

## TOWN OF EASTCHESTER

## BUILDING AND PLANNING DEPARTMENT

## TRANSCRIPT OF

## TOWN OF EASTCHESTER PLANNING BOARD MEETING

DECEMBER 1, 2016

JAN 06 2017

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

## BOARD MEMBERS IN ATTENDANCE:

CHAIRMAN JAMES BONANNO  
ROBERT PULASKI, MEMBER  
BILL WEST, MEMBER  
PHILIP NEMECEK, 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 - 12/1/16

various departments for some of their comments in terms of police and fire, DPW. We submitted two letters, a letter from the Police Department and a letter from the Fire Department, as part of our submission, and they had no real problems with it. We met with DPW, and I think as well the consultant and planner had met with DPW to go over their concerns, if any.

We submitted a detailed plan and write up covering the environmental and things. We did a study of the surrounding neighborhood as compared to the R-5 and the R-10 zone. We submitted -- we did all or deep test pit testing and our percolation testing so that we could demonstrate that we had enough sufficient for our excess storm water runoff. We've provided plans on that.

So we're still here. We need several variances on each lot. If there's more detail you want me to go through, I could certainly go into more depth on each item.

THE CHAIRMAN: Could you just run us through what the subdivision is so we could

DINA M. MORGAN, REPORTER

## EASTCHESTER PLANNING BOARD - 12/1/16

recollect and the viewing audience could see it?

MR. SENOR: Certainly. So the property consists of three existing lots. There's two lots that were on Water Street, there was a house here and there was a house here on Water Street, and there's an existing house over here on Stewart Place, and these two lots were non-conforming, they aren't conforming currently. One is narrower, the side yard setbacks don't conform, etcetera. So what we're proposing is to create this cul-de-sac here taking down one of the houses -- we're going to end up taking down both of them and rebuilding the other one -- the road would go through one lot and creating these three lots around the cul-de-sac leaving the house on Stewart Place as it is. It conforms to the rear yard setback, but there are other current non-conformities that it has.

So there are three new lots. The smallest lot is 6100 and the largest is 8300 square feet here, and we show items that would conform to the R-5 zone. The reason why

DINA M. MORGAN, REPORTER

## EASTCHESTER PLANNING BOARD - 12/1/16

THE CHAIRMAN: Good evening. This is the town of Eastchester Planning Board meeting of December 1st, 2016. If everyone would rise for the Pledge of Allegiance, please.

(Whereupon the Pledge of Allegiance was said.)

THE CHAIRMAN: I'm going to take attendance. Mr. Philip Nemecek.

MR. NEMECEK: Present.

THE CHAIRMAN: Robert Pulaski.

MR. PULASKI: Present.

THE CHAIRMAN: Jim Bonanno is here. Bill West.

MR. WEST: Present.

THE CHAIRMAN: Mark Cunningham will not be here this evening.

The first application is an application that's been here before, it's Application 16-13, 22 and 25 Water Street.

MR. SENOR: Good evening. Elliot Senor for the applicant. So this is a follow-up on the previous meeting.

We had a memo from the consulting engineer, and we were instructed to go to the

DINA M. MORGAN, REPORTER

## EASTCHESTER PLANNING BOARD - 12/1/16

we're using the R-5 zone is consistently the areas surrounding the property, which are in the R-5 zone and our access is through the R-5 zone on Water Street, more conforms to an R-5 for the neighborhood. The color codings, the hatched area was 6500. So we had a couple of lots that were 6500, but all these blue lots here are in the R-10 zone that are similar in size to our lots. So we were trying to meet R-5 zoning requirements for our property, and, therefore, we need variances for a list -- I think you have that list of the variances.

THE CHAIRMAN: Of the variances, yes, we do.

MR. NEMECEK: So these other lots that are highlighted in pink that you just referred to are in the R-10 zone but are otherwise not compliant with --

MR. SENOR: Steve Anderson here is the one who went through that, so I think he would --

MR. ANDERSON: Basically the thick line lots are 6500, which are basically conforming to the -- basically our average lots

**DINA M. MORGAN, REPORTER**

## EASTCHESTER PLANNING BOARD - 12/1/16

that we are trying to conform. There are also lots that are in the pink and just dashed that are non-conforming as they are in the zone. So that's the purpose behind the other lots that are there that show a thinner line, that they're not conforming as they are in that particular zone.

MR. NEMECEK: But the ones on Water Street and Stewart that are highlighted, the existing lots that are highlighted in pink --

MR. ANDERSON: Like this one down here?

MR. NEMECEK: That one I don't think is on Stewart; is it?

MR. ANDERSON: These?

MR. NEMECEK: Water is --

MR. SENOR: This is water street here.

MR. NEMECEK: Oh, that's water. Water before the bend.

MR. ANDERSON: These would be 6500 or below.

MR. NEMECEK: What are they zoned for?

MR. ANDERSON: The R-5.

MS. UHLE: Really the only property

**DINA M. MORGAN, REPORTER**

## EASTCHESTER PLANNING BOARD - 12/1/16

that's zoned R-10 is the school district, the subject property, and then some rear portions of the properties on Water Street. So I think that's their argument for the variances. The majority of the lots in the vicinity of this site are zoned R-5.

MR. NEMECEK: So the R-10 zone is the zone that's cordoned off by the green?

MR. ANDERSON: The green, yes.

MR. SENOR: This is the R-10 zone line. So this is the school here, these lots are the rear yards of these houses in the R-5 zone, and so really it just seems to be the school yard. This property, which is in R-10, conforms to the lot area, but it has less than 25 feet or thereabouts 25 feet of frontage.

MR. NEMECEK: So this is all R-5?

MR. ANDERSON: Yes.

MR. NEMECEK: This is all R-5?

MR. ANDERSON: Yes.

MR. NEMECEK: And this is R-5?

MR. ANDERSON: Right.

MR. SENOR: This is 75.

MR. WEST: How do you access, what is

**DINA M. MORGAN, REPORTER**

## EASTCHESTER PLANNING BOARD - 12/1/16

it, 38 Stewart?

MS. UHLE: 42.

MR. WEST: 42 is right there and 38 is part of this?

MS. UHLE: No.

MR. WEST: I thought you said this was the large one?

THE CHAIRMAN: Could you put it back up and show him, please? Thank you.

MR. SENOR: 42 Stewart is here and it comes off of Stewart.

MS. UHLE: This is 40 Stewart here.

So that one is accessed by Stewart and then the rest of these are just accessed by the new cul-de-sac. That is somebody else's property.

MR. NEMECEK: But the house on 42 Stewart is not being changed at all?

MR. SENOR: Not going to be changed.

MR. NEMECEK: The only things that's going to be changed is that a portion of the lot that currently has that is going to be reallocated to the cul-de-sac?

MR. SENOR: Right. The back yard is going to be cut off for the additional --

**DINA M. MORGAN, REPORTER**

## EASTCHESTER PLANNING BOARD - 12/1/16

MR. NEMECEK: Yes.

MR. SENOR: And that lot will be over 10,000 square feet. The frontage is less than required but that's existing frontage.

THE CHAIRMAN: So we have the list of variances that you're going to need in order to assemble all this. I said we have the list of variances that you're going to need to assemble all of this.

MR. SENOR: We have a sheet for each individual lot that we submitted that we have individual what needs to be on each lot, and we also have a summation from the -- I think that's from the Building Department.

THE CHAIRMAN: Right, and there is other work that needs to be done when it's at the Planning Board to satisfy everything else with the site as far as water and traffic and all of that.

MR. SENOR: Yes. If we get our variances, we'll certainly work with the consultant to clear up a lot of those technical issues.

THE CHAIRMAN: Right, to address them.

**DINA M. MORGAN, REPORTER**

## EASTCHESTER PLANNING BOARD - 12/1/16

Sure.

Okay. This is going to be a public hearing, so any more comments from up here? We're going to open the public hearing and take comments from the public.

MR. NEMECEK: Do we want to hear from any of the consultants first or no? They made preempt or add to the issues that may be addressed by the public. How do you want to handle that?

MS. UHLE: Well, traffic actually hasn't been reviewed in detail yet. Basically it's before you right now, the applicant would like you to be in a position to adopt a negative declaration, which means that you don't believe there will be significant adverse environmental impacts as a result of the subdivision. Then obviously if it's forwarded to the Zoning Board, the Zoning Board would still be in a position to approve or deny the area variances. That wouldn't affect their determination.

So when the applicant appeared before you at two prior meetings, you basically told

**DINA M. MORGAN, REPORTER**

## EASTCHESTER PLANNING BOARD - 12/1/16

them, we just want to make sure that you could accommodate the storm water, we want to make sure there is not a capacity issue with sanitary sewer, that the Police Department doesn't have any particular concerns, that the Fire Department doesn't have any particular concerns, the Highway Department. As the applicant said, they did reach out. We got some things in writing from some of those providers. Also, our engineering consultant and I met with the Highway Department to go over things. So I think they have been responsive to the extent of saying, you know, there's not any real red flags. I guess the biggest red flag is whether you agree that the Zoning Board should adopt the variances or not but that's really up to them. If you were to make a negative declaration, that doesn't really affect their ability to approve or deny or to modify the variances. If the variances are granted then when the application comes back to you, they're definitely going to have to respond to some of the more technical comments from our civil engineer.

**DINA M. MORGAN, REPORTER**

## EASTCHESTER PLANNING BOARD - 12/1/16

So, I don't know, maybe you want to hear just a summary from Joe Cermele? He did a thorough review and you received a memo in your package, but maybe it would be good for him to summarize some of that and then go to the public hearing.

MR. NEMECEK: I think in order to consider a negative declaration I do want to know about the water issues.

THE CHAIRMAN: Okay, Mr. Cermele.

MR. NEMECEK: It is Water Street after all.

MR. CERMELE: Good evening. As was stated, we have a number of technical comments that are yet to be addressed. Broad brush type issues like sewer water, storm water preliminarily all appear to be okay. They've done testing. We've witnessed the soil testing.

MR. NEMECEK: Joe, did you announce yourself?

MR. CERMELE: I'm sorry. Joe Cermele, Kellard Sessions. As I said, we witnessed the soil testing. There is adequate soils on the

**DINA M. MORGAN, REPORTER**

## EASTCHESTER PLANNING BOARD - 12/1/16

1 site for storm water mitigation. We have some  
2 comments that need to be resolved as far as  
3 final details and design, but I think that's  
4 something they could accommodate. Sewer water  
5 design as well, those utilities, services,  
6 health department approvals, those all have to  
7 come obviously. But as far as the layout and  
8 preliminary locations, they've addressed that.

9 There are a number of other minor  
10 technical comments. Margaret mentioned we met  
11 with Hector recently. He had some comments  
12 that when they do come back, assuming they get  
13 the variances from the ZBA, we'll be dealing  
14 with items like street lighting, street trees,  
15 comments from fire and police specific to no  
16 parking in the cul-de-sac, things like that  
17 that we could deal with at a later date when  
18 they come back.

19 There are two things that I do think  
20 the applicant needs to take of before going to  
21 the ZBA just so that they don't have to -- I  
22 don't want to find them in an a position where  
23 they have to go back, specifically with the  
24 cul-de-sac. There is a profile on the plan,

**DINA M. MORGAN, REPORTER**

## EASTCHESTER PLANNING BOARD - 12/1/16

1 but I think it needs a little more detail and  
2 some clarification to make sure that it  
3 performs to all of the applicable regulations  
4 in the code, specifically with regard to  
5 minimum and maximum grades, some of the  
6 geometry. I think visually it's there. If I  
7 scale it, it seems to work, but I think that  
8 needs to be clear on the plans so when the ZBA  
9 sees it it's clear to them that there are no  
10 other variances needed.

11 Another item with the cul-de-sac that  
12 I would like to see or at least before the ZBA  
13 is the proposed grading with the cul-de-sac as  
14 it ties into the existing grades. It appears  
15 to me that they may need some short walls,  
16 maybe two foot high walls. In speaking with  
17 the Highway Department, walls aren't permitted  
18 in the right-of-way. So whether or not they  
19 could grade that cul-de-sac to avoid that, if  
20 not it would be potentially another variance  
21 they would need to seek.

22 Finally, with regard to the existing  
23 house at 42 Water Street, I know it's existing  
24 house, existing non-conformities and they do

**DINA M. MORGAN, REPORTER**

## EASTCHESTER PLANNING BOARD - 12/1/16

1 have a number of those listed as far as lot  
2 area, things like that, for, what is it,  
3 frontage for that lot, but we just note that  
4 there are two curb cuts on that property and  
5 the northerly driveway is within 3 feet of the  
6 property line, the side lot line. I know it's  
7 existing non-conforming, but maybe in  
8 consideration or for the ZBA by creating this  
9 subdivision that is now a new lot I don't know  
10 if those variances need to be added to the list  
11 or if it's simply an existing non-conformity  
12 that would remain.

13 MR. NEMECEK: Joe, summing up on the  
14 storm water management, recognizing that this  
15 is not in it's final stage and you do have  
16 comments here, is it your overall assessment  
17 that the storm water management issues are  
18 all -- that there is nothing alarming, that it  
19 looks like it could be handled by the plan as  
20 it's presented subject to whatever tweaks it  
21 may need?

22 MR. CERMELE: Yes, I think they can.  
23 Like I said, the testing was favorable on the  
24 site, I think four or five locations throughout

**DINA M. MORGAN, REPORTER**

## EASTCHESTER PLANNING BOARD - 12/1/16

1 the property, and they were all very similar  
2 results, deep soils fairly well drained. Just  
3 the storm water system for the cul-de-sac --  
4 and when this comes back I recommend maybe just  
5 a staff level meeting to go through some of the  
6 details -- again, in meeting with the Highway  
7 Super they have infiltration systems proposed  
8 within the right-of-way for the runoff from the  
9 road and that wouldn't be permitted. So those  
10 would need to be moved to another location in  
11 the subdivision probably in one of the -- well,  
12 in one of the four lots that surround the  
13 cul-de-sac in an easement because the  
14 homeowners or the HOA, however it's formed,  
15 would be responsible for the maintenance of  
16 that and the town wouldn't want that taking  
17 place in the right-of-way. I think the testing  
18 that they've done around that area, I think  
19 they would be able to move that system  
20 somewhere else and make it work.

21 MR. NEMECEK: Okay. Thank you.

22 THE CHAIRMAN: Great. Thank you.  
23 Okay, we're going to take comments from the  
24 public now. So we have to open the public

**DINA M. MORGAN, REPORTER**

## EASTCHESTER PLANNING BOARD - 12/1/16

1 hearing. I make a motion to open the public  
2 hearing on this application, 16-13, 22 and 24  
3 Water Street.

4 MR. NEMECEK: And 42 Stewart Place.

5 THE CHAIRMAN: And 42 Stewart.

6 MR. NEMECEK: Second.

7 THE CHAIRMAN: All in favor.

8 (All aye.)

9 THE CHAIRMAN: Great. Comments?

10 MS. CLARK: Hi. Caroline Clark, I

11 live at 46 Stewart Place. I probably wouldn't  
12 have been here tonight, but I found my  
13 husband's notes, he passed away a month ago,  
14 and we had concerns about the project going up.  
15 My bedroom faces that beautiful property where  
16 they want to put five houses. His big concerns  
17 were, why five houses; where is it the  
18 traffic -- we couldn't picture it on Water  
19 Street where -- I don't know if you're familiar  
20 with the street, it's a very narrow road, so  
21 people on both sides park but you're not  
22 supposed to but sometimes it happens, it's very  
23 difficult for vehicles to get through. His  
24 other concern was about the flooding. I flood

25 DINA M. MORGAN, REPORTER

## EASTCHESTER PLANNING BOARD - 12/1/16

1 now, my back yard floods, my neighbor's yard  
2 floods -- I'm actually surprised -- those yards  
3 flood as it is. So I don't know if they pitch  
4 the land up if it's going to flood more. My  
5 husband's concern was about flooding. His  
6 other concern was about construction; does it  
7 end at -- is it going to go on all weekend or  
8 is it something that's going to be, you know,  
9 stopped at 5:00 on a Friday and then start  
10 again on Monday or is it going to go all  
11 weekend? A lot of times we hear things going  
12 on and on and on digging and whatever. So why  
13 five houses on that property when it's zoned --  
14 I mean, I heard words like non-compliant,  
15 non-conforming. I just don't know why we're  
16 changing the laws.

17 THE CHAIRMAN: Any other concerns?

18 MR. NEMECEK: Just to clarify, by the

19 way, right now I think the proposal, as I  
20 understand it, is to remove completely one  
21 house, to remove and rebuild a second one, and  
22 to add three completely new houses.

23 MS. CLARK: So the two houses that are  
24 on Water Street are going to be --

25 DINA M. MORGAN, REPORTER

## EASTCHESTER PLANNING BOARD - 12/1/16

1 MR. NEMECEK: One will be removed  
2 because it needs to be removed in order to  
3 create space for the cul-de-sac.

4 THE CHAIRMAN: Could you point that  
5 out?

6 MS. CLARK: It was hard to see from  
7 back there.

8 MR. SENOR: Right now there's a house  
9 here and a house here fronting on Water Street.  
10 Both of the houses are going to be removed and  
11 one of them is going to be rebuilt on this  
12 property. The other property is where the  
13 roadway will come in.

14 MS. CLARK: Then what's going in  
15 the --

16 THE CHAIRMAN: That's house number  
17 one. Keep going.

18 MR. SENOR: There's a house here, a  
19 house here, and house here currently. So now  
20 we're going to have a nett increase of two  
21 houses. We're going to end up with five houses  
22 where three currently exist.

23 THE CHAIRMAN: So point out where the  
24 new houses are going to be.

25 DINA M. MORGAN, REPORTER

## EASTCHESTER PLANNING BOARD - 12/1/16

1 MR. SENOR: So we have the existing  
2 house over here, and we're going to rebuild one  
3 here, and then we have one here, one here, and  
4 one here.

5 MS. CLARK: So in that big, nice,  
6 beautiful backyard there's three houses?

7 MR. SENOR: Yes.

8 MS. CLARK: And then there's two new  
9 ones on the street?

10 MR. SENOR: Just one new one. Just  
11 the one on this side. The left house will be  
12 rebuilt.

13 MS. CLARK: Okay. And then the  
14 flooding, is that --

15 THE CHAIRMAN: The flooding issue is  
16 something that we defer to the consultants and  
17 their analysis of the soil and its capacity to  
18 take in more runoff. The idea is the water has  
19 to be controlled on the site. They do studies,  
20 they understand what the soil conditions are,  
21 and they formulate that none of the soil will  
22 leave the site such that it will interfere with  
23 other --

24 MR. NEMECEK: Understand that Mr.

25 DINA M. MORGAN, REPORTER

## EASTCHESTER PLANNING BOARD - 12/1/16

1 Cermele, who's here who spoke earlier on the  
2 water issue --

3 MS. CLARK: It was hard to hear him.

4 MR. NEMECEK: He is a consultant who  
5 is paid for by the applicant, because that's  
6 how the system works -- but he -- money is put  
7 in an escrow which --

8 MR. TUDISCO: Can I clarify that?

9 MR. NEMECEK: Please.

10 MR. TUDISCO: The town retains an  
11 expert -- we do it for parking, we do it for  
12 water -- it's an independent expert that the  
13 town actually hires. The only issue about  
14 payment is that so the money does not come out  
15 of taxpayer dollars, we require the applicant  
16 to put money in escrow and then the town goes  
17 out and selects our expert to protect the  
18 town's interest and the citizen's of the town's  
19 interest and the payment for those experts  
20 comes from the escrow amount that the applicant  
21 puts away, but it's an expert that the town  
22 actually hires.

23 I also did want to touch on one other  
24 question that you had in terms of the time

**DINA M. MORGAN, REPORTER**

## EASTCHESTER PLANNING BOARD - 12/1/16

1 frame of construction. Town law prohibits  
2 construction on weekends, and so the building  
3 permit and town law allows for the construction  
4 to occur Monday through Friday. One of the  
5 issues that we have, unfortunately, in the  
6 town, and for those who might be watching, is  
7 that the Building Department is here Monday  
8 through Friday, so when things go on on  
9 Saturday -- I am one who is notorious for  
10 walking on the weekends and I typically will  
11 call the police if I see contractors working.  
12 Alert the Building Department, alert the Law  
13 Department, alert the police if you see  
14 construction on Saturdays. It shouldn't be  
15 going on. There's an issue between enforcement  
16 versus what the rule is, the rule is it's not  
17 supposed to be done.

18 MS. CLARK: It was a big concern of  
19 his. I guess that's it.

20 MR. NEMECEK: If I could finish the  
21 point I was making when I was referring to Mr.  
22 Cermele. My explanation obviously was making  
23 it sound a little bit like he was receiving  
24 money directly to give an opinion. Far from

**DINA M. MORGAN, REPORTER**

## EASTCHESTER PLANNING BOARD - 12/1/16

1 it. The point I wanted to make was he is  
2 independent, he is retained by the town in  
3 order to make sure that the town's interests  
4 are protected and the interest of citizens and  
5 residents like yourself. So he is impartial in  
6 this. That's why I always look to the  
7 consultants here to educate us, are there water  
8 issues here. Mr. Cermele and his company are  
9 going to remain involved in that role to make  
10 sure that these issues -- that the property is  
11 suitable for this type of development.

12 You did mention variances and  
13 variances are regularly granted. There is a  
14 process in place, though, to make sure that the  
15 variances are as minimal as is required, and  
16 also, there's a Zoning Board of Appeals which  
17 deals with the issue of variances. If we  
18 decide to move the application along, you will  
19 have an opportunity to speak before that board.

20 THE CHAIRMAN: So just to separate,  
21 the term non-conforming that you heard  
22 repeatedly applies to the variances. So there  
23 are non-conforming conditions which they've  
24 listed, it's a big long list, but it's not

**DINA M. MORGAN, REPORTER**

## EASTCHESTER PLANNING BOARD - 12/1/16

1 uncommon for people to have non-conforming  
2 conditions which they then bring to the Zoning  
3 Board. We don't deal with those. The Zoning  
4 Board opines on that.

5 MS. CLARK: I just know my husband got  
6 a phone call when he put a shed too close to  
7 the street, which was approved by whoever here,  
8 and we had to move it back. A little shed we  
9 had to move back 2 feet, and he did everything  
10 by the book. I'm speaking here tonight for  
11 him, because I expect everybody else to do  
12 things by the book.

13 THE CHAIRMAN: They will, that's why  
14 they're here. We guarantee that.

15 MR. NEMECEK: By the way, our  
16 condolences on the passing of your husband. I  
17 know you found his list, and I suspect part of  
18 the reason you're here is to sort of honor his  
19 memory and to make sure that his views are  
20 articulated. I'm assuming that all the views  
21 that you said my husband noted this and that,  
22 those are your views as well; right?

23 MS. CLARK: Yes, they were.

24 MR. NEMECEK: I understood it to be

**DINA M. MORGAN, REPORTER**

## EASTCHESTER PLANNING BOARD - 12/1/16

1 that way.

3 MS. CLARK: We've lived there since  
4 1999, so we knew the previous owners, and it's  
5 a beautiful piece of property and, you know, we  
6 just want everybody to do the right thing.

7 MR. PULASKI: I think the other  
8 comment is when you see a list of variances --  
9 when rules are made, they assume a perfect  
10 world but out there it isn't, and so there is a  
11 special board, the Zoning Board, that takes  
12 those differences and they look at them and  
13 they apply the rule in a variance manner to  
14 that so that everybody is given a fair shake.  
15 Otherwise, if you had a piece of property and  
16 it's supposed to be square and you have a  
17 little corner cut off, all of a sudden you got  
18 nothing. The Zoning Board would take that into  
19 consideration and say, well, that corner had to  
20 be cut off there because the road made a turn  
21 at askew. So they would take that into  
22 consideration and give you credit so that you  
23 could make use of that property.

24 THE CHAIRMAN: So we invite you to  
25 come back as this progresses and you will see

**DINA M. MORGAN, REPORTER**

## EASTCHESTER PLANNING BOARD - 12/1/16

1 that there is a process. We are very much  
2 attuned to it. Your concerns are our concerns,  
3 but you're certainly welcome to come back and  
4 watch the progress of this application.

6 MS. CLARK: Thank you. I appreciate  
7 it.

8 THE CHAIRMAN: Thank you for your  
9 comments. Further comments from the public?  
10 (No comments.)

11 THE CHAIRMAN: Leave it open.

12 MR. WEST: One question. The left of  
13 the cul-de-sac, what will be there?

14 MR. SENOR: This area is just extra  
15 area. We put the property line here and gave  
16 some of it to this lot and the rest of it to  
17 this lot. I mean, it may be good for a garden  
18 or something like that but it's just extra  
19 property.

20 MR. NEMECEK: Or more drainage.

21 MR. SENOR: Or if need be a place  
22 where we --

23 MR. WEST: It will be attached to one  
24 of the two lots?

25 MR. SENOR: Right. So this lot is up

**DINA M. MORGAN, REPORTER**

## EASTCHESTER PLANNING BOARD - 12/1/16

1 to here and this lot is this property here.

3 MR. WEST: Got it. Thanks.

4 MR. PULASKI: Margaret, in a  
5 cul-de-sac built to the required radius, is  
6 parking permitted?

7 MS. UHLE: Well, I think it could be  
8 permitted except in this case the Police  
9 Department and Fire Department both indicated  
10 that they wanted signage prohibiting parking  
11 within the cul-de-sac.

12 MR. PULASKI: Yes, but this is because  
13 it's a reduced radius?

14 MS. UHLE: No. Actually, I don't  
15 believe they need a variance for the radius.  
16 They need a variance for the radius of the  
17 right-of-way but not for the paved area. I  
18 think it's just for larger fire trucks to  
19 maneuver, etcetera. So I don't know whether  
20 throughout town there's a general law that  
21 parking is not permitted in cul-de-sacs. The  
22 paved area meets our radius requirements but  
23 the police and fire were concerned about people  
24 parking there for emergency services purposes.

25 MR. PULASKI: Right, because that's

**DINA M. MORGAN, REPORTER**

## EASTCHESTER PLANNING BOARD - 12/1/16

1 what one of the problems is when people don't  
2 abide by that rule and all over town people  
3 just park, go in for a bit, come back out and  
4 not really realize they can't park there or  
5 just don't follow the rules and then you have a  
6 problem if you try to bring an emergency  
7 vehicle in.

9 MS. UHLE: It will definitely be  
10 signed, but whether people pay attention to the  
11 sign that's another issue.

12 MR. PULASKI: I thought at one time we  
13 had a radius problem?

14 MS. UHLE: On this particular one, no.  
15 The way that the law is written there is also a  
16 required radius that includes the right-of-way.  
17 So I believe the radius for the turnaround is  
18 40 feet, and then the radius for the turnaround  
19 plus the right-of-way is 60 feet. That's the  
20 amount of grass that's surrounding. I will  
21 have to say even the Highway Superintendent  
22 said, what's that for. It's just to provide  
23 some open space for the town and in case there  
24 were some utilities that needed to be installed  
25 there.

**DINA M. MORGAN, REPORTER**



EASTCHESTER PLANNING BOARD - 12/1/16

MR. PULASKI: All right.

THE CHAIRMAN: Okay. So I believe that seeing that there's a number of variances and there's some work to be done by the Zoning Board and the application is going to be back here to continue developing the storm management, I'm comfortable with moving this forward and then we'll continue with everything having to do with the planning aspect of the project thereafter.

MR. TUDISCO: Are you going to keep the public hearing open?

THE CHAIRMAN: Yes. So if everyone here is okay with that, number one, I'm going to make a negative declaration and then I'm going to make a motion to forward this to the Zoning Board.

So the first is regarding this application, 16-13, 22 and 24 Water Street and 42 Stewart, I make a motion to adopt a negative declaration for the application 16-13 for a major subdivision proposed at 22 and 24 Water Street and 42 Stewart Place.

MR. NEMECEK: Second.

**DINA M. MORGAN, REPORTER**

EASTCHESTER PLANNING BOARD - 12/1/16

THE CHAIRMAN: All in favor.

(All aye.)

THE CHAIRMAN: Make a motion to refer the application to the Zoning Board for consideration of the area variances.

MR. NEMECEK: Second.

THE CHAIRMAN: All in favor.

(All aye.)

THE CHAIRMAN: Great.

MR. SENOR: Thank you.

THE CHAIRMAN: The next application is Application 16-66, 42 Lakeview Avenue.

MR. MAIORANO: Good evening, chairman, board members. My name is Adamo Maiorano from Community Designs on behalf of the applicant, Carmelo Abbate.

We are proposing a two lot subdivision located at 42 Lakeview Avenue. The existing site is a hundred by a hundred lot. It is situated in an R-5 zone. The existing lot is improved with a single family residence, walkways, driveway, patio, and a detached garage.

With regard to the subdivision, we are

**DINA M. MORGAN, REPORTER**

EASTCHESTER PLANNING BOARD - 12/1/16

proposing to remove all of the existing structures with the exception of possibly keeping the detached garage in the right-hand corner.

As far as the lots that will be proposed, they will be conforming to all zoning requirements in an R-5 zone. They will be 50 by 100 lots. As far as storm water management, we did do deep hole tests and percolation tests and in result we found that there are suitable soils for on-site storm water management. We did a preliminary design based on the maximum impervious square footage of 2500 coverage on each lot designated into CULTEC units in the front and rear of each property. We did not take into consideration any of the existing impervious structures that exist today. There's approximately 2800 square feet of existing impervious surfaces that will be removed.

As far as trees on the property, there are just two trees that we are removing in regards to the project. They are here and here. Any questions?

**DINA M. MORGAN, REPORTER**

EASTCHESTER PLANNING BOARD - 12/1/16

THE CHAIRMAN: So it's pretty straightforward.

MR. MAIORANO: Exactly.

MR. NEMECEK: Tell us more about the garage.

MR. MAIORANO: So yes, the garage is as it is today it's non-conforming, it's too close to the setback. So the applicant is trying to salvage the existing garage on lot 1.

MR. NEMECEK: Show me exactly where it is.

MR. MAIORANO: It is located right here. The driveway is here.

MR. PULASKI: When you say he is trying to salvage, he's going to live in that house in lot 1?

MR. MAIORANO: That is the plan but it's not set in stone but the idea is there.

MS. UHLE: Right now, obviously they're before you for subdivision approval. They'll have to come back with the -- if they were granted subdivision approval, they'll have to come back, obviously, with the site plans and the proposed architectural drawings of the

**DINA M. MORGAN, REPORTER**



## EASTCHESTER PLANNING BOARD - 12/1/16

1 proposed houses. In my meetings notes, I also  
 2 pointed out that this garage, and Joe Cermele  
 3 brought this up with regard to the Stewart  
 4 Place subdivision, is that basically what our  
 5 zoning law says is you're allowed to keep  
 6 things that are non-conforming as long as you  
 7 don't make them more non-conforming, and we  
 8 have had circumstances where people have  
 9 demolished homes and they had either conforming  
 10 or slightly non-conforming accessory structures  
 11 that we've allowed to remain. This is a little  
 12 bit of a different circumstance I think because  
 13 it's basically a full subdivision where there's  
 14 going to be a full tear down. So I do think as  
 15 part of your subdivision approval if you feel  
 16 uncomfortable with the existing garage  
 17 remaining, that you could require as part of  
 18 the subdivision approval that it be demolished.

19 The building inspector and I for a  
 20 variety of reasons didn't feel that we had the  
 21 authority to say, you can't keep it. I think  
 22 the Planning Board has the authority to say  
 23 that.

24 MR. NEMECEK: Is lot 2 going to have a

25 **DINA M. MORGAN, REPORTER**

## EASTCHESTER PLANNING BOARD - 12/1/16

1 garage?

2 MR. MAIORANO: Lot 2 will have an  
 3 attached garage.

4 MR. NEMECEK: And lot 2 is  
 5 effectively the -- as proposed it would be the  
 6 same size for all intents and purposes, the  
 7 lot?

8 MR. MAIORANO: Yes, identical.

9 MR. NEMECEK: I know we're not yet at  
 10 the stage where you have houses designed, but  
 11 the buildable area is the same and in all  
 12 likelihood they're going to be of a similar  
 13 proportion?

14 MR. MAIORANO: Yes, and it will be  
 15 within the moral character of the neighborhood.

16 MR. PULASKI: And lot 1 has a garage  
 17 in the front?

18 MR. MAIORANO: It has possibly a  
 19 detached garage and then that --

20 MR. PULASKI: It says garage.

21 MR. MAIORANO: -- Attached garage  
 22 underneath.

23 MR. PULASKI: But in the front it  
 24 says -- it says here, top of garage.

25 **DINA M. MORGAN, REPORTER**

## EASTCHESTER PLANNING BOARD - 12/1/16

1 MS. UHLE: They're proposing a garage  
 2 as part of the proposed house, and then they're  
 3 asking to have the existing garage remain as  
 4 well.

5 MR. WEST: Why do they need that?

6 THE CHAIRMAN: So if we decide if we  
 7 don't get rid of it now and it comes back later  
 8 if that's part of the site plan, we could ask  
 9 them to remove it at that time?

10 MS. UHLE: If I were you, I would do  
 11 it as part of the subdivision approval. I  
 12 think the way that it is configured now,  
 13 especially with -- and this is my opinion --  
 14 with the two driveways, it's just a very  
 15 awkward layout, and when you're talking about  
 16 new construction for two new single family  
 17 homes --

18 MR. WEST: You're going to build a new  
 19 home to match the old garage?

20 MR. MAIORANO: The idea is it will be  
 21 renovated with new siding, new everything.

22 MR. NEMECEK: It's space. It's space  
 23 to put stuff in. I understand it's storage  
 24 space.

25 **DINA M. MORGAN, REPORTER**

## EASTCHESTER PLANNING BOARD - 12/1/16

1 MR. MAIORANO: Yes.

2 MR. NEMECEK: What is the change, if  
 3 any, in the overall -- I know, again, we're not  
 4 talking about actually plans for structures,  
 5 but in terms of the buildable squares and all  
 6 that, are we talking about an overall  
 7 reduction, in all likelihood, in the amount of  
 8 impervious surface or increase in the  
 9 impervious surface? A decrease in the amount  
 10 of grass and ground and --

11 MR. MAIORANO: There is an increase in  
 12 impervious, but as per now there's two lots.

13 MR. NEMECEK: But the overall effect  
 14 is there will be more building and less open  
 15 space.

16 MR. MAIORANO: Yes.

17 MR. NEMECEK: So the one solution to  
 18 that would be to knock down that garage and  
 19 you're at least buying back some of the space  
 20 that you're using elsewhere. A trade off.

21 MR. MAIORANO: Yes.

22 MS. UHLE: Also, with regard to the  
 23 garage, if you want a storage shed, you're  
 24 limited to 10 by 12. So there are times when

25 **DINA M. MORGAN, REPORTER**

## EASTCHESTER PLANNING BOARD - 12/1/16

1 people want to keep an existing garage to use  
2 for storage, which a lot of people do, except  
3 for in order to have it be considered a garage  
4 you have to have a driveway to it. So  
5 technically you can't have a 15 by 20 foot  
6 storage shed, you have to have a driveway to it  
7 even if you're not intending to use it as a  
8 garage, and I think that that happens  
9 sometimes.

11 MR. PULASKI: So on this plan the  
12 driveway just increases the impervious surface.  
13 It also takes a portion of the house that  
14 typically in this town we like to keep  
15 vegetated with grass and shrubs and whatever  
16 and now it puts asphalt. My understanding of  
17 an existing non-conformity, the whole aspect of  
18 that is that the building was there and zoning  
19 came along and they revised rules and all of a  
20 sudden the building became non-conforming. The  
21 person has a right to make certain adjustments  
22 and they come back before the Zoning Board and  
23 the Zoning Board usually allows it to happen.  
24 But here you're doing a total tear down, and  
25 you're doing a total tear down so you could do

**DINA M. MORGAN, REPORTER**

## EASTCHESTER PLANNING BOARD - 12/1/16

1 a subdivision, but you're keeping a garage that  
2 I interpret is simply to take advantage of a  
3 possible loophole in the code, that then allows  
4 you to pull certain things right up to the  
5 property line instead of having to maintain a  
6 setback. I don't see how that is warranted  
7 under this particular case.

9 THE CHAIRMAN: This is our opportunity  
10 to ask it to be revised.

11 MR. PULASKI: That's my viewpoint on  
12 it. That's what we are, a board.

13 THE CHAIRMAN: Do we have to do a  
14 public hearing on this?

15 MS. UHLE: Yes.

16 THE CHAIRMAN: Oh, we do. Okay. Any  
17 other comments?

18 MR. NEMECEK: No, other than I guess  
19 we have Joe Cermele.

20 MS. UHLE: Joe Cermele also did review  
21 the storm water.

22 THE CHAIRMAN: You're on a roll.  
23 You're up next.

24 MR. WEST: Louder this time. Louder  
25 this time.

**DINA M. MORGAN, REPORTER**

## EASTCHESTER PLANNING BOARD - 12/1/16

1 MR. NEMECEK: Announce yourself. We  
2 have a very large viewing audience both in this  
3 room and an even larger at home.

5 MR. CERMELE: A good night to be  
6 heavily medicated, I'm fighting a cold.

7 MR. NEMECEK: Make it quick, I think  
8 the football game begins in half an hour, we're  
9 going to lose a lot of our audience. Good game  
10 between the Dallas and the Vikings.

11 THE CHAIRMAN: Let the gentleman  
12 speak, please.

13 MR. CERMELE: Joe Cermele, Kellard  
14 Sessions. We've touched on a couple of the  
15 major points of my memo already. I broke this  
16 out into some comments specific to the  
17 subdivision and then what I felt we could defer  
18 to the site plan review.

19 As far as the subdivision goes, as  
20 mentioned, we did witness soil testing out  
21 there again; adequate depth and simple soils  
22 for infiltration. They have provided  
23 preliminary design for infiltration systems  
24 being conservative in the fact that they did  
25 not take credit for the existing improvements.

**DINA M. MORGAN, REPORTER**

## EASTCHESTER PLANNING BOARD - 12/1/16

1 So they're doing a full blown design for the 50  
2 year storm for both lots as if the property  
3 today was all vegetated. So a conservative  
4 approach.

6 We have some comments, technical stuff  
7 on that design, but nothing that I don't see  
8 they wouldn't be able to overcome. Very minor.  
9 We talked about the garage already. As far as  
10 the driveways go, I would just ask that we get  
11 some grades and some dimensioning shown on  
12 there just to verify and clarify on the plan  
13 that it meets all the applicable sections of  
14 the code.

15 The existing lay of the land right now  
16 there's about a probably 6 to 8 feet change in  
17 topography from one end to the other left to  
18 right across the property. So I envision  
19 there's going to be either some retaining walls  
20 throughout the property or maybe some exposed  
21 either foundation on the lower level of the  
22 houses, I don't know if they've gotten that far  
23 yet. I don't know if that's something the  
24 board would want to see now as part of the  
25 subdivision or we could defer that to site

**DINA M. MORGAN, REPORTER**

## EASTCHESTER PLANNING BOARD - 12/1/16

1 plan.

2 The rest of the memo is, like I said,  
3 what I would consider minor type of comments  
4 that we could work through with the applicant.

5 THE CHAIRMAN: So I'm going to open  
6 the public hearing and take comments from the  
7 public.

8 I make a motion to open the public  
9 hearing on Application 16-66, 42 Lakeview  
10 Avenue.

11 MR. NEMECEK: Second.

12 THE CHAIRMAN: All in favor.

13 (All Aye.)

14 THE CHAIRMAN: Comments?

15 (No comments.)

16 THE CHAIRMAN: That being said, we're  
17 going to leave this open also?

18 MS. UHLE: Well, it's only before you  
19 for subdivision approval.

20 THE CHAIRMAN: So then I make a motion  
21 to close the public hearing on the same  
22 application, 16-66, 42 Lakeview.

23 MR. NEMECEK: Second.

24 THE CHAIRMAN: All in favor.

25 DINA M. MORGAN, REPORTER

## EASTCHESTER PLANNING BOARD - 12/1/16

1 (All Aye.)

2 MR. PULASKI: I think one of the  
3 advantages of talking about a retaining wall in  
4 order to take care of the elevation change on  
5 the site is that the water will travel from  
6 what looks like the southeast to the northwest  
7 and very often after a development they'll be  
8 some complaints over that. We have an  
9 opportunity to create a situation right down  
10 the middle so that both sites can be  
11 essentially leveled. As they excavate for the  
12 basement, they can spread some of that and use  
13 it to help even out the site.

14 MR. MAIORANO: In regards to the  
15 slope, overall for the hundred foot existing  
16 it's just about 6 feet. So each lot will be  
17 just over about -- under 3 foot slope  
18 difference. So it would be, you know, designed  
19 where we would fill in a small portion but the  
20 garage drops lower. Any way, that's why each  
21 garage is positioned on the right side of each  
22 property, because it's always going to be lower  
23 to get into the garage. The garage is lower  
24 than the first floor. So they designed it so

25 DINA M. MORGAN, REPORTER

## EASTCHESTER PLANNING BOARD - 12/1/16

1 there are no retaining walls and whatnot.

2 Besides, if there was a garage going down onto  
3 lot 1, there would be a retaining wall on the  
4 right-hand side.

5 MR. PULASKI: I think also some other  
6 factors regarding lot 1 and the garage and the  
7 driveway is, one, if that driveway weren't  
8 there, then the 8 inch Cherry tree, existing  
9 Cherry tree might be able to remain and that's  
10 usually a desirable tree. The second is, not  
11 having paving there, not being required to have  
12 paving there gives the new property owner the  
13 chance to put some Arborvitaes there or  
14 whatever if they want some privacy. If that  
15 gets paved over, then your site line is right  
16 to the neighbor's property and whether you put  
17 up a fence or a neighbor puts up some  
18 vegetation. So I think the option to the new  
19 homeowner is better that they can put some  
20 greenery along that property line.

21 MR. MAIORANO: The owner is open to  
22 removing the garage.

23 THE CHAIRMAN: So that would be --

24 MS. UHLE: That could be a condition

25 DINA M. MORGAN, REPORTER

## EASTCHESTER PLANNING BOARD - 12/1/16

1 of the subdivision approval, yes.

2 THE CHAIRMAN: So that being said, if  
3 there are no other comments, we'll make that a  
4 condition to the subdivision approval.

5 MS. UHLE: I just want to interrupt  
6 for one minute. With regard to the subdivision  
7 map were there are minor changes that needed to  
8 be made -- we could just make it also subject  
9 to the minor modifications that our engineering  
10 consultant requires.

11 THE CHAIRMAN: Can you say it so that  
12 we understand.

13 MR. CERMELE: There was just a minor  
14 discrepancy or coordination between the  
15 subdivision plat and the site plan that needed  
16 to be made. The side yards shown on the  
17 subdivision plat are 8 feet, 9 feet, and then 8  
18 feet, 9 feet again on lots 2 and 1 as you go  
19 across the site. On the site plan, I believe  
20 the 9 foot side yard on the south side of lot 1  
21 was dimensioned -- it looks like it was  
22 dimensioned from the retaining wall and not  
23 the -- the buildable area and that dimension of  
24 the side yard needs to be verified and updated

25 DINA M. MORGAN, REPORTER

## EASTCHESTER PLANNING BOARD - 12/1/16

on the site plan.

MS. UHLE: So removal of the garage and just the modifications that are required by our engineering consultant would be the two conditions.

MR. PULASKI: Do we want to say anything about the topo on the property while we have the opportunity or wait for it to come back?

THE CHAIRMAN: I think we could get that on the second pass to get the grading, because they could do that on the grading plan when we see it, and if there's walls, to sort of separate the two as you pointed out.

MS. UHLE: I think that might be easier to evaluate once he's worked out a design.

THE CHAIRMAN: I'm sure he wants the same thing we want.

So then I'm going to make a negative declaration on this application and then make a motion to approve it.

So then the first regarding Application 16-66, 42 Lakeview Avenue, I make a

**DINA M. MORGAN, REPORTER**

## EASTCHESTER PLANNING BOARD - 12/1/16

motion to adopt a negative declaration for Application 16-62 for a two lot subdivision located at 42 Lakeview Avenue.

MR. PULASKI: Second.

THE CHAIRMAN: All in favor.

(All Aye.)

THE CHAIRMAN: I make a motion to approve Application 16-66, 42 Lakeview Avenue, subject to the final review and approval of the town's engineering consultant and subject to the conditions spoken of previously.

MR. NEMECEK: Including the removal of the garage so that it's returned to nature.

THE CHAIRMAN: Do I hear a second?

MR. NEMECEK: Second.

THE CHAIRMAN: All in favor.

(All Aye.)

THE CHAIRMAN: Thank you, gentlemen.

The next application is 16-30 Keller Williams, 760 White Plains Road.

MR. IANNACITO: Good evening. My name is John Iannacito. I'm an architect and I'm representing Keller Williams Realty Group this evening. With me tonight is Jamal Hadi, the

**DINA M. MORGAN, REPORTER**

## EASTCHESTER PLANNING BOARD - 12/1/16

owner of the property, and John Canning, the traffic engineer for the applicant.

We are proposing additions and alterations to the existing structure located at 760 White Plains Road. We're here this evening for a preliminary review and are requesting a referral to the Zoning Board for several area variances.

The existing structure is currently 4,310 square feet and is currently used for a hair salon on the ground floor and offices for Keller Williams Realty on the first, second, and third floors.

The proposed addition will add 2,751 square feet and will create additional office spaces and a new training room for the real estate group. The hair salon space will be eliminated, and the entire building will be occupied by the real estate group. The proposed alterations will also include accessibility upgrades, which will make the building compliant with A.D.A. requirements.

The existing property is currently non-conforming with respect to several zoning

**DINA M. MORGAN, REPORTER**

## EASTCHESTER PLANNING BOARD - 12/1/16

requirements. Both side yard setbacks are non-conforming, the existing total number of off-street parking spaces is non-conforming, and the existing backup aisle width at the rear of the existing parking lot is also non-conforming.

As for the proposed scope of work, we are proposing the construction of a three story addition at the front of the existing structure, which is highlighted here in pink. We're proposing the removal of a portion of the structure at the rear of the building, highlighted here in yellow, in order to create additional parking spaces. We're proposing the expansion of the second and third floor, which is highlighted here in orange, which will be extended over the new parking spaces, and we're also proposing facade alterations and site alterations, including the removal of an existing retaining wall along the street here in order to create new street level access to the building without having to go up a flight of stairs, and we're proposing alterations at the rear of the property in order to

**DINA M. MORGAN, REPORTER**

**EASTCHESTER PLANNING BOARD - 12/1/16**

1 reconfigure and create additional parking  
2 spaces.

3 I'm going to quickly go through the  
4 floor plans for you. Here with the existing  
5 and proposed ground floor plan. The existing  
6 ground floor is currently used for the hair  
7 salon. We are proposing to cut back the  
8 building at the rear to create additional  
9 parking spaces and expand the building towards  
10 the front. The new spaces will be used for the  
11 office for the real estate group as offices,  
12 reception area, and conference rooms.

13 Here is the first floor plan, existing  
14 first floor plan, which is currently used for  
15 the real estate offices. We are proposing  
16 again here to cut back the existing building in  
17 order to create the parking area at grade and  
18 expand the building towards the front, which is  
19 the hatched area here. On the first floor, the  
20 spaces will consist of a new training room for  
21 the real estate office and a staff room at the  
22 back.

23 Second floor, the existing footprint  
24 of the building used for office space for the

**DINA M. MORGAN, REPORTER**

**EASTCHESTER PLANNING BOARD - 12/1/16**

1 real estate group. We are proposing to expand  
2 the building slightly to the rear to align with  
3 the new overhang over the parking area and  
4 expand towards the front, and the new spaces  
5 will be used for a new computer room, private  
6 offices, and an open work area for the real  
7 estate offices.

8 Third floor, here's the existing third  
9 floor which is used for the office spaces and  
10 the proposed showing the expansion towards the  
11 back and the front again for private offices,  
12 an open area for work spaces, and a small  
13 balcony facing the street side.

14 On the exterior, we are proposing to  
15 remove the existing hip roof on the structure  
16 and square off the entire building with new  
17 flat roofs. The proposed materials on the  
18 facade will be a combination of brick at the  
19 base, stucco, wood siding, metal, and glass.

20 The proposed additions and alterations  
21 will create an increase to the existing  
22 non-conforming conditions and we will require  
23 several area variances. An application was  
24 submitted to the Zoning Board prior to today

**DINA M. MORGAN, REPORTER**

**EASTCHESTER PLANNING BOARD - 12/1/16**

1 but has been adjourned because we realized as  
2 we were going through the process that we  
3 needed a referral before we could move forward  
4 with them. So we've adjourned those meetings  
5 and we will continue those after we get the  
6 referral and if we get the referral.

7 The Zoning Board did have a few  
8 comments at that initial meeting and we did  
9 make a couple of revisions which affected the  
10 number of variances that we would require. So  
11 based on those comments, we will be asking for  
12 the following variances:

13 The first is for the first side yard,  
14 where the existing and the proposed is  
15 8.6 feet, required is 10 feet, a deficiency of  
16 1.4 feet. The second variance is for the  
17 second side yard, where the existing and the  
18 proposed is 6.4 feet, 10 is required, a  
19 deficiency of 3.6 feet. The third variance is  
20 for the number of off-street parking spaces;  
21 the existing building currently requires 22  
22 spaces and 4 spaces are provided, a deficiency  
23 of 18 spaces. The proposed addition will  
24 increase the parking requirement by 14 spaces

**DINA M. MORGAN, REPORTER**

**EASTCHESTER PLANNING BOARD - 12/1/16**

1 to a total 36 spaces and we will be providing 9  
2 spaces, a deficiency of 27 spaces. The fourth  
3 variance is for the backup aisle width in the  
4 parking lot; the proposed backup aisle width is  
5 19 feet and the required is 25, a deficiency of  
6 6 feet. And the fifth variance is for the  
7 width of the A.D.A. parking space; the town  
8 code requires the parking space to be 9 feet  
9 wide, whereas New York State Building Code  
10 requires A.D.A. parking spaces to be 8 feet  
11 wide, so we're proposing an 8 foot wide space  
12 which would conform to New York State Building  
13 Code but will be deficient by 1 foot based on  
14 the town code. So we need a 1 foot variance  
15 for that parking space.

16 The Zoning Board also requested  
17 additional information, which we provided as  
18 part of the application to the Planning Board  
19 this evening. The first was a letter which was  
20 prepared by John Kirkpatrick, the attorney for  
21 the applicant, who couldn't be here this  
22 evening, and the letter included a narrative  
23 about the current business operation for the  
24 subject property; and the second request was

**DINA M. MORGAN, REPORTER**

## EASTCHESTER PLANNING BOARD - 12/1/16

1 for a parking study, which was prepared by John  
2 Canning, who is here with us tonight. I'm  
3 going to hand it over to him, and he could give  
4 you a little more information on that. Thank  
5 you for your time.

7 THE CHAIRMAN: Thank you.

8 MR. NEMECEK: Thank you.

9 MR. CANNING: Good evening, Mr.

10 Chairman, members of the board. My name is  
11 John Canning. I'm a professional engineer. I  
12 work for VHB in White Plains. Thank you for  
13 your time this evening.

14 As John indicated, I prepared the  
15 parking study that was submitted to you. Some  
16 of the information John has already given to  
17 you, but I'll just, I guess, go over it quickly  
18 because it's somewhat interesting.

19 The existing building contains a 1,056  
20 square foot hair salon and a 3,254 square foot  
21 real estate office. So under the code that  
22 actually requires 24 parking spaces. If it was  
23 just a single office for the existing building,  
24 it would be 22 parking spaces. The building  
25 provides currently 4 spaces, so you're either

**DINA M. MORGAN, REPORTER**

## EASTCHESTER PLANNING BOARD - 12/1/16

1 18 or 20 spaces short depending on whether you  
2 go for the whole building at 200 square foot or  
3 if you include the hair salon. As John  
4 indicated, it is proposed to expand the  
5 building to 7,061 square feet exclusively for  
6 use by Keller Williams. So the hair salon will  
7 go and then the code requirement is 1 space for  
8 every 200 square feet and under the code 36  
9 parking spaces would be required. However,  
10 it's proposed to expand the parking on site  
11 from 4 to 9 so the deficit will now be 27  
12 instead of 18 or 20.

14 At this point, I do want to note that  
15 I had misunderstood, I figured that if you had  
16 a variance already granted for 20 spaces and  
17 you were requesting a variance for 27, you were  
18 requesting a variance for the 7 additional  
19 spaces, but the request is for 27 -- variance  
20 for 27 spaces. I just wanted to set the record  
21 straight on that.

22 MS. UHLE: Also, unless I'm mistaking,  
23 I don't believe a variance was ever granted in  
24 the past. The original building was built in  
25 1907, so it's considered legal non-conforming,

**DINA M. MORGAN, REPORTER**

## EASTCHESTER PLANNING BOARD - 12/1/16

1 because if a variance had been granted, you're  
2 absolutely right, but I don't believe there  
3 were ever any variances granted.

5 MR. CANNING: Thank you. From a  
6 practical perspective I guess, it's noted that  
7 the proposed application is going from a  
8 deficit of 20 to a deficit of 27 under the  
9 code. We did a fairly extensive parking survey  
10 of parking in the area. We looked at on-street  
11 parking. I don't think there is any parking on  
12 Reynolds, Ackerman, there's parking on  
13 Ackerman, there's the north south street which  
14 is --

15 MR. NEMECEK: Excuse me, do you have a  
16 map of the area? It's just a little easier for  
17 everyone to follow along.

18 MR. CANNING: Sure. I'll give you  
19 binoculars. So we surveyed the existing site,  
20 we surveyed Ackerman, we surveyed -- I can't  
21 even read this -- I guess it's Webster -- we  
22 surveyed Webster, we surveyed the parking lot  
23 that's on the east side of 22 by Ackerman  
24 Place, we surveyed the municipal parking lot  
25 that's on the west side of 22 by Ackerman

**DINA M. MORGAN, REPORTER**

## EASTCHESTER PLANNING BOARD - 12/1/16

1 Place. The surveys were done once an hour from  
2 9 in the morning until 5 in the evening. We  
3 documented the number of vehicles parked and  
4 the number of vacancies. Based on that -- in  
5 our report, we identify the area --

7 MR. PULASKI: It helps the viewer to  
8 key in on certain locations.

9 MR. CANNING: As a result of our  
10 surveys, we found that there are at least 32  
11 unoccupied public parking spaces available at  
12 all times. The owner has and will continue to  
13 have an agreement with the property next door,  
14 Tutta Bella, to park five vehicles on that lot  
15 from 9 to noon, and he also has two parking  
16 permits from the town to use in the municipal  
17 lot on 22 opposite Ackerman Place. He is also  
18 seeking additional permits and has been advised  
19 that at the end of the year the permits usually  
20 turn over, and he is first on a list of one to  
21 get permits.

22 The entire 27 space deficit can be  
23 satisfied using the 22 available spaces in the  
24 municipal lots and the five spaces on Tutta  
25 Bella from 9 to 12, and then there are more

**DINA M. MORGAN, REPORTER**

## EASTCHESTER PLANNING BOARD - 12/1/16

1 than 27 spaces available in the municipal lots  
2 afternoon.

3 MR. WEST: What's the distance from  
4 the current building to the municipal lot?

5 MR. CANNING: It's about 700 feet.  
6 It's like a three minute walk. One of the  
7 board's consultant's questions really was how  
8 practical this is, particularly in the light of  
9 whether you have a use such as a hair salon  
10 where people, you know, are familiar with the  
11 convenience of it, and it's our opinion that if  
12 you have a business where you're an employee,  
13 you're more likely to, you know, suffer the  
14 consequence of having to have a three minute  
15 walk to and from work as opposed to if you are  
16 going to get your hair done where you kind of  
17 want to park right in front of the building.

18 MR. WEST: There's a lot of traffic in  
19 that area because the gym there, then you have  
20 the market, then you have the residential. So,  
21 as you said, you can't park on Reynolds, it's  
22 residential, and it already has people parking  
23 there that go to the gym because there's no  
24 parking at the gym.

**DINA M. MORGAN, REPORTER**

## EASTCHESTER PLANNING BOARD - 12/1/16

1 MR. CANNING: Right. Based on my  
2 experience, some of the gym users park in the  
3 municipal lot across the street on Ackerman.  
4 When we did our surveys, there were spaces on  
5 Webster, there were spaces on Ackerman, there  
6 were spaces in the municipal lot.

7 MR. WEST: It all depends on when you  
8 go and when the gym is --

9 MR. CANNING: Right. We did our  
10 surveys from 9 in the morning until 5 at night.  
11 The morning is kind of busiest because the  
12 gym's busiest time is from like 9 to 10.

13 The applicant is also seeking a  
14 variance for the backup aisle. So the code  
15 requires a 20 foot wide aisle behind parking  
16 spaces so that you could back out. The  
17 existing four parking spaces have a 15 foot 6  
18 inch backup aisle, and we're proposing to have  
19 a 19 foot backup aisle. Based on my  
20 experience, this will be adequate for two  
21 reasons: One, it's bigger than what's there  
22 now and what's there is working. There's a  
23 similarly sized parking lot in the village that  
24 I live in. The total width of the proposed

**DINA M. MORGAN, REPORTER**

## EASTCHESTER PLANNING BOARD - 12/1/16

1 parking lot is 55 feet, the total width of the  
2 municipal parking lot where I live is 56 feet.  
3 It's been that way for years and it operates  
4 that way without too much difficulty.

5 A final parking variance, as John  
6 mentioned, is for the size of the handicapped  
7 parking space. Even though the state required  
8 space is 8 feet, it is also required to have an  
9 8 foot clear access aisle next to it. So  
10 effectively you have 16 feet in which to park  
11 your car and then the extra 8 feet is when you  
12 open the door. If you have a lift, mechanical  
13 lift, there's room there for the lift to set  
14 you down and go back up. 8 foot wide parking  
15 spaces are in operation all around the state,  
16 there's no issues.

17 So I don't think the backup aisle and  
18 I don't think the nine space lot clearly will  
19 have any change to the character of the  
20 neighborhood or detriment to nearby properties.  
21 Based on our surveys, I also believe that the  
22 parking in the area is adequate to accommodate  
23 the variance.

24 The village's consultant also raised a  
25 **DINA M. MORGAN, REPORTER**

## EASTCHESTER PLANNING BOARD - 12/1/16

1 number of issues, which I would, I guess,  
2 briefly like to address. As I mentioned, the  
3 hair salon is going, so that was something he  
4 brought up as to the number of parking spaces  
5 and the turnover and the lack of familiarity  
6 with the area. The parking on the side of the  
7 building is not proposed to be changed. He had  
8 a question about the overall increase in  
9 traffic activity. The four spaces there now,  
10 there's about a turnover of one an hour. So  
11 you have about four cars come in and go out in  
12 an hour and it's proposed to have nine spaces,  
13 so instead of having four cars go in and out in  
14 an hour you'll have nine cars going in and out  
15 in an hour, which is one car every ten minutes  
16 or so, one car every five minutes maybe. I  
17 don't think that it's going to have a  
18 significant adverse impact on area traffic  
19 operating conditions.

20 In conclusion, based on the data that  
21 we provided to you, I don't believe that the  
22 proposed application will have a significant  
23 adverse impact on traffic or parking  
24 conditions. I would be more than happy to

**DINA M. MORGAN, REPORTER**



## EASTCHESTER PLANNING BOARD - 12/1/16

1 answer any questions you have.

2 MR. NEMECEK: The business that  
3 operates there is a realty company?

4 MR. CANNING: Yes.

5 MR. NEMECEK: Obviously -- I think  
6 it's obvious -- if they're going to be  
7 expanding the size of it, that there will be an  
8 increase in the number of employees based  
9 there?  
10

11 MR. CANNING: Correct. I believe  
12 there will be an increase in one permanent  
13 employee, but the number of I guess they're  
14 independent contractors -- in fact, perhaps  
15 I'll call the owner up to describe this.

16 MR. NEMECEK: Yes. I mean, if it's a  
17 real estate brokerage, usually you'll have  
18 brokers who are showing homes and properties so  
19 they may be coming in and out and they may be  
20 meeting people there. If you could explain.  
21 First state your name for the record and  
22 explain the nature of the business.

23 MR. HADI: Good evening. My name is  
24 Jamal Hadi, I'm the broker for Keller Williams  
25 Realty.

**DINA M. MORGAN, REPORTER**

## EASTCHESTER PLANNING BOARD - 12/1/16

1 Right now I have three employees,  
2 full-time employees, and the rest is all  
3 independent contractors, the real estate  
4 brokers. Based on the expansion, my vision is  
5 to add one more employee and move one employee  
6 into a new position to add more support. The  
7 real estate brokers do come in and out. Most  
8 of them have offices at home. They're usually  
9 in the office to drop off checks, picking up  
10 contracts, so on and so forth. So yes, there  
11 will be some traffic increase, but it's a lot  
12 of brokers, as everyone knows, just coming in  
13 and out to pick up and drop off.

14 MR. PULASKI: So we have a 4,000  
15 square foot facility for four employees?

16 MR. HADI: It wouldn't be four  
17 employees, I mean, people come in and out.

18 MR. PULASKI: Just trying to put a  
19 perspective on it. That's what I'm hearing  
20 somebody say is what we have to worry about the  
21 permanent employees, and 4,000 square feet for  
22 four permanent employees is not very cost  
23 effective.  
24

25 MR. NEMECEK: For example, I saw I

**DINA M. MORGAN, REPORTER**

## EASTCHESTER PLANNING BOARD - 12/1/16

1 think on the first floor maybe it looked like  
2 an education center?

3 MR. HADI: Correct, a classroom.

4 MR. NEMECEK: A classroom. I guess  
5 that's the traditional name for an education  
6 place, a classroom. Do you envision having  
7 classes, seminars, or whatever for the brokers,  
8 the independent brokers, perhaps, I don't know,  
9 if it shows you properties? Tell me what --  
10

11 MR. HADI: That's correct, we would be  
12 hosting classes. The average attendance per  
13 class is between 10 and 15. Those classes last  
14 for an hour, they come in, and they leave.  
15 What I mean by that -- I guess the distinct  
16 difference is I have four employees, the rest  
17 are all independent contractors. It doesn't  
18 mean that they don't come into the office.  
19 Right now we average between, let's say, 10 to  
20 15 people that come into the office for longer  
21 than the hour, that's the traditional in and  
22 out. That number should go up with the new  
23 expansion. I can't even begin to say what  
24 number it's going to be. I'm guessing it's  
25 going to be no more than 20. So it's not

**DINA M. MORGAN, REPORTER**

## EASTCHESTER PLANNING BOARD - 12/1/16

1 that -- four employees are those that are on  
2 payroll. The rest are all just independent  
3 contractors that work with clients where they  
4 go out to meet them in their own homes or show  
5 houses.  
6

7 MR. NEMECEK: Would it be fair to say  
8 you wouldn't be expanding unless your business  
9 was doing well and you probably perceive an  
10 increase number of people in your business  
11 offices and that's why you --  
12

13 MR. HADI: Absolutely, yes. The  
14 average now, as I said, it's going to go up  
15 close to 20. That's almost like 8 to 10 people  
16 more.

17 MS. UHLE: As long as you are along  
18 these lines, one of the things that I did ask  
19 at the Zoning Board is that the applicant  
20 provide a really clear narrative explaining  
21 this because it is kind of confusing, and I do  
22 know the attorney, John Kirkpatrick, provided a  
23 letter, but I'm looking at it now and it  
24 doesn't mention anything about 10, 15 or 20  
25 people. It really just says, one additional  
employee. It also doesn't mention anything

**DINA M. MORGAN, REPORTER**

## EASTCHESTER PLANNING BOARD - 12/1/16

1 about the existing hair salon, whether that's  
2 going to stay or leave. My understanding is  
3 it's not going to be there. Also, it's not  
4 really a traditional hair salon. I think they  
5 fit people for wigs, so that would probably  
6 have a different amount of traffic. So I still  
7 think your narrative has to really explain  
8 this, because this is the first time I'm  
9 hearing 15 -- that I could recall because it's  
10 not written down -- 15 to 20 people coming and  
11 going at certain times. So I think it's a  
12 simple narrative but just try to make it  
13 comprehensive.

14 MR. NEMECEK: Because it does strike  
15 me that if you have people who are coming in  
16 for a really short stay, those are probably  
17 people less likely to want to park three  
18 minutes away and more likely to want to park  
19 right there.

20 MR. WEST: Along with the bank  
21 customers. I would think most people are  
22 looking at new real estate on the weekends,  
23 when it's the most congested, not during the  
24 week. So I don't know when the study was done.

**DINA M. MORGAN, REPORTER**

## EASTCHESTER PLANNING BOARD - 12/1/16

1 If you were doing it Monday through Friday and  
2 most people are out on weekends looking at  
3 houses, shopping, working at out all day --

4 MR. NEMECEK: But that might not be  
5 when they're having like the classes, for  
6 example. They're probably during the week, I  
7 would think. The weekend people are maybe  
8 meeting there and going out immediately.

9 MR. WEST: Getting in one car and  
10 going. That would be a concern. They will be  
11 coming and go, but there would usually be a car  
12 left.

13 MR. HADI: The analysis is correct.  
14 On the weekend, usually the office is empty.

15 THE CHAIRMAN: At the same time that  
16 you may be having training sessions, you also  
17 have employees on the second floor occupying  
18 those spaces.

19 MR. HADI: Well, four employees will  
20 occupy, but they will be in the town permit  
21 parking, and they will have assigned parking in  
22 those spaces. So they will not be parked on  
23 the site. Right now I have two. I am on the  
24 list. I'm the only one on the list. So I'm

**DINA M. MORGAN, REPORTER**

## EASTCHESTER PLANNING BOARD - 12/1/16

1 hoping that as the turnover happens, I could  
2 get additional parking. Should I get them --  
3 those four employees I'm able to control, I'm  
4 able to assign and give them the spots and have  
5 them not park on the building. Independent  
6 sales people, they just come in and out as they  
7 see the need. But I will have sales people in  
8 the office longer than the hour, it's not just  
9 the four employees.

10 MR. PULASKI: Now, a photo that was  
11 included in the application package shows four  
12 cars parked along the side of the building, but  
13 yet that doesn't show in the application.

14 MS. UHLE: I don't believe those are  
15 legal parking spaces. Those are people parking  
16 along the side of the driveway. I don't think  
17 that the driveway is wide enough to actually  
18 accommodate legal conforming parking spaces.

19 MR. IANNACITO: There is an existing  
20 easement in the driveway, that shared driveway  
21 between this property and the bank which is on  
22 the corner. So the cars should not be parking  
23 in that driveway.

24 MR. PULASKI: But they are, so there  
25 **DINA M. MORGAN, REPORTER**

## EASTCHESTER PLANNING BOARD - 12/1/16

1 is a greater use than what we've been talking  
2 about.

3 MR. IANNACITO: We show the four legal  
4 spots on the plan. Where everyone else is  
5 parking is illegal. They shouldn't be parking  
6 there.

7 MR. NEMECEK: Plainly, I think the  
8 applicant should be aware that we are concerned  
9 with the parking in particular. This is a very  
10 busy area. We're very happy that business is  
11 going well and that you would be in a position  
12 to propose an expansion like this, but this is  
13 an issue that if you're before the Zoning Board  
14 of Appeals, in particular, I suspect they're  
15 going to look really long and hard on this. So  
16 you really have to do your homework, and, as  
17 Margaret said, to present a coherent narrative  
18 as to who's going to be there and when and how,  
19 what the nature of the business turnover is,  
20 the traffic that's inherent in the business.  
21 There is plenty of traffic already in all the  
22 surrounding businesses, what is this business  
23 in particular, how does it operate, what are  
24 its heavy hours, its lighter hours, the

**DINA M. MORGAN, REPORTER**

## EASTCHESTER PLANNING BOARD - 12/1/16

1 seminars that are taking place, how often are  
2 they going to be, who's going to be attending,  
3 you know, do you have an hour long coffee and  
4 donuts session afterwards? These are issues  
5 that are going to have to be answered in order  
6 to get a variance, in particular for that.

7 Quite frankly, I'm not too troubled  
8 with the 1 foot difference in the handicapped  
9 space and the other turning -- backup radius,  
10 that's an issue for the Zoning Board of  
11 Appeals, but the obvious and glaring one is  
12 parking.

13 MR. WEST: How many people currently  
14 work at the salon?

15 MR. IANNACITO: I don't know. How  
16 many people work in the salon?

17 MR. HADI: Three.

18 MR. IANNACITO: Three.

19 MR. NEMECEK: Do you have nightmares  
20 sometimes about having to beg people for extra  
21 parking spaces? I have heard you on more than  
22 one occasion come before us and tell us about  
23 the non-conforming --

24 MR. IANNACITO: A lot of applications  
25 **DINA M. MORGAN, REPORTER**

## EASTCHESTER PLANNING BOARD - 12/1/16

1 with non-conforming parking.

2 MR. NEMECEK: Which it's unfortunately  
3 a problem in our town.

4 MR. IANNACITO: We made an effort here  
5 to try to reduce the size of the building at  
6 the back, which is going to create a big cost  
7 for the construction to remove a portion of an  
8 existing building in order to create four  
9 parking spaces. That's as many as we can fit.  
10 The only other option is to get rid of the  
11 building completely and make it a parking lot.

12 MR. NEMECEK: Even then you would  
13 probably be non-conforming.

14 MR. WEST: You could probably sell it  
15 to Tutta Bella who needs the parking.

16 MR. NEMECEK: Unless you're going to  
17 build a garage.

18 MR. IANNACITO: Multi-story garage.

19 MR. NEMECEK: Yes, that's right.

20 MR. PULASKI: I think where some of my  
21 comments came from was in the summary of what  
22 led up to this hearing, that there was a zoning  
23 hearing and at the zoning hearing Lord & Taylor  
24 spoke and they indicated that they thought that

**DINA M. MORGAN, REPORTER**

## EASTCHESTER PLANNING BOARD - 12/1/16

1 there was a lot of parking that was rolling  
2 over into their lots. So I just wanted to make  
3 sure that everyone understood that there is a  
4 real parking issue here.

5 MR. WEST: You can tag that to the  
6 restaurant or the other real estate company.

7 MR. IANNACITO: There are a lot of  
8 different uses over there that are deficient in  
9 parking.

10 MR. WEST: It's not a good parking  
11 area.

12 THE CHAIRMAN: Okay. Could we hear  
13 from our consultants regarding this issue,  
14 please.

15 MR. GREALLY: Good evening, Phillip  
16 Grealy, Maser Consulting, professional  
17 engineer, town traffic and parking consultant.

18 We prepared a memo dated November 22nd  
19 that outlines our comments. I'll highlight a  
20 few of those. I think the discussion that was  
21 just made answers one of our key concerns, was  
22 whether or not the salon was going to stay,  
23 because clearly, as Mr. Pulaski indicated,  
24 along the north side of the building cars do

**DINA M. MORGAN, REPORTER**

## EASTCHESTER PLANNING BOARD - 12/1/16

1 park there today. That driveway is a shared  
2 driveway for Keller Williams and also for the  
3 Capital One Bank. With that type of use where  
4 you have, you know, patrons coming and going,  
5 the parking at the rear where we're going for a  
6 reduced aisle width is more of a concern. If  
7 you're talking about employees that are  
8 familiar that it's a narrower aisle and, you  
9 know, when they come and go it's a little  
10 different when people are going to a use like a  
11 hair salon and trying to get in out of spaces.  
12 I think with respect to the parking along the  
13 driveway that occurs today and historically has  
14 occurred there, there has to be some signing to  
15 restrict that. There is no signing saying, do  
16 not park here. I think the Fire Department  
17 would probably weigh in on that in terms of a  
18 fire lane. You can pass -- traffic going to  
19 park in the rear of the building today can get  
20 by a parked vehicle, they can get to the bank,  
21 but it does narrow up that area. So I think  
22 with the hair salon going, it's more of a  
23 controllable situation, and I think the  
24 narrative that Margaret asked for will help

**DINA M. MORGAN, REPORTER**

## EASTCHESTER PLANNING BOARD - 12/1/16

1 clear that up.

2 In terms of the parking survey that  
3 VHB that Mr. Canning described, we did check  
4 it. We did go out and do some of our own field  
5 observations. Clearly the spaces at the  
6 Ackerman lot or what I call the old Albanese's  
7 lot near CVS, there are spaces there. I think  
8 for employees and being able to tell employees,  
9 that's where you're going to park so that we  
10 have spaces for our patrons or for the brokers  
11 that are coming and going, that is doable. If  
12 it was going to be used for another use like a  
13 hair salon, I think that's a whole different  
14 issue.

15 Some other questions. I guess in  
16 terms of -- again this goes to the variance  
17 with the Zoning Board -- the space number -- I  
18 think on this diagram is space number 5, in my  
19 memo I think I called it space number 9, that's  
20 what happens when you're looking at 8 and a  
21 half by 11 reduced -- that space is going to be  
22 very difficult to get in and out of because of  
23 the proximity to the property line and where  
24 the restaurant is. So that's a concern. With

**DINA M. MORGAN, REPORTER**

## EASTCHESTER PLANNING BOARD - 12/1/16

1 the reduced aisle width that's talked about  
2 here, that becomes problematic. How do you  
3 physically get in and out of that space when  
4 there's no backup area? It's not clear from  
5 the drawing how the cross driveway that exists  
6 today Tutta Bella Restaurant is going to be  
7 maintained. So right now, again, just for  
8 orientation, here's Route 22 White Plains Road,  
9 here's the Keller Williams building here, these  
10 are the four spaces at the rear of the  
11 building, this is the portion of the building  
12 where the parking will be tucked underneath.  
13 Right now, there's a driveway connection to  
14 Tutta Bella here, you could see it in the dark  
15 pavement. This is the Tutta Bella restaurant,  
16 Wilmot Road, this is Claire Leone Real Estate  
17 building, so everything is kind of all  
18 interconnected here. So, as you see on the  
19 proposed plan, there will be parking spaces  
20 here, which is where this driveway connection  
21 occurs today. So it appears that there won't  
22 be any vehicular cross connection between this  
23 and the restaurant anymore. I don't know, it  
24 doesn't say it on the plan, but with the grades

**DINA M. MORGAN, REPORTER**

## EASTCHESTER PLANNING BOARD - 12/1/16

1 and what's proposed it appears that that's the  
2 case. If I'm wrong, I think that needs to be  
3 clarified and shown on the plan. If there are  
4 cross easements, those should be clarified and  
5 pointed out. So today when people park at the  
6 rear of the building, they have two choices:  
7 They could come out Capital One driveway out on  
8 Reynolds or they could come through either the  
9 restaurant or, because everything is  
10 interconnected, out through the driveway near  
11 the Claire Leone Real Estate. So if that's  
12 going to be maintained, we need to know that,  
13 otherwise, we end up with dead end parking here  
14 which is not the case today.

15 With respect to the aisle width, we  
16 asked that the applicant provide some examples,  
17 because a 19 foot aisle is pretty tight. The  
18 other part of that is that when vehicles do  
19 park in these spaces, they don't always park,  
20 you know, all the way into the space,  
21 especially because you're parking up against a  
22 guide rail here and a fence. So I think that  
23 need to be explored a little bit more. We're  
24 less concerned if it's all going to be really

**DINA M. MORGAN, REPORTER**

## EASTCHESTER PLANNING BOARD - 12/1/16

1 related and there's no other outside use in the  
2 building.

3 Clearly, the spaces along the side of  
4 the building here that are used today, they're  
5 not parking spaces but vehicles do park along  
6 that, it should be signed. There should also  
7 be some additional signing so that people don't  
8 try to go out the wrong way, especially if this  
9 other connection is going to be cut off. You  
10 know, we did look at the surveys, the parking  
11 surveys at the Ackerman and the CVS lot, and we  
12 confirmed the conclusions that there are spaces  
13 available there at the times that this would be  
14 peaking. In terms of additional traffic, I  
15 think there needs to be some additional  
16 information provided, you know, on the brokers  
17 coming and going. I think the fact that the  
18 hair salon is going out you get rid of that  
19 traffic, but you may be replacing it with some  
20 other.

21 There are a whole series of other  
22 comments that we had. Again, the biggest thing  
23 is, is this cross connection going to be  
24 maintained; how do you get in and out of space

**DINA M. MORGAN, REPORTER**

## EASTCHESTER PLANNING BOARD - 12/1/16

1 number 5; and if, in fact, it is all going to  
 2 be for this one use, to reinforce that there  
 3 will be no parking permitted along this part of  
 4 the driveway, which you'll see out there today.  
 5 Sometimes there's as many as four cars parked  
 6 there. This diagram gives you a feel for, this  
 7 is the total width of the driveway, Capital One  
 8 is on the drawing closest to me, this is the  
 9 existing Keller Williams building, so you can  
 10 see when there's one car here there's width to  
 11 get by but it does narrow that, and in the past  
 12 on occasion you will see four or five cars  
 13 parked along there. I think with the hair  
 14 salon going out that will be a little bit  
 15 easier to enforce and appropriate signing  
 16 should be put in place.

17 Again, I think the map shows the  
 18 easement on that driveway with Capital One, but  
 19 if there are easements with Tutta Bella, that  
 20 should be defined. Since they have that  
 21 arrangement to use the spaces between 9 and 12,  
 22 even if there's not going to be vehicular  
 23 access, will pedestrians still be able to  
 24 cross. So, for example, there will be parked

**DINA M. MORGAN, REPORTER**

## EASTCHESTER PLANNING BOARD - 12/1/16

1 vehicles here on either side of this drive  
 2 aisle, but will people still be able to walk  
 3 through? So, again, a clarification.

4 The A.D.A. compliance 8 versus 9,  
 5 there's 8 foot all over the place that work  
 6 fine. So that should not be an use issue. The  
 7 number of spaces in terms of the variance may  
 8 sound like a lot. If the use is going to be  
 9 clearly for this use only, it is less of a  
 10 concern, but, again, I think the narrative  
 11 needs to be provided.

12 We did provide some other comments  
 13 relative to our field observations, and I think  
 14 if this connection is being eliminated, it does  
 15 eliminate some maneuverability that occurs out  
 16 there today. I don't know whether the  
 17 agreement that they have here whether the  
 18 restaurant is allowed to use that space at  
 19 later evening hours. So, for example, if the  
 20 restaurant is permitting Keller Williams to use  
 21 the parking early in the morning, do they have  
 22 kind of the flip arrangement, and that becomes  
 23 important for the whole area because if you're  
 24 not going to have vehicular cross access at

**DINA M. MORGAN, REPORTER**

## EASTCHESTER PLANNING BOARD - 12/1/16

1 least you want pedestrian access so that if  
 2 somebody did park here in the evening to go to  
 3 the restaurants, that they can get back and  
 4 forth.

5 If there are any other questions? We  
 6 have some other details in our memo, but those  
 7 are the kind of the key highlights.

8 MR. NEMECEK: Mr. Grealy, is the  
 9 concern that you had over the -- which has been  
 10 allayed about the hair salon -- is the presence  
 11 of two businesses basically a policing issue,  
 12 that it becomes a zero-sum game and both sides  
 13 are, hey, look, so and so isn't honoring, you  
 14 know, the commitment to park away from the site  
 15 so why should I; is that what it is or is it  
 16 just --

17 MR. GREALY: I think it's more of the  
 18 issue of for that type of use if I'm coming to,  
 19 you know, go to the hair salon or my wife is  
 20 going there, those are more transient trips.  
 21 So when they're going to these spaces, they  
 22 have a very tight drive aisle to get in and  
 23 out, they may get very frustrated, number 1. I  
 24 think the fact that you have one entity -- for

**DINA M. MORGAN, REPORTER**

## EASTCHESTER PLANNING BOARD - 12/1/16

1 example, our office is in a building that has  
 2 about 5,000 square feet, there's 11 or 12  
 3 employees there, the parking is not an issue,  
 4 everybody parks and they know. We do have  
 5 wider drive aisles, but the point is that we  
 6 have control of the building and, yes, we have  
 7 visitors, but this is a similar type of an  
 8 operation even at a realty office. When you  
 9 have more transient use like a hair salon or  
 10 something where people are coming and going and  
 11 not used to the regulations, it becomes more of  
 12 a problematic issue with respect to the parking  
 13 and controlling it.

14 MR. NEMECEK: Thank you.

15 THE CHAIRMAN: Just one question. So  
 16 your study of the parking was based on the  
 17 number of offices and real estate agents that  
 18 might be using it and with that usage you feel  
 19 that the parking might be adequate as it is?

20 MR. GREALY: There are two things.  
 21 Number 1, the agreements and the fact that  
 22 there's offsite parking and if the employees  
 23 are using some of those spaces, that's  
 24 important for this operation. I think it's

**DINA M. MORGAN, REPORTER**

## EASTCHESTER PLANNING BOARD - 12/1/16

1 still a shortfall in terms of the number of  
2 parking spaces. Clearly, it's a variance to  
3 compared to what's required even if it's pure  
4 office, forget about the hair salon. I think  
5 the fact that he has permits and there are  
6 offsite spaces that can be used, it may  
7 function fine. It's more of the accessibility  
8 of those spaces, and, again, even in the cross  
9 access to the restaurant and whatever agreement  
10 they have there, if that was maintained it  
11 would be positive because then there's less  
12 likelihood, even if it's signed along the  
13 driveway to not park there, it may attract  
14 people to park on the driveway, which you don't  
15 want to happen. So I think we want just  
16 clarification on that.

17 THE CHAIRMAN: So my real question is,  
18 if the narrative that's going to be provided to  
19 us indicates that the usage is different than  
20 what you've analyzed it for it's obviously  
21 going to change your opinion about the parking  
22 or --

23 MR. GREALLY: I think there will be  
24 less concern about, number 1, not so much the

DINA M. MORGAN, REPORTER

## EASTCHESTER PLANNING BOARD - 12/1/16

1 number of parking spaces but the accessibility  
2 in and out of those spaces, because with that  
3 narrow drive aisle that's proposed here if  
4 there was another use that has transient  
5 movement in and out, people would get very  
6 frustrated moving in and out of those spaces  
7 because of the tight drive aisle. If they're  
8 either employees or your realtors that are  
9 coming to the building, they'll be more aware  
10 of it and they will get used to dealing with it  
11 as opposed to transient usage.

12 THE CHAIRMAN: Well, my concern was  
13 more the usage of that training room that  
14 they'll be having seminars or a greater number  
15 of people, that obviously needs further study  
16 should that be the case.

17 MR. GREALLY: Correct.

18 MR. PULASKI: So one of the things  
19 that I'm noticing based on you're talking about  
20 the interconnect between the restaurant and the  
21 back of this parking lot --

22 MR. GREALLY: Yes.

23 MR. PULASKI: -- Is that the existing  
24 condition has the cars parked away from that

DINA M. MORGAN, REPORTER

## EASTCHESTER PLANNING BOARD - 12/1/16

1 cross connect.

2 MR. GREALLY: That's correct.

3 MR. PULASKI: So that cross connect  
4 right now could be working, but once we put  
5 parking on that side, we create a different  
6 issue if that cross connect, in fact, has to be  
7 maintained.

8 MR. GREALLY: Correct. What could  
9 happen -- and, again, the grade differential  
10 here it may be worthwhile to show some more of  
11 the restaurant property -- is if this drive  
12 aisle lines up -- you see here in the future  
13 this will be parking up against the fence,  
14 where these cars are parked today is really  
15 their future drive aisle. So that drive aisle  
16 if this was connected here, you could take  
17 these two spaces on the restaurant property,  
18 move them over to where the existing cross  
19 connection is because they would basically park  
20 up against these two spaces, and then this  
21 could become a drive aisle, if desirable, which  
22 I think it is, to have across connection.  
23 Also, the grade starts to change, this is up  
24 higher as you get closer to White Plains Road.

DINA M. MORGAN, REPORTER

## EASTCHESTER PLANNING BOARD - 12/1/16

1 So I think they would have to show more  
2 information in terms of how that could be  
3 maintained. Right now there's not enough  
4 information that shows that that's going to be  
5 maintained because the connection is right here  
6 and there's going to be parking spaces there.  
7 So unless there's a reestablishment of that  
8 cross connection here, the connection is gone.

9 THE CHAIRMAN: The cross connection  
10 you speak of is more of a gentleman's agreement  
11 on usage of the site, isn't it?

12 MR. GREALLY: I don't know. One of my  
13 questions is, is there an easement of the cross  
14 access. I think the usage of the spaces is  
15 more of a gentleman's agreement that between 9  
16 and 12 the restaurant doesn't need those so if  
17 you use those we don't have a problem. That  
18 may be the case. The applicant can answer that  
19 in more detail. Is this just something that  
20 came over time or is there an actual easement  
21 of that connection back and forth?

22 MR. WEST: I think a lot of people  
23 that use the bank go through the restaurant  
24 parking lot to get to Wilmot and vice versa.

DINA M. MORGAN, REPORTER

## EASTCHESTER PLANNING BOARD - 12/1/16

1 MR. GREALY: And they stay off of  
2 White Plains Road by doing that.

3 MR. WEST: It's been that way for  
4 years.

5 THE CHAIRMAN: Doing this you're  
6 saying may actually --

7 MR. WEST: Block some of that.

8 MR. GREALY: You won't have that  
9 accessibility that's there today. I don't know  
10 if their proposing that. It's not clear from  
11 the plan. So our question is, is that going to  
12 be maintained, and if it is, show it on the  
13 plan and how it works. If it's not, then how  
14 does that affect traffic because today even  
15 though there are only four cars here and some  
16 cars here, people do exit from here to get out  
17 to the signal at Wilmot. If that connection is  
18 not there for vehicular traffic, they'll all  
19 have to go out to Reynolds. I don't think it's  
20 going to be overwhelming, but you're taking  
21 away something that exists today if, in fact,  
22 their plan does not have that cross connection.

23 MR. TUDISCO: If there is a formal  
24 easement, the architect may be aware of it in

**DINA M. MORGAN, REPORTER**

## EASTCHESTER PLANNING BOARD - 12/1/16

1 doing site plans. John, do you know?

2 MR. IANNACITO: The only easement that  
3 shows up is regarding the shared driveway off  
4 of 22. I'm not aware of any other easements in  
5 the back.

6 We did look at maintaining that pass  
7 through and just relocating it. We will have  
8 to build some retaining walls on the Tutta  
9 Bella property, so we will need some kind of  
10 agreement from them. We also have to figure  
11 out how we go about trying to build retaining  
12 walls on another property. Do we have to do a  
13 separate application for that; do we have to  
14 come back to the Planning Board for that? So  
15 there's a lot involved in trying to relocate  
16 that access to the property. We will look into  
17 that and then we will get back to you guys with  
18 more information on that. If we can do it, it  
19 will show up on the plan. We'll get the  
20 surveyor out there to get some more spot  
21 elevations on the Tutta Bella property so that  
22 we can get the accurate grade changes and try  
23 to figure out what the slope needs to be to get  
24 access through both lots and make this parking

**DINA M. MORGAN, REPORTER**

## EASTCHESTER PLANNING BOARD - 12/1/16

1 layout work.

2 MR. GREALY: There's pluses and  
3 minuses of that connection. I think it should  
4 be explored, and if they want that connection,  
5 they should show how it will function. If  
6 there is such a connection -- and, again, now  
7 that we're told there's not going to be the  
8 hair salon -- if there was a connection here  
9 there would have been a possibility of maybe  
10 going to some angled parking spaces and make it  
11 a one way connection. But again, if it's only  
12 going to be Keller Williams use, there's less  
13 of a concern. We were looking at it for  
14 full-time use with a 19 foot drive aisle for  
15 people coming and going all throughout the day  
16 and for a use like a hair salon we were  
17 concerned with that width. If it's going to be  
18 their use only, a little bit less of a concern,  
19 but that's one of the thoughts we had about the  
20 cross section.

21 MR. PULASKI: I think you've done us a  
22 great service by bringing this up because it  
23 wasn't clear on the plans, and the last thing  
24 we want to do or the town wants to do is get

**DINA M. MORGAN, REPORTER**

## EASTCHESTER PLANNING BOARD - 12/1/16

1 into something that is a possible legal  
2 problem. So it should be straightened out and  
3 go from there.

4 THE CHAIRMAN: But how can we look at  
5 something and review it about a connection or  
6 across connection that isn't on paper anywhere  
7 other than we're saying it's assumed, it's  
8 always been there so we still need it; right?  
9 It's a site plan condition that's a matter of  
10 fact, but if there is a no easement to support  
11 it, how can you let someone come through your  
12 property?

13 MR. GREALY: Well, I think they would  
14 have to establish an easement then. If there  
15 is a desire to maintain that or relocate I'll  
16 say, relocate it to this area here, they would  
17 have to come up with a formal easement.

18 MR. IANNACITO: We would have to get  
19 John Kirkpatrick involved in that and see how  
20 we go about trying to create an easement which  
21 didn't exist previously, and we also have to  
22 talk to all the other neighboring properties to  
23 see if they're okay with it. It could get a  
24 little bit complicated.

**DINA M. MORGAN, REPORTER**



## EASTCHESTER PLANNING BOARD - 12/1/16

1 MS. UHLE: That's actually something  
2 the Zoning Board brought up too. They said  
3 they felt less comfortable with just handshakes  
4 and friendly agreements because those could  
5 easily be broken. They wanted something more  
6 concrete.

7 MR. IANNACITO: Someone else could buy  
8 the adjacent property and say they're going to  
9 fence it.

10 MR. PULASKI: Another clarification.  
11 I see an arrow on White Plains Road going up  
12 that driveway, so there is a traffic flow that  
13 has to be maintained, that driveway is one way?

14 MR. IANNACITO: The driveway going  
15 from 22?

16 MR. PULASKI: On 22 the way you this  
17 drawn there is an arrow.

18 MR. IANNACITO: Most people come in  
19 there but don't exit that way.

20 MR. PULASKI: Okay. I would think  
21 that your plan would want to present that once  
22 you get to the parking area, that there is also  
23 an arrow showing where that traffic goes.

24 MR. IANNACITO: We could definitely do  
25 **DINA M. MORGAN, REPORTER**

## EASTCHESTER PLANNING BOARD - 12/1/16

1 that.  
2 MR. PULASKI: I interpreted it the  
3 other way, that it was going both ways.

4 MR. IANNACITO: I mean, that could  
5 definitely be used as two way traffic. There  
6 is nothing restricting two way traffic on that  
7 driveway. It's just a little bit difficult.

8 MR. GREALY: I think we would  
9 recommend that it be maintained or enhanced to  
10 be only a one way driveway. It is primarily  
11 functioning that way. I have seen vehicle come  
12 out but very few. Most people enter and either  
13 connect and come out to the signal at Wilmot or  
14 they come out, you know -- the flow of the bank  
15 traffic -- remember, the bank has a drive  
16 through window here also, so the circulation is  
17 one way. When you come out onto Reynolds, you  
18 have a light also. So you're coming out at  
19 controlled intersections. So it's easier, but  
20 I think one of our comments was that this  
21 should be made formal, appropriate signing, do  
22 not enter signs, keep it a one way so that if  
23 somebody did stop along the drive aisle that  
24 traffic does not get out on Route 22. But

**DINA M. MORGAN, REPORTER**

## EASTCHESTER PLANNING BOARD - 12/1/16

1 again, this all ties into, you know, as it said  
2 on the plan, there's an easement between these  
3 properties so there would be a way to get out  
4 to keep that one way circulation. I think if  
5 this can be done, it enhances things. If it  
6 can't be done, it will probably still work but  
7 it should be a one way driveway so that traffic  
8 is not going out that driveway onto 22.

9 THE CHAIRMAN: Does bank traffic go  
10 south toward Lord & Taylor or bank traffic does  
11 the route that you just indicated?

12 MR. GREALY: The bank traffic  
13 primarily comes out -- I'm not going to say  
14 that no one comes out this way, but you watch  
15 it most traffic and the flow is set up for this  
16 movement. If they go to the drive through,  
17 they come right out onto Reynolds and out to  
18 the light to go either north or south on White  
19 Plains Road. If they park in the back, the  
20 same way. There are some vehicles that you'll  
21 see would occasionally cut through here.  
22 Again, if that connection is not there, you're  
23 not talking about a tremendous amount of  
24 traffic that would have to be -- again, coming

**DINA M. MORGAN, REPORTER**

## EASTCHESTER PLANNING BOARD - 12/1/16

1 out of a controlled intersection.  
2 THE CHAIRMAN: This is a public  
3 hearing?

4 MS. UHLE: Yes, it is.

5 THE CHAIRMAN: All right, I think  
6 we've addressed this adequately. Let's see if  
7 the public has any comments and then we'll come  
8 back.

9 So I make a motion to open the public  
10 hearing on Application 16-30, Keller Williams,  
11 760 White Plains Road.

12 MR. PULASKI: Second.

13 THE CHAIRMAN: All in favor.  
14 (All Aye.)

15 THE CHAIRMAN: Floor is open.

16 MR. LEONE: Ted Leone from Claire  
17 Leone real estate. We own the property  
18 adjacent to the parking lot right there.

19 At present, they park alongside the  
20 building in the back. So at present they're  
21 using nine spots right now. So if you take out  
22 the illegal spots and say you can't use them,  
23 essentially you're really not changing the  
24 parking at all while expanding the building

**DINA M. MORGAN, REPORTER**

## EASTCHESTER PLANNING BOARD - 12/1/16

1 tremendously. These spots over here -- they  
 2 will take out of the right-of-way with these  
 3 spots over here. I don't know if it's a  
 4 recorded easement or not. If it is a recorded  
 5 easement, then you have a big problem. If it's  
 6 not, these are very small spots. I actually  
 7 parked my car here today just to see how many  
 8 cars I could park here, and I could fit three  
 9 cars, one, two, three. But if this gets  
 10 blocked off, the parking lot is going to be a  
 11 dead end in here, there's going to be gridlock.  
 12 If you have columns here, I don't know how  
 13 you're going to get into these spots easily and  
 14 then get out. At present, daily I have to tell  
 15 Keller Williams' people, you can't park in the  
 16 lot, you can't park in the lot over and over.  
 17 Over and I tell the same people and they still  
 18 try to sneak in. So parking is a huge issue  
 19 over there and to expand the building that much  
 20 you're certainly going to bring in more  
 21 traffic, more people, and create a bigger  
 22 issue. Obviously, you need 36 spots and you're  
 23 only providing 9 and they're somewhat dubious  
 24 spots, including one that is going to be a

**DINA M. MORGAN, REPORTER**

## EASTCHESTER PLANNING BOARD - 12/1/16

1 handicapped spot, there's issues there.  
 2 Then I guess essentially you're  
 3 expanding the non-conformity of the building;  
 4 correct?  
 5 MS. UHLE: That's correct, with regard  
 6 to setback.  
 7 MR. LEONE: Whenever I go to the  
 8 Building Department I always hear you can't  
 9 expand a non-conformity. I don't understand  
 10 how you can expand a non-conformity.  
 11 MS. UHLE: You can't increase a  
 12 non-conformity unless you get a variance to do  
 13 so. So they applied for variances to do that  
 14 and they're here for preliminary review before  
 15 the Planning Board. You can't increase a  
 16 non-conformity unless you get a variance to do  
 17 so. So that's what they're asking to do.  
 18 MR. LEONE: Okay. Those are my --  
 19 THE CHAIRMAN: What parking does your  
 20 office use?  
 21 MR. LEONE: Right here. Alongside  
 22 back here. We have about 15 parking spots.  
 23 Thank you.  
 24 THE CHAIRMAN: Thank you.

**DINA M. MORGAN, REPORTER**

## EASTCHESTER PLANNING BOARD - 12/1/16

1 MR. FISHER: Good evening, Chairman  
 2 and members of the Planning Board. My name is  
 3 Christopher Fisher. I'm a partner with the  
 4 firm of Cuddy & Feder. I'm here on behalf of  
 5 Lord & Taylor. I'm also joined this evening by  
 6 Kyle Raffo in the audience who's director of  
 7 real estate for Lord & Taylor.

8 As was mentioned earlier, this matter  
 9 I believe was first presented to the Zoning  
 10 Board of Appeals and at that time Mr. Raffo  
 11 actually expressed some opposition and  
 12 objection to the application that was filed.

13 I did want to take a few minutes to  
 14 comment on the application. Lord & Taylor  
 15 still objects to the application as amended and  
 16 filed with the Planning Board now. Lord &  
 17 Taylor, obviously the board is familiar with  
 18 the area, is within the 200 foot radius for the  
 19 purposes of notice. In this particular aerial  
 20 you can't see Lord & Taylor's building, but  
 21 this is their parking lot that fronts on  
 22 Wilmot. Obviously in that particular location  
 23 that parking lot, while it's not shown in the  
 24 aerial, that's the main principal frontage of

**DINA M. MORGAN, REPORTER**

## EASTCHESTER PLANNING BOARD - 12/1/16

1 the building. For people who visit Lord &  
 2 Taylor, it's kind of the premium spots, if you  
 3 will, when it's busy, and it's an area where  
 4 Lord & Taylor obviously want to reserve space  
 5 that it maintains, controls for purposes of its  
 6 patrons to the retail store.

7 I had a chance to take a quick look at  
 8 the application that was filed. I know the  
 9 scale of these are very small, but this is  
 10 actually the notice radius that was produced  
 11 and the tax map that was provided by the  
 12 applicant. In the radius on the aerial when  
 13 you take a look, I don't know, maybe we got  
 14 lucky, but on the day of the aerial fly of this  
 15 particular photo if you scan it and look at it  
 16 and look at your maps, for some reason the  
 17 aerial was taken on a day when the existing  
 18 office use was pretty active. The spaces  
 19 behind the building at Keller Williams are  
 20 full, there are spots aligned on the Tutta  
 21 Bella restaurant, and then you'll also notice  
 22 actually in the aerial on the Lord & Taylor lot  
 23 there are a number of cars lined up directly in  
 24 the spaces on Wilmot Road. I can't say with

**DINA M. MORGAN, REPORTER**

## EASTCHESTER PLANNING BOARD - 12/1/16

any degree of certainty that those are, in fact, Keller Williams' brokers or that there was an educational event but this is with the existing use. From Lord & Taylor's point of view, this is a problem that's only going to be exacerbated by any expansion of the building. So we're dealing with a situation, at least at Lord & Taylor right now, where we believe visitors to this particular site are actively using the Lord & Taylor parking space, which is not permitted, and it's an offsite impact currently.

As was mentioned by the applicant, the site right now is non-conforming. I don't have the facts, but listening to the comment earlier about the date of the building, I'm presuming for purposes of the proceeding it's a legal non-conforming as to the number of spaces at four for purposes of the existing a little over 4,000 square feet of gross floor area. That in terms of percentages, which the applicant rightfully pointed out to the board, is more than about 80 percent or a little more non-conforming as to the current on-site

**DINA M. MORGAN, REPORTER**

## EASTCHESTER PLANNING BOARD - 12/1/16

parking requirement. That percentage, while it may stay around the same, the parking impact is only going to increase by trying to add square footage to this site. From Lord & Taylor's perspective, this frankly may just be a situation where this site can't support additional development. There is just not enough adequate on-site parking. When I heard Mr. Canning's presentation to the board, while certainly you could take a look at parking counts and whether or not there are municipal spaces that might be available just from a space allocation point of view, and this is in context, I would note, simply with respect to you zoning requirements, and we'll wait to see what the applicant presents as far as actual intended usage of this building to see how that relates to the zoning code requirements, but my point is this, those spaces, which I think in the aerial that Mr. Grealy showed, aren't even on that aerial. To expect someone to visit the site, even a broker who's actually an independent contractor or employed by Keller Williams, to park 600 hundred feet away, 700

**DINA M. MORGAN, REPORTER**

## EASTCHESTER PLANNING BOARD - 12/1/16

feet away, pay for parking when in their probably behavioral point of view is they're going to drive up, look at Wilmot Avenue, pull in, what they do now, and park in the Lord & Taylor lot, which for their purposes is free but not permitted.

So we just don't see this application as presented as a board as having viability. It may be a situation where added density on this site and the on-site inadequate parking and the off-site impacts now and in the future just simply can't be mitigated under any circumstances. I realize that the Zoning Board would have to weigh in on those questions as well. For purposes of the Zoning Board Section 13B of the Town Code it's pretty clear that it incorporates parking requirements with respect to non-conformities, and that when you actually expand an existing non-conformity, the presumption and the requirement is you bring the existing site up to code and you meet code for any expansion. So we'll wait to see what happens with this application, but I certainly don't think, from what I heard at least, you

**DINA M. MORGAN, REPORTER**

## EASTCHESTER PLANNING BOARD - 12/1/16

have enough information, certainly not to make a SEQRA determination, and we would oppose the application both before the board and the Zoning Board. Thank you.

MR. NEMECEK: I have a couple of questions for you.

MR. FISHER: Yes.

MR. NEMECEK: First of all, have you had any known instances where you've had people from Keller Williams -- people using Keller Williams and Keller Williams exclusively, not also shopping at Lord & Taylor, have you had incidents where you've had to tell people you can't park here documented?

MR. FISHER: I did talk to Mr. Raffo about that and one of the things that -- given the nature of Lord & Taylor --

MR. NEMECEK: By the way, also for Claire Leone as well.

MR. FISHER: I'm sorry.

MR. NEMECEK: For Claire Leone Realty as well, have you had issues, same question.

MR. FISHER: I did ask that question to see if we had any factual evidence to be

**DINA M. MORGAN, REPORTER**

## EASTCHESTER PLANNING BOARD - 12/1/16

1 able to say that this is known usage by those  
2 off-site users. We don't have that data. It's  
3 not a situation where Lord & Taylor is  
4 essentially actively policing the parking lot.

5 MR. NEMECEK: I understand you  
6 wouldn't want to do that. You're going to  
7 scare away good customers. It's just unseemly.  
8 Lord & Taylor does have a large parking area,  
9 but you're right, the area closest to this  
10 would be the choice parking and it's the nicest  
11 looking parking and it's convenient. The  
12 illustration here is pretty damning I would  
13 have to say, but you don't know who's using  
14 that.

15 MR. FISHER: We don't. Yes, it's a  
16 bit speculative, but looking at it and looking  
17 at all of the surrounding lots in that photo  
18 that don't have cars parked for whatever  
19 reason, you know, it seems that it's the Keller  
20 Williams' activity.

21 MR. NEMECEK: Does Lord & Taylor have  
22 a policy with respect to where it's employees  
23 park?

24 MR. FISHER: Kyle, do you know

**DINA M. MORGAN, REPORTER**

## EASTCHESTER PLANNING BOARD - 12/1/16

1 offhand?

2 MR. RAFFO: It's not enforced. No one  
3 is out there monitoring it.

4 MR. TUDISCO: Could he come up on the  
5 record? Just identify yourself, please.

6 MR. RAFFO: Yes, sure. How are you?  
7 Kyle Raffo, I'm with Lord & Taylor. There is  
8 procedural. We don't allow our employees to  
9 park closer to the store and in the premier  
10 parking spaces. It's, again, not policed.  
11 During the holidays, parking is worse and we do  
12 some off-site shuttling and things like that.  
13 At that time, we would make sure the employees  
14 weren't there. During the course of the  
15 average year, it's a little bit more lax on  
16 that regards.

17 MR. NEMECEK: Where is the employee  
18 entrance?

19 MR. RAFFO: In the back.

20 MR. NEMECEK: In the back. So it  
21 would be unlikely that these would be employees  
22 using these spaces depicted in these photos?

23 MR. RAFFO: It's unlikely, but I  
24 couldn't say yes or no that there isn't an

**DINA M. MORGAN, REPORTER**

## EASTCHESTER PLANNING BOARD - 12/1/16

1 employee parked there.

2 MR. NEMECEK: Fair enough.

3 MR. PULASKI: You know, an item that's  
4 being said is we can't just look at this single  
5 application by itself, we have to consider the  
6 whole area. I remember a number of years ago  
7 there was a concern that Lord & Taylor might  
8 leave Eastchester, and I think a lot of people  
9 in Eastchester see Lord & Taylor as a jewel of  
10 the town, a jewel of that shopping center.  
11 When a store considers whether they stay or  
12 they don't, they take various different things  
13 into consideration, and we're talking about one  
14 of the things that they might take into  
15 consideration; do they feel they're given a  
16 proper shake by the town. Parking is a problem  
17 in the town, and we just have to keep all of  
18 these things into consideration as we make  
19 decisions.

20 MR. FISHER: Unless we can answer any  
21 other questions, thank you.

22 THE CHAIRMAN: Thank you.

23 MR. NEMECEK: Thanks.

24 MR. ALBRECHT: Good evening, chairman

**DINA M. MORGAN, REPORTER**

## EASTCHESTER PLANNING BOARD - 12/1/16

1 and members of the board. My name is Andrew  
2 Albrecht. I represent Urstadt Biddle  
3 Properties. We're the property owners of 777  
4 White Plains Road. I'm actually directly  
5 across the street from the real estate offices,  
6 and we have very grave concerns about the very  
7 thing that we've all been talking about this  
8 evening is parking.

9 We actively monitor and in some cases  
10 in the past we've actually had to tow vehicles  
11 on numerous occasions because they are  
12 employees from either bank personnel or  
13 possibly in some cases Keller Williams Real  
14 Estate. We know that we've towed hair salon  
15 employees from our parking lot and we know that  
16 people, non-shoppers, people that are coming to  
17 the area that are not shopping at our center  
18 are parking right down along White Plains Road  
19 directly across from the business, and that is  
20 actually the place where our employee parking  
21 plan encourages our tenants' employees to park.  
22 It costs us money to monitor the parking that's  
23 there. It costs us time in trying to police  
24 the parking.

**DINA M. MORGAN, REPORTER**

## EASTCHESTER PLANNING BOARD - 12/1/16

1 In listening to the traffic  
2 consultant's findings, it seems almost a  
3 fantasy that somebody would park three minutes  
4 away -- two blocks, three minutes away when  
5 they can simply park across the street and use  
6 the signal crosswalk to get to the other side  
7 of the road. We've witnessed it. We have  
8 employees that will routinely on random  
9 occurrences go down and monitor the parking  
10 situation there, and we've watched either  
11 employees or customers park in our lot, cross,  
12 go visit the businesses, whether it's the bank,  
13 the hair salon or Keller Williams -- I'm sorry,  
14 not Keller Williams, the real estate offices --  
15 and then an hour later come back out and leave.  
16 As we all know, parking is a very, very premium  
17 commodity down there and our site is very  
18 tight. Our parking is very limited and we  
19 don't have extra spaces to be having employees  
20 from other businesses parking there.

21 MR. NEMECEK: Are you suggesting that  
22 the proposal you heard with respect to employee  
23 parking would somehow interfere with rights  
24 that you have to parking?

**DINA M. MORGAN, REPORTER**

## EASTCHESTER PLANNING BOARD - 12/1/16

1 MR. ALBRECHT: I'm sorry, rephrase  
2 that. Say that again.

3 MR. NEMECEK: Yes. I thought I heard  
4 you suggest that the proposed plan for the  
5 employees of Keller Williams to park, you know,  
6 not on site but in an off-site spot interferes  
7 with rights that you have on behalf of your  
8 employees to park?

9 MR. ALBRECHT: Our tenants' employees.

10 MR. NEMECEK: The employees of the 777  
11 White Plains Road.

12 MR. ALBRECHT: Our parking lot is for  
13 the use of our tenants' employees and their  
14 customers, people, patrons, employees working  
15 and visiting our shopping center.

16 MR. NEMECEK: I didn't hear the  
17 applicant say that they were going to instruct  
18 their employees to park across the street at  
19 777.

20 MR. ALBRECHT: I didn't say they were  
21 being instructed to park there. What I'm  
22 saying is we have had our own personnel in the  
23 management department sit there for hours  
24 either in the morning or in the evening around

**DINA M. MORGAN, REPORTER**

## EASTCHESTER PLANNING BOARD - 12/1/16

1 5:00, beginning/end of the day, and then random  
2 occurrences when our employees of Urstadt  
3 Biddle visit the site for various reasons,  
4 whether there's work going on or they're doing  
5 a tenant visit, and they will pull in, park,  
6 and then walk across the street and not come  
7 back and not visit one of our tenants, you  
8 know, or they're not employees of tenants in  
9 our shopping center. So that's what I'm  
10 saying.

11 As the owner and operator of about  
12 almost 80 shopping centers, we really  
13 understand well human nature and their tendency  
14 to want to park directly in front of the  
15 door --

16 MR. NEMECEK: And for free.

17 MR. ALBRECHT: For free, yes. It's  
18 not uncommon for somebody to troll a parking  
19 lot for five, seven minutes or more to find a  
20 parking space in front of the shop versus park  
21 and walk three minutes. They would rather  
22 troll for that space where they want to go.  
23 It's human nature. We all understand that.

24 The expansion that's being proposed

**DINA M. MORGAN, REPORTER**

## EASTCHESTER PLANNING BOARD - 12/1/16

1 and the fact that they're less than 50 percent  
2 or they meet less than 50 percent of the  
3 parking requirement for the square footage of  
4 the building is just untenable for that  
5 property and the operation that they're going  
6 to hold.

7 We have Kellard Williams Real Estate  
8 offices at one of our other properties up in  
9 Connecticut, and we know that routinely they  
10 have classes, seminars, training sessions and  
11 things like that where there will be 15, 20, 25  
12 people at the site for more than just an hour  
13 class. They come in early before the class,  
14 they stay through the class, and then there's  
15 always stragglers that hang around and talk and  
16 visit and whatever they do.

17 MR. NEMECEK: Coffee and donuts.

18 MR. ALBRECHT: Coffee and donuts, yes,  
19 you're right. So we know that there is going  
20 to be a much more dramatic impact on the  
21 parking by expanding the building and allowing  
22 the parking to not be satisfied and on top of  
23 that increasing the number of either full-time  
24 employees or providing more room for other real

**DINA M. MORGAN, REPORTER**

## EASTCHESTER PLANNING BOARD - 12/1/16

estate brokers to come in and work at the site.

MR. NEMECEK: Did you also hear Mr.

Grealy talk about how the fact that you now would be dealing with everyone under one roof, so-to-speak, Keller Williams being the sole occupant of the building, that they would have greater control, perhaps, than you would have to with two different occupants of the building and the fact that you would be talking about contractors coming back, people who they could tell, you need to park someplace. Now, granted, not everyone is going to listen to that, but if they have a continuing relationship and that's reinforced consistently, I think there's a greater likelihood you're going to get compliance.

MR. ALBRECHT: That's possible. We respectfully disagree.

MR. WEST: There are three businesses over there. Unless you're asking the people where they're going, it could be the bank that's your problem and whether they build an inch onto that building or not it won't change. Same is true for Lord & Taylor. Unless you're

**DINA M. MORGAN, REPORTER**

## EASTCHESTER PLANNING BOARD - 12/1/16

surveying where they're going, are they going to the restaurant for lunch, are they going to the bank to deposit, you don't know where they're going. I think parking is still a problem for you, but you can't put it all on that one building when there are two other buildings that hold high traffic.

MR. ALBRECHT: And I was clear to point out that we've towed cars of employees of the bank.

THE CHAIRMAN: How do you identify cars to be towed?

MR. ALBRECHT: By personnel writing down license plate numbers and documenting over time that those cars are consistently there. We then speak directly with all of our tenants and identify through their employees whose cars are whose.

MR. WEST: They're definitely parking there. I've lived in the area for 15 years. You know how many people I saw park across the street and walk into the bank?

MR. NEMECEK: You probably don't have an issue if somebody goes to the bank, takes

**DINA M. MORGAN, REPORTER**

## EASTCHESTER PLANNING BOARD - 12/1/16

out a lot of money, and spends it in the shopping center.

MR. ALBRECHT: Absolutely not.

Absolutely not. But when the car shows up at 8:00 in the morning and it doesn't leave until 5:00 in the afternoon and it does not belong to a tenant or one of their employees, they aren't shopping at our center for eight hours. As much as we would all love that, they aren't doing that. I do have to say there have been a couple of instances where we've identified people as commuters who will drive from somewhere, park there, and take either the bus or some other means of transportation either into the city or car share, and we've identified those people as well and tried to deal with that. But the biggest problem is while we've over time absorbed some cost for this issue in trying to handle it internally, by expanding the building, expanding the square footage, which would generate more traffic from real estate brokers and things, the problem will increase. We will then be forced to probably spend our tenants' money through

**DINA M. MORGAN, REPORTER**

## EASTCHESTER PLANNING BOARD - 12/1/16

common area maintenance costs to hire either somebody a security to monitor parking there, which we have to do at some centers, and that just add cost to our operation and our tenants' business.

MR. NEMECEK: Would it be fair to say, though, that your biggest problem seems to be with the bank customers at the moment but the logical supposition is that, okay --

MR. ALBRECHT: It wouldn't because we aren't, you know, punishing somebody for parking there for 15, 20 minutes, whatever, while they run into the bank in and out or walk down the street to Mrs. Greens for that matter or go over to the restaurant. That's not the issue. It's the people that park there and stay all day, you know, or for multiple hours during the day and just the consumption of what are very scarce parking spaces to begin with and the fact that it puts a burden on our tenants and it impairs, you know, our customers from finding places to park in the center.

THE CHAIRMAN: Just a quick question. Is the parking, the Lord & Taylor parking along

**DINA M. MORGAN, REPORTER**

## EASTCHESTER PLANNING BOARD - 12/1/16

1 there that we've been talking about, is that  
2 something that enforcement and towing of cars  
3 would make this problem go away or in your  
4 experience it doesn't matter?

5 MR. NEMECEK: Are you talking about  
6 777?

7 THE CHAIRMAN: Yes. Your Lord &  
8 Taylor parking, the ones right opposite Keller  
9 Williams, those spots there. If you start  
10 towing cars, would people get the idea sooner  
11 or later and stop or it's just human nature is  
12 it will never end?

13 MR. ALBRECHT: That would be a Lord &  
14 Taylor decision. We have personally -- our  
15 company has towed cars from our property. So  
16 as long as we've been able to conclusively  
17 identify who they belong to and the fact that  
18 they're not supposed to be parking there all  
19 day for free.

20 MR. PULASKI: Psychologically if you  
21 were a customer of Lord & Taylor and you saw a  
22 towing truck come into the parking lot and you  
23 suspected that they're towing cars that  
24 shouldn't be there, I think that would rub you

**DINA M. MORGAN, REPORTER**

## EASTCHESTER PLANNING BOARD - 12/1/16

1 the wrong way.

2 MR. ALBRECHT: Well with --

3 MR. PULASKI: And so it's not good for  
4 business.

5 MR. ALBRECHT: You're right. And to  
6 have to go to that extreme in order to provide  
7 the parking spaces necessary for the employees  
8 and the patrons is really a shame. The parking  
9 lot where we are is -- let's see if I can --  
10 right here. It's under the trees. Most all of  
11 these spaces are utilized at one point or  
12 another by people from other businesses in the  
13 area. We have signs that parking is for, you  
14 know, customers and patrons of the shopping  
15 center and/or employees. The sign is only as  
16 good as the person that's reading it and  
17 honoring what the sign is requesting. But it's  
18 clear and we know for a fact through prior  
19 history that we suffer as an adjoining or a  
20 close, you know, property owner from this  
21 problem. We would be absolutely opposed to the  
22 expansion of the building.

23 MR. NEMECEK: It sounds like your  
24 concerns to a large extent mimic those of Lord

**DINA M. MORGAN, REPORTER**

## EASTCHESTER PLANNING BOARD - 12/1/16

1 & Taylor except you're probably even closer.

2 MR. ALBRECHT: We're even closer  
3 proximity. I sympathize with Lord & Taylor  
4 because when our area is full, that's when they  
5 start going to Lord & Taylor. All right?

6 Thank you very much.

7 MR. NEMECEK: Thank you.

8 THE CHAIRMAN: Thank you.

9 MR. LEONE: Obviously the big guns  
10 have come out tonight. They have hired  
11 attorneys and shopping center owners have come  
12 out, and they wouldn't come out unless the  
13 problem was fairly obvious. It's not a  
14 question of are these people really coming from  
15 this office, this specific building or are they  
16 coming from the bank, but the bank over the  
17 beginning of this summer did institute a rather  
18 aggressive towing, and they were out there  
19 while that tow truck was out there and that  
20 kind of cleared up parking, scared people away  
21 for a little while. But I'll be in my office  
22 and watch people walk from Lord & Taylor into  
23 Keller Williams, back and forth, back and  
24 forth. I'm a reliable witness and, yes, I

**DINA M. MORGAN, REPORTER**

## EASTCHESTER PLANNING BOARD - 12/1/16

1 could say absolutely.

2 MR. NEMECEK: Do you ever get  
3 customers who park in the Lord & Taylor lot?  
4 Be honest.

5 MR. LEONE: My own customers?

6 MR. NEMECEK: Your own customers.

7 MR. LEONE: We have sufficient parking  
8 there for what we need. I ride my bicycle to  
9 work typically, so I don't even take up a spot.  
10 We try to abide with the law. We try to be  
11 good neighbors. I hate to complain about my  
12 neighbor, but when I see something that I feel  
13 is kind of maybe outside the law from a  
14 variance standpoint and that it doesn't fit  
15 within the boundaries of the law and is such a  
16 large expansion which is going to take a  
17 problem that's there at present and expand that  
18 problem, I don't think that the town should be  
19 willing to approve anything such as this.  
20 Thank you.

21 THE CHAIRMAN: Thank you.

22 MR. NEMECEK: Anyone else from the  
23 public?

24 THE CHAIRMAN: Okay, you're up.

**DINA M. MORGAN, REPORTER**



## EASTCHESTER PLANNING BOARD - 12/1/16

1 MR. HADI: I understand parking is an  
 2 issue, that is why John and I went out and  
 3 produced additional parking on the building.  
 4 I've increased the cost of the project because  
 5 I understand the issue of parking. I reached  
 6 out to the town. I was fortunate enough to  
 7 receive two permit parking that is assigned to  
 8 four employees right now, we rotate. I'm on  
 9 the list to add more parking. I will do the  
 10 best that I can to resolve the issue. This is  
 11 not about me being a pain to my neighbors. I  
 12 want to solve the issue. This is without a  
 13 doubt not a -- it's not a doubt in my mind. I  
 14 shop at Lord & Taylor, my suits are Lord &  
 15 Taylor, I eat at the shopping center. I mean,  
 16 we're doing the best we can. We're great  
 17 neighbors. I understand it's an issue. I'm  
 18 not ignoring it. I'm not dismissing it. I  
 19 will always keep my eyes open. I believe that  
 20 I reached out to your shopping center and I  
 21 asked if they would rent me parking if that's  
 22 something that they're willing to do. I  
 23 believe the answer was, no, and I was okay with  
 24 it. I'm going out of my way to solve the issue

**DINA M. MORGAN, REPORTER**

## EASTCHESTER PLANNING BOARD - 12/1/16

1 and get closer to what I need to be. So I  
 2 apologize for any inconvenience. I could tell  
 3 you I'm not responsible for the other  
 4 businesses. I am responsible for my employees.  
 5 I have one of them right here to be a witness  
 6 to what I'm saying. We have stickers in our  
 7 cars. We live in a very dense area, we love  
 8 where we are, and we're good neighbors. I  
 9 apologize for whatever issue that is coming up,  
 10 but I can promise you that I am doing the best  
 11 that I can to resolve it and I am not part of  
 12 the problem. I'm trying to make the building  
 13 beautiful and make the town better as well.  
 14 With that, thank you for allowing me to speak.

MR. NEMECEK: Thank you.

THE CHAIRMAN: So we're going to have  
 18 to continue thinking about this and about the  
 19 parking. There is a lot of work that I think  
 20 needs to be done, Mr. Iannacito. In  
 21 particular, we would like --

MR. IANNACITO: We'll work on.

THE CHAIRMAN: Normally here we focus  
 24 on what's inside the property and everything  
 25 outside of it has nothing do to with the

**DINA M. MORGAN, REPORTER**

## EASTCHESTER PLANNING BOARD - 12/1/16

1 application, that's how we look at the  
 2 applications. Unfortunately, it's not that  
 3 simple here. There are a lot of factors  
 4 involved in this, including Lord & Taylor's  
 5 concerns, including the cross connection,  
 6 including how many spots we're going to need,  
 7 including the narrative we need to understand  
 8 the usage, and we somehow have to gather it all  
 9 together and reconvene once we have more  
 10 information.

MR. NEMECEK: And one item, as I think  
 13 of it, in respect to the narrative is it  
 14 relates to the comments that I made about the  
 15 degree of control that you exercise over those  
 16 outside -- the brokers who are outside  
 17 contractors. Human nature, we understand what  
 18 it is, you want to be parked as close as you  
 19 can, and if you don't think anyone is going to  
 20 catch you, you're going to do it. It's not  
 21 stealing money from a blind person, you're  
 22 taking a parking space. Most of us could  
 23 justify that. What level of control -- what  
 24 enforcement can you put behind an admonishment  
 25 to an independent broker, I better not ever see

**DINA M. MORGAN, REPORTER**

## EASTCHESTER PLANNING BOARD - 12/1/16

1 you parking at 777, I better not ever see you  
 2 parking at Lord & Taylor or your privileges are  
 3 gone, you're done? Is that a possibility? Is  
 4 that realistic? You guys tell me.

THE CHAIRMAN: It's sort of a  
 7 technical issue. We have to understand how  
 8 many patrons are using it, how much parking do  
 9 you need, and whatever you tell us that's the  
 10 number you have. If that's not there, no can  
 11 do, the job doesn't go forward. Regardless of  
 12 where they're parking, either the spots are  
 13 there or they're not.

MR. IANNACITO: We have the number  
 15 based upon the square footage. We'll put a  
 16 narrative together with the accurate numbers of  
 17 how many people are going to be coming to this  
 18 building on a daily basis on the days when the  
 19 classes are going on, and then we'll put all  
 20 that information together and we'll see what  
 21 happens.

MS. UHLE: Can I just go over a couple  
 23 of things that I think you need to do?

MR. IANNACITO: Sure.

MS. UHLE: Can you please provide a

**DINA M. MORGAN, REPORTER**

## EASTCHESTER PLANNING BOARD - 12/1/16

1 large aerial photograph so that we can see it,  
2 that also includes 777 and Lord & Taylor and  
3 the exit at the rear of the bank onto Reynolds  
4 or whatever, and possibly, depending on how  
5 clear that it is, even your own drawings maybe  
6 provide a little more context. We've already  
7 talked about the narrative. You just recently  
8 received Mr. Grealy's memorandum, so there are  
9 quite a few points in there that need to be  
10 addressed, and then clarify issues with regard  
11 to any existing and/or proposed agreements and  
12 easements.

13 Also, sort of along the lines of what  
14 Phil Nemecek was talking about, I think you may  
15 want your attorney to address what happens if,  
16 you know, we're talking about it being a single  
17 tenant but that doesn't necessarily mean that  
18 next year there's not another office tenant  
19 that moves in there. I know that's not the  
20 intention at all, but I think you have to  
21 understand -- it sounds to me that this  
22 building actually has fairly low turnover  
23 compared to a lot of other types of office  
24 uses, but I'm not quite sure how you guarantee

**DINA M. MORGAN, REPORTER**

## EASTCHESTER PLANNING BOARD - 12/1/16

1 that it remain that way. So I think they need  
2 to address that to an extent as well.

3 MR. IANNACITO: The fact that 10 years  
4 down the road they have three tenants what  
5 happens?

6 MS. UHLE: And different types of  
7 tenants, yes.

8 MR. PULASKI: Because it exists now,  
9 it's legal non-conforming.

10 MR. IANNACITO: And it's all used for  
11 office building, so the count won't change.

12 THE CHAIRMAN: It's office but  
13 separate tenants.

14 MS. UHLE: Also, building on what you  
15 said, I think they've already indicated that  
16 there are spaces available. I think the  
17 concern is, is it realistic that people will  
18 actually park in those available spaces.

19 MR. IANNACITO: We'll put the  
20 information together and come back.

21 MR. PULASKI: To your client, we go  
22 through this in a lot of areas of Eastchester  
23 where parking is an issue. I apologize if he's  
24 looking at it other than --

**DINA M. MORGAN, REPORTER**

## EASTCHESTER PLANNING BOARD - 12/1/16

1 MR. IANNACITO: It's not personnel.

2 MR. NEMECEK: I think he understands  
3 it is a dense area and in particular -- it's  
4 funny, because as I look further at this  
5 picture I see on 777 there are cars parked  
6 closest in the bottom corner away from the  
7 building, the shops. It seems like that's the  
8 densest parking there. I understand the  
9 frustration that the neighboring tenants have,  
10 but I also understand -- and certainly we want  
11 to encourage businesses in Eastchester to reach  
12 their fullest potential.

13 THE CHAIRMAN: Most importantly,  
14 before you return we need this whole parking  
15 analysis on your side with the usage, your  
16 consultant come up with the needed spaces, our  
17 consultant review it, that has to go through  
18 one more time.

19 MR. IANNACITO: That may take longer  
20 than a one month period.

21 THE CHAIRMAN: We need to know that.  
22 Great.

23 MR. IANNACITO: We'll try to do the  
24 most thorough investigation we can and if it

**DINA M. MORGAN, REPORTER**

## EASTCHESTER PLANNING BOARD - 12/1/16

1 takes a couple of months, we get back to you  
2 then.

3 THE CHAIRMAN: We'll be here.

4 MR. NEMECEK: Happy holidays to you.

5 THE CHAIRMAN: Are you here for  
6 another one?

7 MR. IANNACITO: I have one more.

8 THE CHAIRMAN: Thank you. The public  
9 hearing stays open.

10 The next application is Application  
11 16-38, 51 Joyce Road.

12 Do you have adequate parking on your  
13 application?

14 MR. BARBUTI: Excuse me.

15 THE CHAIRMAN: I said, do you have  
16 adequate parking?

17 MR. BARBUTI: We have adequate  
18 parking, and we'll try to make this as quick as  
19 possible.

20 Good evening, Mr. Chairman, members of  
21 the board, David Barbuti, architect  
22 representing the applicant.

23 We're here tonight for an application  
24 for an addition and alteration to an

**DINA M. MORGAN, REPORTER**

## EASTCHESTER PLANNING BOARD - 12/1/16

1

2 existing --

3 THE CHAIRMAN: Could you speak into  
4 the microphone, please.

5 MR. BARBUTI: -- To an existing one  
6 family dwelling located at 51 Joyce Road. The  
7 existing structure is a one family, one and a  
8 half story. Several years ago, there was a  
9 removal of an interior garage, two outdoor  
10 parking spaces, which were constructed over  
11 here, and there was a shed in the rear yard.

12 Under this proposal, we propose a two  
13 story addition along Dorchester, which will  
14 house a single car garage. We will convert an  
15 existing family room back into a garage and  
16 have our driveway access along Joyce Road. The  
17 present outdoor parking spaces will be removed  
18 as well as the existing framed shed.

19 The application went to the Zoning  
20 Board October 13th, we received two variances  
21 which were approved. One was for an  
22 insufficient side yard adjacent to the street,  
23 the other was exceeding the maximum FAR.

24 Last month, we went to the  
25 Architectural Review Board with some back and

**DINA M. MORGAN, REPORTER**

## EASTCHESTER PLANNING BOARD - 12/1/16

1

2 forth. There was a decision made, because they  
3 don't have the December meeting, to make some  
4 modifications to my plan, they don't have a  
5 meeting in December, and the package I show an  
6 existing -- what was previously submitted to  
7 the ARB and what the final outcome was based on  
8 some of the comments from the board.

9 Some of the comments from the ARB were  
10 just try to make some of the windows more  
11 symmetrical, there were some garage door  
12 features that one of the board members  
13 required, and just try to tie the whole  
14 building together. I think we kind of achieved  
15 that based on if you look at the old, look at  
16 the new.

17 So, as I mentioned before, we're here  
18 tonight basically for site plan approval and I  
19 guess for approval of the architecture. If you  
20 have any questions, I'm here to answer.

21 THE CHAIRMAN: Do you have a plan up  
22 there that you could show us just to get an  
23 idea of what's being changed?

24 MR. BARBUTI: So presently the  
25 existing house is this configuration. There's

**DINA M. MORGAN, REPORTER**

## EASTCHESTER PLANNING BOARD - 12/1/16

1

2 an 11 foot addition to the right, which will  
3 come all the way to the back which will house  
4 part of another garage, mechanical room, and a  
5 den. Family room, kitchen area stay the same,  
6 existing living room basically stays the same.  
7 Front foyer stays the same as well.

8 The house itself is basically a cape,  
9 has two dog house dormers in the front, and  
10 it's going to be a full second floor addition  
11 for four bedrooms. The addition is off to the  
12 right, increasing master bedroom size, increase  
13 bedroom number 2, 2 existing bedrooms, 1, 2, 3  
14 bathrooms.

15 THE CHAIRMAN: Can you go back to the  
16 elevation just to get an idea of what we're  
17 doing? So materials, could you just run  
18 through the materials?

19 MR. BARBUTI: I have samples if you  
20 want me to pass them around?

21 THE CHAIRMAN: Sure.

22 MR. BARBUTI: So basically  
23 material-wise proposed is an architectural  
24 shingle in pewter gray, you have the samples up  
25 on top. The front over the garage has

**DINA M. MORGAN, REPORTER**

## EASTCHESTER PLANNING BOARD - 12/1/16

1

2 shingles, it will be a metal roof in patina  
3 green, so it basically will look like a  
4 weathered copper. I don't have a sample of  
5 that with me, unfortunately. Base lower level  
6 of the bottom of the house I do have a stone  
7 water table, Eldorado Stone, which you have a  
8 sample of. It's called Mountain Ledge Panel  
9 Pioneer. It's basically a tannish brownish  
10 which will go with the vinyl siding flagstone  
11 which has basically a tinted green to it. Up  
12 in the gable ends we decided to change  
13 materials, basically a vinyl siding. It is a  
14 T-45 perfection shingle in the color of wicker  
15 that is basically a contrast to the base vinyl  
16 siding.

17 Some architectural details, we've got  
18 a AZEK pergola off to the side of living room  
19 overhang which is mounted on AZEK brackets,  
20 also the roof has brackets above the garage  
21 supporting that.

22 The front door is going to be most  
23 likely a fiberglass insulated door in mahogany  
24 color. The garage doors would be steel doors  
25 also in a mahogany color, just wood texture,

**DINA M. MORGAN, REPORTER**

## EASTCHESTER PLANNING BOARD - 12/1/16

1 wood color.

2 THE CHAIRMAN: So this color is the  
3 base?

4 MR. BARBUTI: That's the wicker, so  
5 that would be up here.

6 THE CHAIRMAN: Oh, I see. Okay. So  
7 everything else is there?

8 MR. BARBUTI: Yes. To get the colors  
9 to match exactly.

10 THE CHAIRMAN: The colonnades,  
11 everything in the front is white AZEK and white  
12 columns?

13 MR. BARBUTI: White Tuscan columns in  
14 the front, above the door is white AZEK, this  
15 is white AZEK. Rakes, facias, and other trim  
16 around the facade are going to be AZEK. Up in  
17 the eve, there was going to be a louver. We  
18 put some square pattern lattice so it doesn't  
19 look like a louver. The louver is behind it so  
20 it kind of hides it.

21 THE CHAIRMAN: Where are you talking  
22 about?

23 MR. BARBUTI: Up in the gable here.  
24 Just so you don't see the horizontal lines.

**DINA M. MORGAN, REPORTER**

## EASTCHESTER PLANNING BOARD - 12/1/16

1 THE CHAIRMAN: I live on Huntley Road  
2 and I go to the end of Huntley Road every day,  
3 so I'm concerned what it's going to look like,  
4 as I am on all the applications.

5 MR. NEMECEK: I have to two questions:  
6 One, this is a very large house for this area,  
7 and I see where the Zoning Board granted a  
8 variance which basically enables you to build  
9 this house with 25 percent more square footage  
10 than would ordinarily be allowed. What was the  
11 hardship, I guess, that was the rationale  
12 behind requesting this? Obviously the Zoning  
13 Board approved it so you said must have been  
14 convincing, but tell me the need for such a  
15 large variance.

16 MR. BARBUTI: My client has five kids,  
17 they need the bedroom space. It is a house  
18 without a basement, it's a slab on grade. They  
19 will very soon have children that are driving,  
20 we need the two car garage, we need the larger  
21 driveway. It was a bunch of things like that.  
22 Principal points I don't have off the top of  
23 my, it was a couple of months ago. In a  
24 nutshell, it's basically the five children, the

**DINA M. MORGAN, REPORTER**

## EASTCHESTER PLANNING BOARD - 12/1/16

1 no basement, you know, the requirements for the  
2 additional bedrooms.

3 MR. NEMECEK: Another concern I had  
4 with this particular property, I recall some  
5 years ago when there were issues in particular  
6 with Huntley Road drainage. I think this was  
7 the epicenter of the problem, because I think  
8 this may be the lowest lying area in Huntley,  
9 this particular house. I remember when they  
10 were putting in big pipes on Huntley Road,  
11 there were real concerns in particular about  
12 flooding, this house and a couple of houses  
13 right in that Dorchester/Joyce area. Are there  
14 currently issues with water intrusion or a high  
15 water table on this particular property?

16 MR. BARBUTI: The few times that I've  
17 been at the house, I haven't seen any evidence  
18 of any flooding problems.

19 APPLICANT: There is no basement, so  
20 there is no water in the basement.

21 MR. NEMECEK: Is it a crawl space  
22 underneath?

23 MR. BARBUTI: No. Slab on grade.

24 THE CHAIRMAN: There are four big  
25 **DINA M. MORGAN, REPORTER**

## EASTCHESTER PLANNING BOARD - 12/1/16

1 catch basins on Joyce Road there, that wasn't  
2 always there. They're huge. That's where all  
3 the water goes.

4 MR. NEMECEK: It was a real problem.

5 THE CHAIRMAN: The McCluskeys used to  
6 live there, I think. They fought hand in to  
7 get that resolved and they did. He is no  
8 longer with us, but he did a good job for you  
9 guys.

10 Public hearing, right? So I make a  
11 motion to open the public hearing on  
12 Application 16-38, 51 Joyce Road.

13 MR. PULASKI: Second.

14 THE CHAIRMAN: All in favor.  
15 (All Aye.)

16 THE CHAIRMAN: John, do you want to  
17 comment?

18 (No comments.)

19 THE CHAIRMAN: I make a motion to  
20 close the public hearing on the same  
21 application, 16-38, 51 Joyce Road.

22 MR. PULASKI: Second.

23 THE CHAIRMAN: All in favor.  
24 (All Aye.)

**DINA M. MORGAN, REPORTER**

## EASTCHESTER PLANNING BOARD - 12/1/16

THE CHAIRMAN: Okay. I don't have any other comments.

MR. PULASKI: Neither do I.

THE CHAIRMAN: So you're good to go then. So I'll make a motion to approve this application, 16-38, 51 Joyce Road. All in favor.

MR. PULASKI: Second.

THE CHAIRMAN: All in favor.

(All Aye.)

THE CHAIRMAN: Good luck.

MR. BARBUTI: Thank you.

THE CHAIRMAN: Thank you.

The last application for the year -- thank you -- have a nice evening, happy holidays -- 16-63, 7 Forbes Boulevard.

MR. IANNACITO: Good evening, again. John Iannacito, architect. I'm representing Mr. and Mrs. Bucolo this evening, the owners of the subject property.

We are proposing an addition to the existing single family residence. The proposed scope of work will include a second story addition over the existing footprint and a new

**DINA M. MORGAN, REPORTER**

## EASTCHESTER PLANNING BOARD - 12/1/16

entry portico at the front. No variances on this application.

Here is the front elevation showing the second story addition and here is a rendering showing the finished materials. The wall surfaces will be a HardiePlank lap siding in a deep ocean blue finish. I have a sample here. The existing stone veneer, the base here is existing and will remain. The roof surfaces will be asphalt shingles in an oyster gray finish. The windows will be vinyl clad in a white finish. The trim boards will be painted AZEK in a white finish. The gutters and liters aluminum in a white finish. The front entry door and the overhead garage door will be fiberglass in a mahogany finish, and the railings over the portico will be vinyl in a white finish.

This application was presented to the Architectural Review Board on November 3rd, and it was approved with three minor recommendations. The first was to add a trim piece underneath the sill, so an apron under each window, so we did that on the elevations.

**DINA M. MORGAN, REPORTER**

## EASTCHESTER PLANNING BOARD - 12/1/16

The second was to show the gutters and leaders, so we did that on every corner on all sides.

The third comment was to show the lights on the exterior. There will be a down light at the front portico and down lights over the canopy here, and then at the rear they'll be sconces on either side of the sliding door on the patio and sconces on the side of the windows, the doors going into the basement. That's it.

Thank you.

THE CHAIRMAN: Thank you. Easy. There's not much to say. It looks beautiful.

MR. NEMECEK: I noticed, John, when I walked past the house recently, and I guess it's depicted in the photos as well, it's already undergoing significant --

MR. IANNACITO: We have an open permit on the property right now for first floor interior alterations and the raised patio at the rear. So we were able to get those permits because they didn't require Architectural Review Board approval.

The second story addition changes more than 30 percent of the front facade, so we

**DINA M. MORGAN, REPORTER**

## EASTCHESTER PLANNING BOARD - 12/1/16

needed Architectural Review Board approval and then final approval from the Planning Board.

MR. NEMECEK: You weren't just jumping the gun on us, were you?

MR. IANNACITO: They wanted to try and get started with the footings and raised patio before it got cold, and they might be able to do this during the winter because it's right on top and no foundation is involved here.

THE CHAIRMAN: Right, you just take it off and go up.

MR. NEMECEK: That's it.

THE CHAIRMAN: It's easy.

MR. NEMECEK: The proposed construction really looks sharp.

THE CHAIRMAN: Can I see the Hardie? Let's do a public hearing. I make a motion to open the public hearing on Application 16-63, 7 Forbes Boulevard.

MR. NEMECEK: Second.

THE CHAIRMAN: All in favor. (All Aye.)

THE CHAIRMAN: I make a motion to close the same public hearing, Application

**DINA M. MORGAN, REPORTER**

1 EASTCHESTER PLANNING BOARD - 12/1/16  
 2 16-63, 7 Forbes Boulevard.  
 3 MR. NEMECEK: Second.  
 4 THE CHAIRMAN: All in favor.  
 5 (All Aye.)  
 6 MR. NEMECEK: I'll spare you a parking  
 7 joke.  
 8 MR. IANNACITO: We actually made the  
 9 driveway wider here. It's 20 feet wide.  
 10 THE CHAIRMAN: I make a motion to  
 11 approve Application 16-63, 7 Forbes Boulevard.  
 12 MR. PULASKI: Second.  
 13 THE CHAIRMAN: All in favor.  
 14 (All Aye.)  
 15 THE CHAIRMAN: Very nice.  
 16 MR. NEMECEK: Thank you.  
 17 MR. IANNACITO: Thank you. Have a  
 18 great holiday.  
 19 THE CHAIRMAN: Thank you, you too.  
 20 MR. NEMECEK: Merry Christmas, John.  
 21 THE CHAIRMAN: Merry Christmas. We  
 22 can't do anything, can we?  
 23 MR. NEMECEK: Actually, we can approve  
 24 one, I think.  
 25 MS. UHLE: I think I made a mistake in

**DINA M. MORGAN, REPORTER**

1 EASTCHESTER PLANNING BOARD - 12/1/16  
 2 the meeting minutes. Let me check whether you  
 3 approved the --  
 4 MR. PULASKI: You made a mistake and  
 5 he didn't pick it up.  
 6 MR. NEMECEK: I think we can approve  
 7 the September 22nd.  
 8 MS. UHLE: Did you approve those  
 9 previously? I'm not sure.  
 10 MR. NEMECEK: No, we couldn't.  
 11 MS. UHLE: Those you can approve and  
 12 not the October ones.  
 13 THE CHAIRMAN: Which ones?  
 14 MS. UHLE: It says on the meetings  
 15 notes. September 22, 2016.  
 16 MR. NEMECEK: September 22nd I have  
 17 revisions, which I'm going to show to the other  
 18 two board members here. I'm going to send  
 19 these to you tomorrow, but just so they see  
 20 what they are.  
 21 Subject to the revisions I have  
 22 identified but not yet forwarded to Margaret,  
 23 shown to Mr. Bonanno and Mr. West -- I'm sorry,  
 24 Mr. Pulaski -- Bill West was also present that  
 25 day.

**DINA M. MORGAN, REPORTER**

1 EASTCHESTER PLANNING BOARD - 12/1/16  
 2 THE CHAIRMAN: I make a motion to  
 3 approve the meeting minutes of September 22,  
 4 2016, subject to the trivial comments brought  
 5 out by Mr. Nemecek.  
 6 MR. NEMECEK: They're pretty minimal  
 7 for 140 page transcript.  
 8 THE CHAIRMAN: Do I get a second?  
 9 MR. NEMECEK: Second.  
 10 THE CHAIRMAN: All in favor.  
 11 (All Aye.)  
 12 THE CHAIRMAN: I make a motion to  
 13 close the Planning Board meeting of  
 14 December 1st, 2016.  
 15 MR. NEMECEK: Second.  
 16 THE CHAIRMAN: All in favor.  
 17 (All Aye.)  
 18 THE CHAIRMAN: Good night.  
 19  
 20 (MEETING ADJOURNED.)  
 21  
 22  
 23  
 24  
 25

**DINA M. MORGAN, REPORTER**

1 EASTCHESTER PLANNING BOARD - 12/1/16  
 2 C E R T I F I C A T I O N  
 3

4 STATE OF NEW YORK )  
 ) Ss.  
 5 COUNTY OF WESTCHESTER)  
 6

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

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

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

20 IN WITNESS WHEREOF, I have hereunto set  
 21 my hand this 5th day of January, 2017.

22

23

24

25

  
 DINA M. MORGAN  
 Court Reporter

**DINA M. MORGAN, REPORTER**

CORRECTION SHEET

<u>PAGE</u>	<u>CORRECTION</u>
-------------	-------------------

DINA M. MORGAN, REPORTER