to  
19 the Zoning Board yet, so that wouldn't happen  
20 until the beginning of next year actually.  
21 That will be noticed as a public hearing as  
22 well.

23 (Question from the audience.)

24 MS. UHLE: Do you have something that  
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1 we could watch just online? I could forward it  
2 to the Planning Board members.

3 MR. CUNNINGHAM: That would be great.

4 MS. UHLE: So if you give it to me,  
5 I'll forward it to the Planning Board members.  
6 Sounds good.

7 MR. CUNNINGHAM: Absolutely.

8 ACTING CHAIRMAN NEMECEK: Thank you.  
9 The next item of business is Application 16-46,  
10 183 Beech Street.

11 MR. MAIORANO: Good evening, board  
12 members, chair. My name is Adamo Maiorano from  
13 Community Designs on behalf the applicant,  
14 Peter Albano.

15 We are proposing a single family  
16 building at 183 Beech Street. If you recall  
17 from last month's meeting, this is one of three  
18 single family dwellings we are proposing on  
19 this subdivision. In relationship to those  
20 other two homes that we presented last month,  
21 this has very similar principals as the  
22 previous homes. As you see, this is a Tudor  
23 style home. The front elevation will be a  
24 stone veneer on the bottom half and stucco on  
25

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1 the top. The rest of the house will be clad in  
2 HardiePlank siding. The trim soffits will be a  
3 white AZEK and the roofing is an asphalt  
4 shingle roof. The garage door and front door  
5 are as depicted in the front elevation. As far  
6 as lighting, we are going to have two lights on  
7 the front door and one light on the side of the  
8 rear door and two soffit lights above the front  
9 garage door overhang.

10 As far as site conditions, we are  
11 proposing storm water management control as far  
12 as Cultec recharger units in the front and back  
13 that are designed into their tributary area.

14 As far as the condensers, we are  
15 looking at the condensers to left of this  
16 building which is adjacent to other proposed  
17 dwelling away from the neighboring residence.  
18 There was also a concern at the Architectural  
19 Review Board for a tree in the rear. We are  
20 proposing to remove that tree. It was a  
21 concern from the neighbor as well.

22 As far as the street-scape goes, this  
23 is what the house would look like in  
24 relationship to the adjacent neighboring house

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1 to the right and one of our proposed dwellings  
2 to the left.

3 ACTING CHAIRMAN NEMECEK: Tell me  
4 again, because we approved the other two new  
5 constructions in the same subdivision, what was  
6 the concern with this one just --

7 MR. MAIORANO: At the Architectural  
8 Review Board you mean?

9 ACTING CHAIRMAN NEMECEK: Why was it  
10 that we didn't approve all three of them at  
11 once?

12 MR. MAIORANO: Okay. Well --

13 ACTING CHAIRMAN NEMECEK: I know we  
14 heard comments from the public on the sites in  
15 general and water issues and alike. Tell me  
16 what about this particular application was  
17 different?

18 MR. MAIORANO: Just the aesthetic of  
19 the front elevation. There was some more  
20 detailing going on and the Architectural Review  
21 Board wanted us to limit the amount of  
22 detailing on the front elevation. It sort of  
23 shared different characteristics of different  
24 styles, so we zeroed it down to a more specific  
25

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1 style.

2  
3 ACTING CHAIRMAN NEMECEK: The  
4 application as it is before us today, has  
5 incorporated -- has it incorporated all of the  
6 suggestions that the ARB told you to make or  
7 most of them or some nuance version of the two?

8 MR. MAIORANO: Yes, we did. Also,  
9 with this application we tried to address some  
10 of the comments we got back from our town  
11 engineer to, you know, bring it more to what  
12 his concerns were to take care of the site  
13 situation not specific to the elevation  
14 aesthetics, more the site analysis and storm  
15 water and drainage and details that pertain to  
16 the site.

17 ACTING CHAIRMAN NEMECEK: To this  
18 particular application?

19 MR. MAIORANO: Yes. It's a little  
20 more developed than the others, but they all  
21 have kind of similar characteristics.

22 ACTING CHAIRMAN NEMECEK: As to the  
23 aesthetics, because I very much respect and  
24 appreciate the work that our very fine  
25 Architectural Review Board does, if you could

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1 tell me what specific suggestions they made  
2 that you adopted and whether there were any  
3 suggestions that were made which you chose not  
4 to adopt.

5 MS. UHLE: Do you mind if I -- I mean,  
6 really what it boiled down to is this  
7 particular residence had some characteristics  
8 of the Tudor style and craftsman style and  
9 basically the board said, choose one or the  
10 other, and, in fact, a couple of the board  
11 members said, we like the fact that you're  
12 leaning towards the Tudor. So really the  
13 applicant changed the front facade to have more  
14 of a stronger Tudor reference and eliminated  
15 the craftsman reference. That was really the  
16 only concern of the board.

17 Then at the same time, some of the  
18 neighbors spoke on site plan issues related to  
19 this, even though they weren't really ARB  
20 issues, but the applicant already addressed  
21 those with regard to relocating the AC  
22 condenser units so that they're away from an  
23 existing neighbor, cutting down a tree that was  
24 a concern, and then also dealing with storm

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1 water management issues. In fact, our  
2 engineer, Joe Cermele, did meet with the  
3 resident at 185 Beech Street to kind of review  
4 and discuss the storm water management plan,  
5 and I think that was a successful meeting.

6 From the ARB's perspective, it was  
7 really, choose a style and stick with it. They  
8 referred it to you with a recommendation to  
9 approve as submitted in terms of the  
10 aesthetics.

11 ACTING CHAIRMAN NEMECEK: You're  
12 comfortable with it?

13 MR. MAIORANO: Yes.

14 ACTING CHAIRMAN NEMECEK: Good. So  
15 does Mr. Cermele have any comment for us at  
16 this point on this?

17 MS. UHLE: Sure.

18 MR. CERMELE: As you know, the site  
19 plan for this lot is very similar to the two  
20 that you've already -- the comments that we  
21 have for those first two homes were almost  
22 identical on this lot. At this point, he's  
23 addressed the majority of them. We have some  
24 very minor comments that we addressed with

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1 regard to some of the calculations used for the  
2 storm water mitigation, but certainly nothing I  
3 think will rise to any level of any kind of  
4 significance or certainly nothing that I would  
5 envision changing the plan to any substantial  
6 level.

7 We did meet with the neighbor. I  
8 don't want to speak for her. For the record,  
9 she taught me too, and I think half the room at  
10 the last meeting. I think we've satisfied any  
11 concerns that she may have had. The system  
12 that he's designed will mitigate the 50 year  
13 storm. As he said, he's got systems in both  
14 the front and rear of the property to handle  
15 various areas of the building and the drive.

16 At this point, barring these couple of  
17 very minor comments, I'm satisfied with the  
18 site plan. We did witness the soil testing.  
19 He's got good depth to the soils. I don't see  
20 any real concern here.

21 ACTING CHAIRMAN NEMECEK: Okay.

22 MR. PULASKI: Do you have an opinion  
23 why the neighbor that spoke at the last meeting  
24 is having a lot of mucky conditions on her

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property across the street?

MR. CERMELE: You know, I don't. As I explained to her when we met, you know, ground water has its own mind. You don't know what it's thinking until you find it. To add to that, the subdivision behind these properties and what was going on prior to this subdivision, the lay of the land, before it was a subdivision there wasn't any storm water mitigation, so there was probably some effect from that to her property as well as these. Now with the subdivision and that storm water being captured and being taken out the other way, I think that will help. Certainly what they've done with these homes -- and what he's done here is actually on the conservative side. He didn't take any credit here for the existing house. So, you know, when you look at storm water analysis, he did a comparison and you mitigate the net increase. They didn't take any credit for the existing home, so that's another level of protection with this design.

MR. PULASKI: Okay.

ACTING CHAIRMAN NEMECEK: I think the  
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comments that we had heard last month from the neighbor -- you're affectionately known as "the neighbor" -- it was somewhat aspirational. I think she was hoping that somehow having had such good results with the D'Ambrosio development, that maybe she could get lucky and it could happen again. I know the town's sentiment is that they do not want a recurrence of what happened with the D'Ambrosio, because it would simply overwhelm -- if we did that with every development, it would overwhelm the town's sewage system. So the storm water management within the property is certainly the preferred method, and it's comforting to hear from you that this was a conservative approach taken by the applicant, and that, you know, subject to resolving the few minor issues, that it's your belief that this is going to work pretty well.

MS. UHLE: Also, I think -- again not to speak for Ms. Thompson, who's here -- I think she was relieved to hear there is an overflow design that is directed to the street, which I don't think she was aware of. So if

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the dry wells don't have the capacity, it goes into the street drains. And also, I think that she was not necessarily aware of how sort of massive these structures are these days compared to maybe what was installed 15 years ago or so. It's a pretty extensive system that they've installed -- proposing to install.

It's still is public hearing.

ACTING CHAIRMAN NEMECEK: Gentlemen, do you have any comments?

MR. PULASKI: I think the property is very, very attractive, and I'm glad we finally heard from the engineer regarding the storm water treatment because the neighbor was very concerned, rightfully so. So I'm fine with it.

ACTING CHAIRMAN NEMECEK: Okay. I don't know if we ever opened the public hearing. I don't think we did. I think it would be appropriate to do so now. I move to open the public for Application 16-46, 183 Beech Street.

MR. PULASKI: Second.

(All aye.)

ACTING CHAIRMAN NEMECEK: Ms.  
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Thompson, "the neighbor," any further comment? Anyone else?

MS. THOMPSON: Thank you.

ACTING CHAIRMAN NEMECEK: You could thank the applicant too. This is the way the process is supposed to work. I'm glad that you're pleased with the way that it has worked.

So not having any further comments other than a thank you from Ms. Thompson, I move to close the public hearing for Application 16-46, 183 Beech Street.

MR. PULASKI: Second.

ACTING CHAIRMAN NEMECEK: All in favor.

(All aye.)

ACTING CHAIRMAN NEMECEK: It looks like you've done another fine job.

MR. CUNNINGHAM: It's all pretty much covered, and I read the notice from last month and you did a very nice job.

ACTING CHAIRMAN NEMECEK: Thank you for bearing with the process as well and responding. So I move to approve Application 16-46, 183 Beech Street.

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MR. PULASKI: Second.

ACTING CHAIRMAN NEMECEK: All in favor.

(All aye.)

MR. MAIORANO: Thank you very much.

ACTING CHAIRMAN NEMECEK: You will resolve whatever the minor issues are.

MR. MAIORANO: Exactly.

ACTING CHAIRMAN NEMECEK: All the normal -- this is a new construction.

MS. UHLE: The landscape plan.

ACTING CHAIRMAN NEMECEK: Exactly.

You're aware of this. You've done this before.

I know you're working on two right next door.

Thank you.

Next up is Application 16-56, 18 Forbes Boulevard.

MR. DEMASI: Good evening. My name is Lou Demasi. I'm the architect for the applicants, Dawn and Peter Joyce. What we're proposing tonight is a new house on --

MR. PULASKI: Excuse me, can we have some quiet here. Okay, good.

MR. DEMASI: Thank you. So what we're

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proposing is a new house on 18 Forbes. It's a nice neighborhood. There are a lot of eclectic designs. We have a brick house, there's a nice Tudor house and some other, you know, general 1950s houses. So what we're proposing is more of a transitional style home, you know, keeping with the colonial idea and going with a more updated look for the windows, which are going to be like a four over one, and a HardiePlank siding on the top is going to be more of a shingle look, on the bottom is going to be more of a beveled siding. The color for the roof is going to be a charcoal colored asphalt shingle. All the trim is going to be white AZEK to keep down the maintenance, and all the windows themselves will also be white.

We went through the Architectural Review Board without any concerns. They did have some concerns about the -- the Architectural Review Board did bring up some issues about trees and what we're cutting down. A lot of the trees -- four of the trees -- five of the trees actually are coming down on the property. So in order to help concerns with

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the neighbors, we hired a landscape architect who came up with a plan to replace the five trees with five new trees and a well thought out landscape plan, in my opinion. After the meeting, we spoke to the neighbors, went over their concerns, so we tried to address all those concerns.

As far as the site, because this property is on a corner lot, we decided to tuck the new house closer to the Buena Vista Road and move the driveway away from the intersection, which is located right around here, moving it up so it's further away from the corner. It just works better with the house and it's just a safer condition. We will be closing up the old curb cut and we will provide a detail for that.

We're providing also storm water mitigation as done by Hudson Engineering. There were some comments made by Joseph Cermele that we are going to address. I read through them, and I have no problems addressing all the comments that he made. One of them was a really good suggestion of moving a storm water

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Cultec units away from a good spot that could possibly be a playground or pool in the future and moving them there. So this plan doesn't reflect that but the next go around will have those changes in there.

That's basically it on my end. If there are any questions, I would love to answer them.

ACTING CHAIRMAN NEMECEK: Tell me again what the overall increase in the square footage of the house is.

MR. DEMASI: Say that again, I'm sorry.

ACTING CHAIRMAN NEMECEK: The change in the overall square footage of the house.

MR. DEMASI: I don't have the existing house, but I'm thinking it was around 2500 square feet, this is going to be about 4000. The only reason why I'm saying it's a big increase is because the other house was one level. This is the existing house down here. So it is doubling the size, but it's doubling up and not really out as far as the footprint.

ACTING CHAIRMAN NEMECEK: The concern

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1 about the mature trees on the property, the  
2 reason for the removal of those trees is what?

3 MR. DEMASI: The arborist that Peter  
4 Joyce had hired said that they were in poor  
5 condition and they were going to be dead within  
6 a couple of years. So we decided to take them  
7 down now. This is the best time to get a nice  
8 bulk rate to take some of the trees down. It's  
9 never our intention to take trees down. They  
10 love trees as much as everyone else does  
11 because it provides shade for the house and it  
12 gives it a nice mature character. Like I said,  
13 we are replacing those trees.

14 ACTING CHAIRMAN NEMECEK: Okay. Are  
15 any of the trees being removed town trees?

16 MR. DEMASI: There are trees that the  
17 town removed, but we did not remove them.

18 ACTING CHAIRMAN NEMECEK: You wouldn't  
19 be authorized to remove, but did you identify  
20 trees that needed to be removed which were town  
21 trees?

22 MR. DEMASI: I can't answer that.

23 MS. UHLE: A couple of neighbors came  
24 in and expressed concern about trees coming  
25

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1 down. I think there was a general concern  
2 about the two that the applicant was proposing  
3 to take down and at least one that the town  
4 took down. There was just a general concern  
5 about losing the street trees and canopies in  
6 general. So the ARB did ask that the applicant  
7 think about that when creating the landscape  
8 plan, which they did put some Oak trees and  
9 Chestnut trees, and I believe the applicant  
10 also spoke to the Highway Department and they  
11 seemed open to planting additional street  
12 trees. Obviously that's up to them, but that's  
13 the discussion that was started with the  
14 Highway Department.

15 ACTING CHAIRMAN NEMECEK: Fair enough.  
16 Fair enough. Okay. In terms of the design, I  
17 think it looks very attractive.

18 MR. DEMASI: Thank you.

19 MR. PULASKI: What type of finish are  
20 you proposing for the driveway?

21 MR. DEMASI: What type of --

22 MR. PULASKI: Finish.

23 MR. DEMASI: Finish? It's an asphalt  
24 finish. For the driveway you're saying?  
25

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1 MR. PULASKI: Right.

2 MR. DEMASI: Just a blacktop asphalt  
3 finish.

4 MR. PULASKI: You're not considering a  
5 stone or the type of paver that will take storm  
6 water?

7 MR. DEMASI: Not at this time. We  
8 will be taking the water that comes off that  
9 driveway and --

10 MR. PULASKI: I understand that, but  
11 I'm just thinking that house situated where it  
12 is in that neighborhood, that sometimes you see  
13 that type of a paving or that type of a --

14 MR. DEMASI: Pervious pavement, yes.

15 MR. PULASKI: It might be something to  
16 consider.

17 MR. DEMASI: We're not proposing that  
18 with this house.

19 MR. PULASKI: I'm just making the  
20 recommendation that you think about it and  
21 consider it. It's not part of this  
22 application.

23 MR. DEMASI: We will speak to our  
24 engineer and see if it's something that's  
25

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1 economically feasible. Usually it's a little  
2 bit more costly. Since we are taking the water  
3 off the driveway and it's going into the Cultec  
4 system, I think that's the best.

5 MR. PULASKI: I agree.

6 MR. CUNNINGHAM: You said you were  
7 doing a cobblestone apron on it; right?

8 MR. DEMASI: Yes, as an accent  
9 feature, but that's not going to really drain  
10 the water.

11 MR. CUNNINGHAM: I'm just saying  
12 aesthetically it's a nice look that pretty much  
13 goes with the area.

14 MR. DEMASI: Absolutely, yes. We'll  
15 do a nice Belgium block, you know, curb around  
16 the driveway.

17 ACTING CHAIRMAN NEMECEK: Mr. Cermele,  
18 did you have some comments that you could give  
19 us on the storm water or have they did been  
20 reduced to a writing?

21 MR. CERMELE: They're all in my memo.

22 ACTING CHAIRMAN NEMECEK: I don't  
23 think I saw your memo. I saw the Hudson one  
24 but I don't know that I saw yours. I may have  
25

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1 misplaced it.

2 MR. CERMELE: I could go through some  
3 of these.

4 ACTING CHAIRMAN NEMECEK: If you could  
5 for me, as well as your overall conclusions,  
6 that's really what I'm most interested in. It  
7 sounds like the applicant has already taken to  
8 heart one of the suggestions you made regarding  
9 the location of the Cultec units.

10 MR. DEMASI: I gave him that credit.

11 ACTING CHAIRMAN CERMELE: That's  
12 always a good move.

13 MR. CERMELE: The comments that I have  
14 I'm sure he'll be able to address all of them  
15 relatively easily. With regard to the storm  
16 water, we did, again, soil testing here and the  
17 soils were very consistent throughout the site.  
18 We tested three areas around the property  
19 fairly consistent depth, consistent perc rates.  
20 So that led to the consideration to relocate  
21 that system somewhere else where it really  
22 wouldn't be in the way of any future  
23 improvements. I just asked for some additional  
24 dimensioning and grades noted on the plan with

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1 regard to the driveway just to ensure it  
2 complies with zoning code. I do have a comment  
3 in here, but it's probably more of a question I  
4 should have asked. Your code requires a 3 foot  
5 separation from driveways to side lot lines,  
6 and I would imagine the intent is more for  
7 standard lots that are not on the corner, but  
8 because this is a corner lot, that back up area  
9 is within 3 feet of what is a side lot line.  
10 So I guess maybe more of a clarification for me  
11 rather than necessarily a comment.

12 MR. TUDISCO: Would that require a  
13 variance?

14 MS. UHLE: Well, I think it may  
15 require that they redesign it. I think you  
16 could easily redesign that. Jay and I will  
17 look at that.

18 MR. CERMELE: I think it's an easy  
19 fix. If they had their hearts set on leaving  
20 it that way, I don't know if it would  
21 necessitate a variance.

22 MS. UHLE: Yes, if you had your  
23 hearts -- you know what, I'm not sure. I can't  
24 answer that, because even though it's

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1 technically a side lot line because it's  
2 adjacent to a street it may be different. So  
3 we'll look at that. Thank you.

4 MR. CERMELE: That's really the main  
5 points. Some minor, you know, clarify some of  
6 the improvements that are either going to be  
7 removed or maintained. I wasn't quite sure  
8 what was going on in the front left side of the  
9 property with the grading around an existing  
10 tree that I think was proposed to remain.

11 MR. DEMASI: This area here. I'm not  
12 quite sure the engineer chose to regrade this  
13 area. I could find out. If we don't need to  
14 regrade, we won't.

15 MR. CERMELE: Other than the  
16 consideration for the filtration system, some  
17 additional information for the driveways, a lot  
18 of these are just some minor detail comments  
19 that can easily be addressed.

20 ACTING CHAIRMAN NEMECEK: Your overall  
21 conclusion is that the storm water management  
22 plan works?

23 MR. CERMELE: Actually --

24 ACTING CHAIRMAN NEMECEK: To the best  
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1 you could tell?

2 MR. CERMELE: We reviewed the site  
3 plan, we reviewed the storm water analysis as  
4 well. There are some discrepancies we found  
5 that we would like clarified with regard to  
6 overall impervious area. The differences are  
7 aren't that much. Again, if we aired on the  
8 larger footprint, I don't think it would change  
9 substantially, but we would like to have that  
10 clarified. As I mentioned with the prior  
11 application, this applicant is also not taking  
12 credit for the existing home in their storm  
13 water analysis. So they're designing a system  
14 to mitigate the 50 year storm but it's being  
15 analyzed as if the existing house wasn't there.  
16 So it's another added layer of protection.

17 ACTING CHAIRMAN NEMECEK: Okay. Good.  
18 Any further questions for Mr. Cermele?

19 MR. CUNNINGHAM: No, I'm good.

20 ACTING CHAIRMAN NEMECEK: Let's open  
21 the public hearing. So I make a motion to open  
22 the public hearing for Application 16-56, 18  
23 Forbes Boulevard.

24 MR. PULASKI: Second.

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1 EASTCHESTER PLANNING BOARD - 10/27/16  
 2 ACTING CHAIRMAN NEMECEK: All in  
 3 favor.  
 4 (All aye.)  
 5 (No comments.)  
 6 ACTING CHAIRMAN NEMECEK: I see no one  
 7 here to speak for the public, and so in the  
 8 absence of any such voice, I move to close the  
 9 public hearing for Application 16-56, 18 Forbes  
 10 Boulevard.

11 MR. PULASKI: Second.

12 ACTING CHAIRMAN NEMECEK: All in  
 13 favor.

14 (All aye.)

15 ACTING CHAIRMAN NEMECEK: We have the  
 16 concerns that Mr. Cermele raised. Those appear  
 17 to be relatively minor and they could be worked  
 18 out in the --

19 MS. UHLE: A condition of the approval  
 20 would be subject to Mr. Cermele's further  
 21 review and approval and the landscape plan.

22 ACTING CHAIRMAN NEMECEK: We already  
 23 have what looks like a detailed landscape plan,  
 24 but a certification at the end of it that it  
 25 was built as --

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1 MS. UHLE: What we've been doing for  
 2 new construction is having the landscape  
 3 architect provide a letter indicating that what  
 4 was planted is essentially the same as what was  
 5 proposed.

6 ACTING CHAIRMAN NEMECEK: That's a  
 7 condition that we place on all new  
 8 constructions, and this really is effectively a  
 9 new construction.

10 So subject to those conditions, I move  
 11 to approve Application 16-56, 18 Forbes  
 12 Boulevard.

13 MR. PULASKI: Second.

14 ACTING CHAIRMAN NEMECEK: All in  
 15 favor.

16 (All aye.)

17 MR. DEMASI: Thank you for your time.

18 ACTING CHAIRMAN NEMECEK: Next up is  
 19 Application 16-35, 65 Lake Shore Drive.

20 This is where the John Iannacito part  
 21 of our show kicks off.

22 MR. IANNACITO: Good evening. My name  
 23 is John Iannacito. I'm an architect and I'm  
 24 representing Mr. and Mrs. Lengyel this evening.

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1 We are proposing alterations and additions to  
 2 the existing residence located at 65 Lake Shore  
 3 Drive.

4 The proposed scope of work will  
 5 include partial demolition of the existing  
 6 house on the left side here and a two story  
 7 addition, which is highlighted in pink. On the  
 8 right side, we are proposing to remove and  
 9 re-frame the existing roof over the existing  
 10 footprint, which is highlighted in yellow.  
 11 Then we're also proposing site alterations,  
 12 which will include a new circular drive, new  
 13 front walkway, and a new patio at the rear.

14 I'll go through the plans for you. We  
 15 have the first floor on the left side the new  
 16 addition which will have the main living  
 17 spaces, the living room, dining room, kitchen  
 18 and breakfast area. On the right side, a  
 19 reconfiguration of the existing bedrooms and  
 20 bathrooms.

21 The second floor. On the new part of  
 22 the house we have a new master suite on the  
 23 second floor which will consist of a bedroom,  
 24 closet, master bath, and an office/sitting

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1 room.

2 The front elevation and the right side  
 3 showing the two story addition on the left and  
 4 a the reconfiguration of the roof on the right  
 5 side. This is the new roof configuration on  
 6 the right side.

7 Then we have a rendering which shows  
 8 the proposed finish materials on the house. On  
 9 the wall surfaces we're proposing a three coat  
 10 stucco in a gray finish. The principal fields  
 11 will be a medium texture and the banding and  
 12 the trim will be a fine texture. The roof  
 13 surfaces will be a standing seam metal roof in  
 14 a black finish. The windows will be vinyl clad  
 15 in a black finish. The trim boards at the  
 16 soffits and at the rakes will be AZEK painted  
 17 to match the roof. The window trim will be  
 18 stucco to match the wall colors. The gutters  
 19 will be aluminum; at the top they'll be black  
 20 to match the roof and then the liters will be  
 21 gray to match the wall surfaces. The garage  
 22 doors will have black aluminum frames with  
 23 glass panels.

24 The application was presented to the

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1 Architectural Review Board on October 6th and  
2 it was approved with no further comments.  
3 Thank you and I'm happy to answer any  
4 questions.

5 ACTING CHAIRMAN NEMECEK: Are the  
6 gutter and the liters not shown in the  
7 illustration here?

8 MR. IANNACITO: The liters are not  
9 shown on the rendering.

10 ACTING CHAIRMAN NEMECEK: That could  
11 have changed to whole -- it doesn't look so  
12 great there.

13 MR. IANNACITO: It will be the same  
14 color as the stucco.

15 MR. CUNNINGHAM: Are you blacking  
16 those out behind the -- it's pretty unique, the  
17 garage doors, will you put glass in them?

18 MR. IANNACITO: They're glass but  
19 they're not clear glass. They come in a couple  
20 of different versions. This one will have a  
21 little texture to it to provide some privacy.

22 MR. CUNNINGHAM: You won't be able to  
23 see right into them?

24 MR. IANNACITO: You won't be able to

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1 see right in, right.

2 MR. CUNNINGHAM: It's a very nice  
3 look.

4 MR. IANNACITO: Thanks.

5 MR. CUNNINGHAM: It's very unique.

6 ACTING CHAIRMAN NEMECEK: This is a  
7 pretty significant increase in terms of the  
8 footprint, as well as it more than doubles the  
9 square footage of the home. It doubles the  
10 footprint; right? Is this principal building  
11 coverage?

12 MR. IANNACITO: We go from 1801 to  
13 2502.

14 ACTING CHAIRMAN NEMECEK: I'm sorry,  
15 I'm looking at the 3602. Yes, I'm sorry, it's  
16 2502. Okay.

17 MR. IANNACITO: I think the impervious  
18 surface is going from 3807 to 5556, and we will  
19 be installing seven dry wells for the runoff.

20 ACTING CHAIRMAN NEMECEK: Are there  
21 any existing dry wells?

22 MR. IANNACITO: Probably not.

23 ACTING CHAIRMAN NEMECEK: I would  
24 think not.

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1 MR. IANNACITO: We'll have drains at  
2 the foot of the driveway, the circular drive,  
3 drains at the rear patio, and then all the  
4 liters will go into the dry wells also.

5 ACTING CHAIRMAN NEMECEK: I'm  
6 perfectly content to open a public hearing. I  
7 move to open the public hearing for Application  
8 16-35, 65 Lake Shore Drive.

9 MR. PULASKI: Second.

10 ACTING CHAIRMAN NEMECEK: All in  
11 favor.

12 (All aye.)

13 (No comments.)

14 ACTING CHAIRMAN NEMECEK: No members  
15 of the public being present to comment or  
16 willing to comment, I move to close the public  
17 hearing on Application 16-35, 65 Lake Shore  
18 Drive.

19 MR. PULASKI: Second.

20 ACTING CHAIRMAN NEMECEK: All in  
21 favor.

22 (All aye.)

23 MR. PULASKI: So I ask you the same  
24 question I asked the previous applicant: What

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1 are you considering for your finish in the  
2 driveway?

3 MR. IANNACITO: Driveway. It may be  
4 one or the other.

5 MR. PULASKI: I just speak  
6 encouragement that, you know, you're in a  
7 beautiful neighborhood and I'm sure you're  
8 paying a lot of money for this house, and I  
9 think some treatments in the driveway other  
10 than just your standard asphalt enhance the  
11 whole look. But it's not a requirement.

12 ACTING CHAIRMAN NEMECEK: Again, it  
13 looks like another fine piece of work and I  
14 will move to approve Application 16-35, 65 Lake  
15 Shore Drive.

16 MR. PULASKI: Second.

17 ACTING CHAIRMAN NEMECEK: All in  
18 favor.

19 (All aye.)

20 MR. IANNACITO: Thank you.

21 MR. CUNNINGHAM: Very nice job. Good  
22 luck.

23 ACTING CHAIRMAN NEMECEK: Switch hats  
24 now. Thank goodness we got rid of that

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1 Iannacito fellow.

2 MS. UHLE: Not yet.

3 MR. IANNACITO: Good evening, again.

4 John Iannacito, architect. I'm representing  
5 Mr. Herb Lindstrom, the owner of Cooked &  
6 Company located at Garth Avenue or Garth Road.

7 We are proposing interior alteration and  
8 expansion of the existing restaurant of a Type  
9 I food service establishment into an adjacent  
10 tenant space which was previously used as a  
11 dental office.

12 The proposed expansion will increase  
13 the gross floor area of the restaurant from  
14 1,038 square feet to 2,049 square feet, an  
15 increase of 1,011 square feet. I've  
16 highlighted on the plan here the existing  
17 restaurant, which is highlighted in pink, and  
18 then the new portion of the restaurant which  
19 was previously the dental office.

20 We are here this evening for a  
21 preliminary review and we are requesting the  
22 following:

23 First is an amendment to the existing  
24 special permit, and second is a referral to the

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1 Zoning Board for a variance. The existing  
2 property is currently non-conforming with  
3 respect to the current zoning law. The front,  
4 rear, side setbacks are all non-conforming and  
5 will not be changed. The building coverage is  
6 non-conforming and will not be changed. The  
7 total number of off street parking spaces is  
8 also non-conforming, and the expansion will  
9 increase the deficiency by one parking space.

10 The existing parking currently  
11 requires 13 spaces for the restaurant and the  
12 dental office and zero are provided. The  
13 expansion will require 14 spaces and zero will  
14 also be provided. On the individual standards  
15 and requirements for a food service  
16 establishment, the nature of the operations and  
17 the access to the existing establishment will  
18 not be changed, will remain as existing. The  
19 scope of work will be completely internal.  
20 There will be no change to the exterior of the  
21 building. The existing roof top HVAC system  
22 and the kitchen exhaust hood will remain and  
23 will be reused. The waste an recycling are  
24 currently stored in receptacles at the back of

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1 the building, which is located here on the  
2 Grayrock side of the building, and the waste  
3 and recyclables are picked up twice a week by a  
4 private company. Deliveries are currently made  
5 through the front of the building either right  
6 at the main entrance or at the side entrance.  
7 It depends on the size of the delivery for that  
8 day.

9 ACTING CHAIRMAN NEMECEK: And that  
10 would not change; right?

11 MR. IANNACITO: That would not change.

12 ACTING CHAIRMAN NEMECEK: The garbage  
13 pick up, that wouldn't change either?

14 MR. IANNACITO: That wouldn't change  
15 either, correct.

16 Finally, there will be a change in the  
17 hours of operation. The restaurant is  
18 currently open seven days a week and it will  
19 continue to be open seven days a week.  
20 Currently, the hours of operation are Monday  
21 and Friday 10 a.m. to 4:30 p.m.; Tuesday,  
22 Wednesday, and Thursday 10 a.m. to 6:30 p.m.;  
23 Saturdays and Sundays 9 a.m. to 3:30 p.m. The  
24 new hours of operation from Sunday through

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1 Thursday will be 8 a.m. to 7:30 p.m. and on  
2 Fridays and Saturdays 8 a.m. until 10:30 p.m.

3 ACTING CHAIRMAN NEMECEK: Why the  
4 change in the hours of operation?

5 MR. IANNACITO: Currently, they don't  
6 serve dinner there. It's more small orders and  
7 they don't have that much seating. The only  
8 seating they have is right in this front  
9 corner. So with the expansion, they're going  
10 to be a put a bar here with seating for dining  
11 and tables and also expand the kitchen. The  
12 kitchen they're going to expand right behind  
13 the existing kitchen so that they could keep  
14 the suppression system in a similar location.

15 ACTING CHAIRMAN NEMECEK: But it's  
16 still going to be closing at 7:30 five days a  
17 week?

18 MR. IANNACITO: Yes. Only on Fridays  
19 and Saturdays they'll stay open late.

20 ACTING CHAIRMAN NEMECEK: Okay. So  
21 what meals will they be serving on Sunday  
22 through Thursday?

23 MR. IANNACITO: Well, I guess they're  
24 just doing early dinner instead of late dinner.

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1 I guess they may change that if it becomes  
2 increasingly popular and they need to be open  
3 more hours.

4 ACTING CHAIRMAN NEMECEK: But the  
5 thought is to serve dinner on Friday an  
6 Saturday?

7 MR. IANNACITO: Also on the other days  
8 but, yes, early dinners, yes. That's what he  
9 told me the hours were going to be. Maybe he  
10 didn't think about it too much. You would  
11 think he would want to stay open a little bit  
12 later.

13 ACTING CHAIRMAN NEMECEK: It just  
14 seems that 7:30 -- either you're going to close  
15 earlier or later, 7:30 seems like you're going  
16 to --

17 MR. IANNACITO: They're open until  
18 6:30 now and I think people come in, grab  
19 something that's prepared and take it home. So  
20 their idea is someone will do the same thing  
21 except eat it in-house instead of going home.  
22 That could change. We don't want to restrict  
23 the hours to this. I think it's probably safe  
24 to say 10:30, 11:00 the latest that they would

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1 ever be open.

2 MR. PULASKI: So we have to recommend  
3 this?

4 ACTING CHAIRMAN NEMECEK: We open a  
5 public hearing on this?

6 MS. UHLE: Yes, open the public  
7 hearing, and then it doesn't look like anyone  
8 is here, and then you could make a referral to  
9 the Zoning Board.

10 ACTING CHAIRMAN NEMECEK: I would say  
11 there are people here. I count them as people.

12 MR. CUNNINGHAM: Patiently waiting.

13 ACTING CHAIRMAN NEMECEK: They may not  
14 have comments on this particular application.

15 MR. PULASKI: Maybe you should take  
16 call-ins.

17 ACTING CHAIRMAN NEMECEK: That's an  
18 excellent idea.

19 MR. PULASKI: Our huge audience.

20 ACTING CHAIRMAN NEMECEK: I think we  
21 should take Twitter feeds too.

22 I move to open the public hearing on  
23 Application 16-60, 134 Garth Road.

24 MR. PULASKI: Second.

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1 ACTING CHAIRMAN NEMECEK: All in  
2 favor.

3 (All aye.)

4 ACTING CHAIRMAN NEMECEK: Any members  
5 of our public hearing want to make a comment?  
6 I don't think so. This is going to be  
7 referred?

8 MS. UHLE: It's going to be  
9 referred to the -- well, referred to the Zoning  
10 Board and then come back to you for the special  
11 permit. So you could keep it open.

12 ACTING CHAIRMAN NEMECEK: I would  
13 leave it open.

14 MR. IANNACITO: One less publication.

15 ACTING CHAIRMAN NEMECEK: So we --

16 MS. UHLE: So the only thing you need  
17 to do is refer it to the ZBA. There is no  
18 SEQRA action or anything on this one. You will  
19 do that when it comes back to you and the  
20 Zoning Board will be do that independently as  
21 well.

22 ACTING CHAIRMAN NEMECEK: So we refer  
23 it to the Zoning Board?

24 MS. UHLE: For consideration of the  
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1 are variance for one parking space.

2 ACTING CHAIRMAN NEMECEK: As Margaret  
3 just said, I move to refer Application 16-60,  
4 134 Garth Road, to the Zoning Board of Appeals  
5 for consideration of a proposed variance for  
6 one parking space.

7 MR. PULASKI: Second.

8 ACTING CHAIRMAN NEMECEK: All in  
9 favor.

10 (All aye.)

11 MR. IANNACITO: Great. Thank you.

12 ACTING CHAIRMAN NEMECEK: Good luck.  
13 Finally, we have Application 16-61, 249 Main  
14 Street.

15 MR. SYSAK: Good evening, Chairman,  
16 members of the board. My name is Paul Sysak.  
17 I'm from JMC Planning & Engineering  
18 representing Really Big Fish, LLC in their  
19 application for site plan approval for a  
20 multi-family development located at 249 Main  
21 Street. I'm joined here tonight with Greg  
22 Holcombe of Really Big Fish, LLC and Nima  
23 Badaly of Badaly Architects.

24 This is our first meeting before your

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1 board. We would just like to introduce the  
2 project to you and begin the review process. I  
3 will get into this a little bit later at the  
4 end of the presentation, but we're going to be  
5 asking for a referral from your board to the  
6 Zoning Board of Appeals for some minor area  
7 variances. It is our hope that at the end of  
8 this presentation, your board will be in the  
9 position to declare yourselves lead agency and  
10 potential scheduling a site visit if you would  
11 be interested in that.

12 So without any further ado, the  
13 property is located -- this is a little  
14 shaky -- at 249 Main Street. It is bordered by  
15 Tuckahoe Avenue to the north and Jackson Avenue  
16 to the south. It is in the RB retail business  
17 zoning district. It's .35 acres. It's  
18 currently developed with a single family  
19 residence with a detached garage. It has two  
20 curb cuts; one on the north side of the  
21 property, one on the south side of the property  
22 leading onto Main Street. Main Street is also  
23 a county road, 6911, just for your information.

24 The proposed property or the proposed

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1 project includes the demolition of the existing  
2 residence and all of the improvements on the  
3 property, including the garage and a series of  
4 driveways that lead up to it, and we propose a  
5 four story, multi-use building. The first  
6 story or ground level story will be  
7 approximately 3,585 square feet. That's pretty  
8 precise, actually, so not approximately.  
9 That's the number of retail/commercial use that  
10 will be used. Stories two through four, the  
11 top three levels will be multi-family apartment  
12 rental units that will vary from studio  
13 apartments to one bedroom apartments and some  
14 two bedroom apartments.

15 The parking will be via a parking  
16 structure under the building. There will be --  
17 the right side driveway right here will be two  
18 way traffic, will lead under the building, and  
19 there will be parking under the building here,  
20 as well as the surface parking that you see  
21 over here. The left side will also be above  
22 ground on-grade parking, and it is our -- we  
23 anticipate that the below grade parking will be  
24 used primarily by the residents that will be

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1 renting the units since it's a little bit more  
2 private and secure, and the above ground  
3 parking will be used by the people going to be  
4 the commercial and retail space.

5 I mentioned that Main Street is a  
6 county roadway, and right now they did a little  
7 bit of sidewalk improvements along that road  
8 but there's some overgrown trees and there's  
9 some sidewalk in disrepair that we feel as part  
10 of this application we'll be removing some of  
11 those trees because they're overgrown and we're  
12 introducing some planters on the frontage as  
13 well. So I think that -- this is actually  
14 the -- I don't believe I mentioned it, but this  
15 is the Waverly Heights section of Eastchester,  
16 and while reading your comprehensive plan while  
17 we were filling out the EAF applications, that  
18 this was an opportunity that the town was  
19 looking to explore for redevelopment. So we  
20 feel that that's in line with the proposed  
21 comprehensive plan that you guys have.

22 I did mention that we had some minor  
23 area variances that we're applying for. I can  
24 go through that list now if you would like.

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1 **ACTING CHAIRMAN NEMECEK:** Yes, please.

2 **MR. SYSAK:** Okay. The width of the  
3 driveways is the first variance that we're  
4 seeking relief from. It's minor in nature.  
5 Where 12 foot is required for parking lots that  
6 have, I believe, less than 30 spaces in them,  
7 which is the case for both of these parking  
8 lots since they're bisected from one another  
9 and not connected, the lower parking area has  
10 23 proposed parking spaces so that would be  
11 considered and we have 18 on surface, so we  
12 actually have narrower than 12 feet. We're  
13 asking for approval for a 10 and a half foot  
14 wide driveway in both driveway situations.

15 **ACTING CHAIRMAN NEMECEK:** These are  
16 two way driveways?

17 **MR. SYSAK:** They are two way  
18 driveways.

19 **ACTING CHAIRMAN NEMECEK:** Is it  
20 envisioned that only one car at a time will be  
21 using it?

22 **MR. SYSAK:** Yes, and I believe that's  
23 the way that the town code was anticipating  
24 with smaller parking lots it would be a lower

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2 volume.

3 ACTING CHAIRMAN NEMECEK: They have a  
4 powerful grasp of the obvious.

5 MR. SYSAK: However, you know, there  
6 is that situation where we're exploring ways to  
7 visually show people that maybe someone is  
8 coming down since there might be some concerns  
9 from the board or possibly the traffic engineer  
10 on what's going to happen when someone's coming  
11 out and, you know, someone's pulling in. So  
12 we're looking at some electronic devices that  
13 show visually, okay, you can go now and things  
14 like that.

15 ACTING CHAIRMAN NEMECEK: I don't know  
16 if you were here at the beginning of the  
17 meeting when we were dealing with the gas  
18 station that I think it was 600 --

19 MR. CUNNINGHAM: 600 White Plains  
20 Road.

21 ACTING CHAIRMAN NEMECEK: -- White  
22 Plains, and one of the suggestions there was --  
23 made by the town's traffic consultant -- was to  
24 introduce a flow, you know, where you have one  
25 way in and one way out, you know, not

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2 dissimilar to what you have here where you have  
3 two curb cuts. For that particular  
4 application, I think the board felt there was  
5 virtue having a flow like that, a  
6 counterclockwise flow. Have you given  
7 consideration to doing a similar -- because you  
8 could have one driveway as an entrance, the  
9 other as an exit; and if so, would that still  
10 require you to get the variance?

11 MR. SYSAK: Most likely, yes, because  
12 the right driveway goes down under the  
13 building. It's not a connected flow how it  
14 works. So one driveway services the lower  
15 parking level and the other services the upper,  
16 so there's really no opportunity for that.

17 ACTING CHAIRMAN NEMECEK: Got it.  
18 Never mind.

19 MR. SYSAK: Which brings me to the  
20 next variance that we're seeking. The slope of  
21 the access driveway on the right side going  
22 down into the garage, since we have to deal  
23 with getting down below, your code permits 7  
24 percent, I believe, maximum for a driveway, and  
25 we're seeking -- the fastest we could get down

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2 with providing the platform flat area would be  
3 15 percent. So that is something that we would  
4 be seeking from the Zoning Board.

5 The next one would be -- while we're  
6 on parking -- going through the calculations  
7 based on the uses, the mixed uses in the  
8 building, 54 parking spaces have been  
9 calculated that are required, we're providing  
10 41. As mentioned, there's 23 below and 18 on  
11 the surface. So that would be a variance of 13  
12 parking spaces that we would be asking the  
13 Zoning Board to consider.

14 Also, a loading space is not provided  
15 on site, which there's one required for the  
16 square footage that we have for the commercial  
17 space, although there is parallel parking on  
18 Main Street that may be considered just to use  
19 for deliveries for a temporary drop off.

20 There's a minor request for some  
21 spacial relief on some of the length and width  
22 on some of the parking spaces that are below  
23 grade just due to some of the column layout. I  
24 think we're a foot short on some of the width  
25 and length on some of those. But then again,

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2 these are going to be non-transient parking  
3 spaces, which means that the people that are  
4 going to be parking in these spaces are going  
5 to be parking in them every day. They're going  
6 to be used to parking in the same spot because  
7 they're going to be for the residences. So you  
8 might consider that as a litter easier than  
9 someone coming in there blindly just trying to  
10 park.

11 The next one is a minor one, it's the  
12 platform area. Your code requires that an area  
13 of 3 percent or less be provided within 20 feet  
14 of the edge of the roadway, which we do  
15 provide; however, it also includes that it must  
16 be provided 15 feet from the right-of-way line  
17 and that takes us almost halfway down this  
18 15 percent slope into the garage. So that is  
19 something that has to be worked out with the  
20 ZBA.

21 Also, the building height, where  
22 45 feet is required, I think with the  
23 parapets -- Nima, correct me if I'm wrong --  
24 we're asking for -- the proposed height of the  
25 building is 51 feet. So it's a little bit

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2 taller just due to the parapets of the  
3 building.

4 So it's a list, but we feel that these  
5 can be considered from the ZBA.

6 MS. UHLE: As I indicated in my  
7 meeting notes, the applicant has identified  
8 this, and I think they did do a good job of  
9 trying to be very thorough, Mr. King is still  
10 reviewing, and I do think that the number and  
11 extent may change somewhat, but definitely  
12 prior to the next meeting we'll have that  
13 locked down. I want to make sure that you're  
14 calculating building heights the same way we  
15 calculate building heights. Anyway, I mean, I  
16 think this is very close but just a heads up it  
17 may change.

18 MR. SYSAK: We haven't received any  
19 formal comments yet. We did get the green  
20 light to coordinate with the consulting  
21 engineer on storm water and things like that  
22 but we have not yet, so we will be in touch.  
23 Nima Badaly from Badaly Architects.

24 MR. BADALY: Good evening, Nima Badaly  
25 from the Badaly Architects. I'm the project

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2 architect.

3 Just to have a little overview as to  
4 how I designed the site, bring a few things to  
5 your attention what was really important while  
6 I was designing it. One of the major concepts  
7 for this design is, how can I provide as much  
8 parking space as possible for this site. The  
9 idea that came upon me was, you know, instead  
10 of just providing the parking space to the back  
11 of the property, as usually is, let me go down  
12 and put a huge parking lot in that entire  
13 basement. Coming down I have all this area  
14 underground and I'm going to have basement  
15 parking. As a result of that, a few of these  
16 minor zoning variances are required. I do have  
17 12 feet from the building to the property line,  
18 but I need a foot for a retaining wall to the  
19 side by where the fire station is. So that's  
20 why it becomes really 11 foot. On the other  
21 side, there is some encroachment from the next  
22 door property. That's why I just want to  
23 explain where these variances really come from.

24 The other item, as far as the height  
25 is concerned, actually, the height of the

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2 building -- when you look at the building, the  
3 height of the building is under 41 feet. It's  
4 below, way below the maximum height permitted.  
5 What does take it above is this bulkhead, which  
6 is way behind in the middle of the building.  
7 Basically you don't see it from the street or  
8 anywhere. That's what makes us have a required  
9 variance for the height.

10 So that's why I just wanted to mention  
11 that the nature of the variances the way I  
12 designed this I really tried very hard to  
13 comply with every part of the zoning, but if I  
14 am going to the basement and provide -- you  
15 know, that brings me another 23 parking spaces.  
16 So that requires driveway pitches more like  
17 what you see in more urban areas. When we're  
18 talking about 7 percent driveway, we're looking  
19 at suburban design, we're looking at places  
20 where there are more open spaces. Main Street  
21 in Eastchester is much more dense, is much more  
22 characteristic of an urban area than as much of  
23 a suburban area. So that's why I could justify  
24 that, you know, having a basement parking is a  
25 good idea in this place, you know, it's not as

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2 open as other places.

3 So having said that --

4 ACTING CHAIRMAN NEMECEK: I think that  
5 had you not included the basement parking, you  
6 would be facing some really significant issues  
7 because -- I think you know because you're the  
8 architect on the Jackson age restricted  
9 housing -- you know this area pretty well. I  
10 know this board has just within the past couple  
11 of years encountered a few applications, the  
12 Ciao application was one of them. I know that  
13 the description of the parking situation at  
14 Ciao was hellish. I know they had a system of  
15 valet parking and alike. I know parking is at  
16 a premium here. I know you mentioned Main  
17 Street as being characteristic of -- perhaps  
18 more characteristic than other parts of the  
19 town -- having a more urban characteristic, but  
20 this still is the suburbs and that is a  
21 characteristic that I think the members of this  
22 board certainly value. So I can tell you it's  
23 with some skepticism that we face what looks  
24 like -- it struck me of all days today you're  
25 coming before us for the first time with an

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2 application that is for -- how many units of  
3 housing?

4 MR. BADALY: 18 units.

5 ACTING CHAIRMAN NEMECEK: 18 units of  
6 housing on the same size property that we have  
7 seen two applications today for single family;  
8 one on Forbes and the other on Lake Shore  
9 Drive. Granted they're in different areas with  
10 different zoning.

11 I think the applicant understands that  
12 this is something of a departure and we  
13 certainly will listen and evaluate, as we do  
14 with every application, how does it fit in with  
15 the character of the neighborhood of  
16 Eastchester, is it good for the town, and  
17 certainly I do commend you for being  
18 imaginative in generating parking spaces,  
19 because that's a really major concern here and  
20 I think you know that.

21 Gentlemen, do you have any questions?

22 MR. CUNNINGHAM: Yes. I have a  
23 question about the bulkheads. On your  
24 elevation and stuff you're showing two stair  
25 bulkheads, I see there's an elevator there, is

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2 it a hydraulic elevator?

3 MR. BADALY: The elevator will have a  
4 bulkhead also, but it's lower than the stair  
5 bulkhead. Usually the traction elevators have  
6 a higher -- they require up to 15 feet higher  
7 above the roof. This is either going to be  
8 hydraulic or most probably what we call a  
9 machine room less elevator which only goes  
10 above the roof about 4 feet.

11 MR. PULASKI: Just at first glance, I  
12 agree with your assessment of needing some type  
13 of signaling on the driveway. It's a long  
14 driveway. One of the problems I see is that  
15 you could be coming down Main Street, you have  
16 some traffic behind you, you start to make the  
17 right-hand turn into the driveway, and you now  
18 notice that there's a car coming up the  
19 driveway; how do you back up; what do you do at  
20 that point? So you have to know before while  
21 you're still on Main Street so you could stop  
22 and let that car clear coming up the driveway.  
23 If it were to occur further down the driveway,  
24 then it becomes hard because it's a long  
25 driveway, it's narrow, and trying to back up

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2 that driveway would not be good, but I assume  
3 that you could work something out.

4 MR. BADALY: Yes. Actually, we have  
5 already started, and I think it's just about  
6 done, a detailed traffic study, a part of which  
7 is the signaling system, detection system that  
8 automatically does that. I'm going to leave  
9 that -- as he was explaining -- I'm going to  
10 leave the full explanation of that to the  
11 traffic engineer when he presents here, but we  
12 fully have comprehend that that is a major  
13 concern and it will be fully addressed.

14 MR. PULASKI: Looking at some of the  
15 variances that you pursue, I believe that  
16 there's one in there where you have a 9 foot  
17 space and your space is up against like a  
18 concrete wall or a masonry wall or a column and  
19 the code requires an additional foot there.

20 MR. BADALY: You're absolutely right,  
21 that is another variance we require.

22 MR. PULASKI: Just being a user of  
23 public parking spaces, when you're making that  
24 turn into a space and you have a concrete -- a  
25 masonry wall, you don't want to scrape that

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2 wall and that extra foot there is very nice.  
3 So I mention that from -- I know that it's the  
4 Zoning Board that will decide it, but I see it  
5 as a quality of life item, a quality of your  
6 building to your residents.

7 MR. BADALY: When we go before the  
8 Zoning Board -- I also agree with you -- I will  
9 give that option to the Zoning Board members  
10 saying that, hey, we can provide that extra  
11 foot here -- it's not just one location, it's a  
12 few locations -- that we can at the expense of  
13 eliminating one space this side, one space that  
14 side. It's a give and take. So between the  
15 members of Planning Board and the members of  
16 Zoning Board, you have to see really -- to me,  
17 I presented it that way because I felt, you  
18 know, personal choice I would rather see one  
19 space and have 9 foot here. That was my person  
20 choice. But I fully understand your viewpoint,  
21 very valid, and if the town officials and  
22 yourself feel that's the way to go, then we  
23 eliminate one space.

24 MR. PULASKI: I think going forward --  
25 I know this is just preliminary -- I think

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 2 going forward usually we see this building and  
 3 then we see a drawing with the adjacent  
 4 buildings so that you could see the  
 5 relationship of height, you could see some of  
 6 the relationship of design, though it's more  
 7 height than design. I do think it's nice that  
 8 you're trying to make valuable use of a piece  
 9 of property in this manner, but I think there's  
 10 a lot that we have to work out.

11 ACTING CHAIRMAN NEMECEK: With respect  
 12 to the commercial operations, how many  
 13 different business offices?

14 MR. BADALY: At the moment, there is  
 15 no plan. We just have one open space. Really,  
 16 the market will dictate it. As is the case,  
 17 when a tenant comes, there is a very good  
 18 chance that they may have to come back before  
 19 this board depending on the specifics of the  
 20 use.

21 ACTING CHAIRMAN NEMECEK: Is there any  
 22 possibility that this would be considered for  
 23 use as a restaurant?

24 MR. BADALY: There is a possibility  
 25 for any use, but I'm sure if it is a

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 2 restaurant, they come before you and you're  
 3 going to review it in full.

4 MR. PULASKI: So where does this go,  
 5 Margaret?

6 MS. UHLE: This is very preliminary.  
 7 It was an introduction to the board. Actually,  
 8 I haven't forwarded any notes yet to the  
 9 applicant, but I did do a thorough review. So  
 10 what I thought maybe we could do next is  
 11 coordinate maybe a meeting with town staff and  
 12 even get Highway and Police and Fire Department  
 13 all in the same room to kind of cover some  
 14 issues. I have some comments and questions on  
 15 the EAF. We're just now initiating the review  
 16 by our traffic engineer. I don't believe you  
 17 prepared a storm water management plan yet.  
 18 Joe Cermele will be reviewing the storm water  
 19 management plan. So it really is just kind of  
 20 now getting the information together, getting  
 21 it to the appropriate consultants and town  
 22 staff to review. You can declare your intent  
 23 to the lead agency and then it will definitely  
 24 be back next month and hopefully with more  
 25 information.

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 2 ACTING CHAIRMAN NEMECEK: And it will  
 3 be a public hearing?

4 MS. UHLE: Yes. Actually, I think you  
 5 can and would probably like to request that  
 6 they notice for a public hearing at the next  
 7 meeting when they come back.

8 MR. SYSAK: Absolutely.

9 MS. UHLE: I can talk about that with  
 10 the applicant.

11 ACTING CHAIRMAN NEMECEK: I know the  
 12 great Chairman Bonanno is not here tonight, but  
 13 I know under his regime it has been a policy, I  
 14 think a good one, to try to get the public  
 15 involved at the earliest possible time when it  
 16 comes to particularly applications of a certain  
 17 magnitude and I think this qualifies. So, yes,  
 18 I would second Margaret's recommendation that  
 19 you notice a public hearing for the next time.

20 MR. SYSAK: Sure.

21 ACTING CHAIRMAN NEMECEK: I make a  
 22 motion that the Planning Board serve as the  
 23 lead agency for the coordinated SEQRA review of  
 24 Application 16-61, 249 Main Street, for a  
 25 proposed mixed use development, and the

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 2 proposed development is an unlisted action.

3 MR. PULASKI: Second.

4 ACTING CHAIRMAN NEMECEK: All in  
 5 floor.

6 (All aye.)

7 ACTING CHAIRMAN NEMECEK: So we're the  
 8 lead agency. You have your marching orders, so  
 9 coordinate certainly with the Building  
 10 Department.

11 MS. UHLE: If you want to give me a  
 12 call tomorrow or Monday and we'll coordinate  
 13 some meetings.

14 MR. SYSAK: Okay. Thank you very  
 15 much.

16 MR. PULASKI: One more thing going  
 17 along with the heights, comparing the heights.  
 18 Something that this board did on a prior job  
 19 was they studied the heights going up, the  
 20 floor to deck. You have an elevation, you have  
 21 what the second floor is, the third floor, the  
 22 fourth floor, but we don't know what that deck  
 23 thickness is. So we don't really know what the  
 24 ceiling height is going to be. We'll want to  
 25 add it up as it goes up so that we know that

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 2 you are conserving as much space as you can to  
 3 try to mitigate the height variance.

4 MR. BADALY: The floor to floor height  
 5 of this building is 10 feet, so the ceiling  
 6 floor to --

7 MR. PULASKI: I really don't want to  
 8 get into details at this point. I'm just  
 9 saying that this plan is just very brief.  
 10 We'll want to see it so that we could really  
 11 add it up and we could have a good conversation  
 12 about it. Thank you.

13 ACTING CHAIRMAN NEMECEK: Because as  
 14 part of your request for variances, I think you  
 15 have to demonstrate that you're asking for the  
 16 least variance that you need in order to  
 17 accomplish your goals. So I agree with Mr.  
 18 Pulaski. All right, I think that's it. We'll  
 19 see you presumably December 1st?

20 MS. UHLE: If they're ready at that  
 21 point. Our next meeting is actually Thursday,  
 22 December 1st because it normally would have  
 23 been on Thanksgiving. So it's delayed a week,  
 24 Thursday, December 1st.

25 ACTING CHAIRMAN NEMECEK: And I do  
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1 want to wish our sizable viewing audience and  
 2 all the members of the Building Department a  
 3 very happy Thanksgiving. You too, Rob.

4 With that, I move to close the town of  
 5 Eastchester Planning Board meeting of October  
 6 27th, 2016.

7 MR. PULASKI: Second.

8 ACTING CHAIRMAN NEMECEK: All in  
 9 favor.

10 (All aye.)

11 (MEETING ADJOURNED.)

**DINA M. MORGAN, REPORTER**

## EASTCHESTER PLANNING BOARD - 10/27/16

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

1 STATE OF NEW YORK )  
 2 ) Ss.

3 COUNTY OF WESTCHESTER)  
 4

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

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

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

18 IN WITNESS WHEREOF, I have hereunto set  
 19 my hand this 15th day of November, 2016.

20  
 21  
 22  
 23  
 24  
 25

**DINA M. MORGAN**  
 Court Reporter  
**DINA M. MORGAN, REPORTER**

## EASTCHESTER PLANNING BOARD - 10/27/16

## CORRECTION SHEET

PAGE

CORRECTION

DINA M. MORGAN, REPORTER