

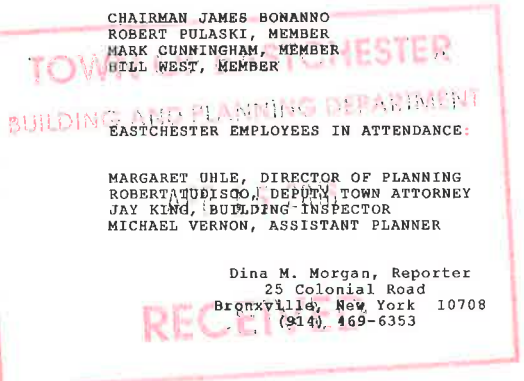
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TRANSCRIPT OF
TOWN OF EASTCHESTER PLANNING BOARD MEETING
MARCH 24, 2016

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
MARK CUNNINGHAM, MEMBER
BILL WEST, MEMBER



EASTCHESTER EMPLOYEES IN ATTENDANCE:
MARGARET UHLE, DIRECTOR OF PLANNING
ROBERTA JUDISCO, 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

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EASTCHESTER PLANNING BOARD - 3/24/16

So what we have today -- it's like
echoing a little bit -- we have three existing
properties. They front on Water Street -- two
properties fronting on Water Street and one
property that fronts on Stewart Place. Two of
the three properties are currently
non-conforming to zoning. There's one property
on Water Street that's only 40 feet wide in an
R-5 zone and it requires 50 feet wide, and the
property on Stewart Place is in an R-10 zone,
the frontage is only 60 feet as opposed to --

THE CHAIRMAN: Take the mic with you.

MR. SENOR: So basically these are the
three properties. We have two existing houses
here on Water Street, one existing house here
on Stewart Place, and then a garage in the
back. This is an area map that shows the
different zone lines. Our property is bisected
by the R-5, R-10 zone here. So these
properties that front on Water Street, although
they go back quite a ways, are in the R-5 zone,
and then the property that fronts on Stewart is
an R-10 zone. Almost all of the properties or
a lot of the properties don't conform to the

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EASTCHESTER PLANNING BOARD - 3/24/16

THE CHAIRMAN: Good evening. This is
the town of Eastchester Planning Board meeting
of March 24th, 2016. If everyone would rise
for the Pledge of Allegiance, please.

(Whereupon the Pledge of Allegiance
was said.)

THE CHAIRMAN: Sorry for the late
start, but we were all on trains coming home,
but we're here. So roll call: Mr. Robert
Pulaski.

MR. PULASKI: Present.

THE CHAIRMAN: Jim Bonnano is here.
Bill West.

MR. WEST: Present.

THE CHAIRMAN: Mark Cunningham.

MR. CUNNINGHAM: Present.

THE CHAIRMAN: It's a big loss, but
Phil Nemecek isn't here. I think we'll get
done a lot faster.

So the first application is
Application 16-13, 22 and 24 Water Street.

MR. SENOR: Good evening. My name is
Eliot Senor, offices of Gabriel E. Senor in
Hartsdale, engineers and surveyors.

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R-5 zone that are currently there.
What we're trying to create is we
wanted to build five lots where three lots
currently now exist. So what we were going to
do is we were going to take down the two houses
that front on Water Street, put in a roadway
and a cul-de-sac in the back. We'll end up
building back one house in the R-5 zone and
then three more houses around the cul-de-sac
leaving the house that fronts on Stewart Place
on the lot by itself.

All right. We want to build these
lots as an R-5 zone because that was what
everything -- the surrounding area consists of
is basically an R-5 zone. All of the lots that
we are proposing are in excess of -- the
smallest one is 6,100 square feet going up to
about 8,300 square feet for the third lot.

MS. UHLE: Just to clarify, the lots
are located in an R-10 zone.

MR. SENOR: Right.

MS. UHLE: But you're proposing lots
that would comply in an R-5 zone. I wasn't
sure if that was clear to everyone.

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1 MR. SENOR: To clarify, the zone line
2 is right across here. This is the R-5 to the
3 bottom and R-10 to the top. So the three lots
4 that we want to create are all in the R-10 zone
5 requirement, but we wouldn't be build those so
6 we're proposing to at least conform to an R-5
7 zone with several variances that we had listed
8 in our application, original application for
9 denial of zoning.

10 I have individual lots with the
11 individual requirements here if you wanted to
12 go through them. I don't know if you wanted to
13 see each one.

14 THE CHAIRMAN: You might as well.

15 MR. SENOR: All right. So the first
16 lot that fronts on Water Street would be fully
17 conforming. The lot size would be -- that's
18 currently in the R-5 zone -- it's about a 6900
19 square foot lot. We would meet all of the
20 zoning requirements for that. So that lot does
21 not need a variance.

22 Lot number 2, which ends up being 8340
23 square feet, would need a variance of --
24 essentially for a side yard setback and lot

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1 area and the effective square, but they would
2 conform to the R-5 zoning for all of those
3 items.

4 Lot 3, again, is currently in an R-10
5 zone. It would need a variance for lot area,
6 frontage on the cul-de-sac, and the side yard
7 area. The front and rear yards would all
8 conform to the R-10 zone as well as the R-5
9 zone. The effective square would also conform
10 only to the R-5, so we would need a variance
11 for the effective square.

12 Lot 4 we're proposing at 6100 square
13 feet and 10,000 is required. Again, the lot
14 frontage because we're on a cul-de-sac, and
15 then the side yards, two side yards, and the
16 effective square, but all items would be
17 conforming to the R-5 zone.

18 The existing house that fronts on
19 Stewart Place needs a variance for frontage.
20 It's currently 69 feet wide where 100 feet is
21 required, but that's a prior non-conformity,
22 and then -- I don't think we need -- then we
23 need a side yard variance on one side, which is
24 currently non-conforming, so it's a prior

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1 existing non-conformity. The area would
2 conform -- the front yard also does not conform
3 but that's also an existing non-conformity.

4 We also need some variances for the
5 roadway. We're proposing a 50 foot cul-de-sac
6 radius as opposed to a 60. We need a radius --
7 the corner radiuses are required to have
8 12 feet, but because we don't own the property
9 at the one corner where the new road hits Water
10 Street, we can't put that 12 foot curb in but
11 the curb line would conform it's just that the
12 property line wouldn't because we don't own
13 that property next to us in order to put that
14 curb in. Do you understand that? That's a
15 little hard to grasp.

16 So I guess what we're looking for is
17 more of a referral to the Zoning Board. I
18 guess Margaret could tell you what the
19 procedures are on what's required.

20 THE CHAIRMAN: Right. I guess, as you
21 said, this is just a preliminary this is what
22 we have in mind so we could get a look at it
23 before we move to the next step. We just need
24 to sort of understand what it is you're

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1 intending to do before you move forward.

2 So overall are they going to go for
3 the variances in the R-10 or are they going to
4 ask -- you can't change it to an R-5, it has to
5 be --

6 MS. UHLE: No. The only way to change
7 the zone would be to go to the town board. So
8 what they're doing is asking for the variances
9 from the R-10 zone to allow them the lots.

10 MR. WEST: They want --

11 MS. UHLE: R-5 lots in the R-10 zone.
12 I mean, in all honesty, the R-5 I think was
13 just for illustrative purposes because really
14 they don't meet the requirements for the R-10
15 zone so they need a number of variances related
16 to that. I think when you come back here and
17 definitely when you go to the Zoning Board,
18 they should provide an area map that really
19 show how these are or are not consistent with
20 other lots in the neighborhood. I think one of
21 their arguments is this neighborhood has a lot
22 of undersized lots in it even though it's zoned
23 R-10.

24 MR. SENOR: There are only two lots
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1 that are in the R-10 zone in this area, and
2 that's this lot and the lot next door to it.
3 The lot next door also doesn't conform because
4 it's frontage is only 50 feet where a hundred
5 is required.

6 This lot here actually opens up into a
7 big area in the back. One of the thoughts on
8 how this lot was or how this line was created
9 was originally it may have been part of the
10 school and the school line was an R-10 zone or
11 before the school was created this was part of
12 a much bigger parcel that was in an R-10 zone,
13 but once the school came in what was left was
14 just these two lots in the R-10 zone.

15 THE CHAIRMAN: So the only R-10's in
16 this town are these two?

17 MS. UHLE: No. He means in this
18 immediate vicinity. There are quite a few
19 other R-10 zoned areas.

20 THE CHAIRMAN: Okay. So after this it
21 has to go to zoning, they look at the
22 variances, then it comes back here and that's
23 when we start site plan review and it's going
24 to be a SEQRA --

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1 THE CHAIRMAN: Right. So once we
2 start the SEQRA review, we'll go through the
3 whole list of things that have to be looked at
4 in the book and one by one we'll check it off.

5 MS. UHLE: Yes. I know sometimes the
6 applicants get nervous about that because what
7 they don't want to happen is for it to get
8 bogged down here only to go to the Zoning Board
9 and get denied, but I think, again, the
10 environmental review is simple and
11 straightforward enough that it can be
12 accomplished fairly quickly. The storm water
13 may be just a preliminary analysis for SEQRA
14 purposes and then if it returns to us, you
15 would do a much more thorough storm water
16 evaluation. Is that making sense?

17 THE CHAIRMAN: You're saying they'll
18 start the SEQRA and based on preliminary
19 studies or recommendations we'll feel
20 comfortable to the point where we could -- we
21 have to finish the --

22 MS. UHLE: You have to finish the
23 SEQRA process. Again, I think -- unless you
24 could think of other issues -- most of them are

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1 MS. UHLE: The first step is really
2 the Zoning Board is not allowed to make a
3 determination with regard to the variances
4 until the SEQRA review is complete. So that
5 would be the first step for the board to
6 declare yourselves lead agency. The Zoning
7 Board could be lead agency or you could
8 something that's called an uncoordinated review
9 where both boards are doing it. The problem
10 with that is most of the environmental issues
11 are really the storm water, sanitary sewer,
12 other utilities, traffic, impacts to the school
13 district. Those are things you're much more
14 comfortable and familiar with. It's not
15 necessarily an extensive process. So I think
16 the first thing would be to just indicate your
17 intent to be lead agency, then begin the SEQRA
18 review process. We have already retained Joe
19 Cermele from Kellard Sessions, who was the
20 consultant on 40 Jackson Avenue, to start
21 helping us with the sanitary sewer review and
22 storm sewer review, etcetera. So when you
23 complete the SEQRA process, then you would be
24 in a position to refer it to the Zoning Board.

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1 pretty straightforward issues.
2 THE CHAIRMAN: Right. Not issues we
3 haven't covered before on other applications.
4 Mainly storm water and --

5 MS. UHLE: Storm water, sanitary
6 sewer, schools. Again, we're just talking
7 about a couple new houses. Traffic. We'll
8 have the fire department look at it. I think
9 they're things that can be easily identified
10 and easily addressed. So you just have to get
11 to a point where you could say based on those
12 analysis that you don't believe that this will
13 result in a significant adverse impact to the
14 environment. When you feel comfortable doing
15 that based on the preliminary analysis, you
16 would refer it to the Zoning Board for
17 consideration of the area variances, and if
18 they approve those area variances, it would
19 come back to you for the more detailed review.

20 THE CHAIRMAN: Okay. So any other
21 questions or comments?

22 (No comments.)

23 THE CHAIRMAN: So then we're going to
24 do exactly that, we're going to be the lead

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1 agency on this application. We're going to
2 declare that right now. When you guys are
3 ready, we'll see you back here with the
4 beginning of the whole SEQRA process.
5 MS. UHLE: I can coordinate with you
6 and Joe Cermele in terms of the information
7 that we need. Our subdivision law just
8 indicates that you need to either classify this
9 as a major subdivision or minor subdivision.
10 Anything that has two or more lots with a
11 proposed roadway is classified as a major
12 subdivision. So I do have a motion drafted up
13 if somebody wants to make that with regard to
14 both SEQRA and identifying what kind of
15 subdivision it is.

16 THE CHAIRMAN: I actually found it, so
17 I will make the motion.

18 So I make a motion that the Planning
19 Board serve as lead agency for the coordinated
20 review of Application 16-13, 22 and 24 Water
21 Street and 43 Stewart Place for a proposed five
22 lot subdivision. The proposed subdivision is
23 an unlisted action under SEQRA, is classified
24 as a major subdivision under the zoning law of

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1 the town of Eastchester.
2 MR. PULASKI: Second.
3 THE CHAIRMAN: All in favor.
4 (All aye.)
5 MR. SENOR: Thank you.
6 THE CHAIRMAN: Great. Thank you. Do
7 you have a time frame when you think you might
8 be back? Do you have a time frame when you
9 think we might see you again?

10 MR. SENOR: I think --
11 MS. UHLE: You're coming back here
12 next month. You have to come back next month
13 with regard to the SEQRA process. So I think a
14 lot of the things can probably be accomplished
15 in a month, but we'll see where we are.

16 THE CHAIRMAN: The ball is in your
17 court is what I'm getting at. So once you're
18 ready, we'll hear you again.

19 MR. SALERNO: Mr. Chairman, members of
20 the board, Rocco Salerno, attorney for the
21 applicant. If we come back next month, are we
22 required to file a public notice?

23 MS. UHLE: You know, I'll leave that
24 up to the Planning Board. Technically, you

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1 have to notice a public hearing at some point
2 during the planning review process. You
3 definitely have to do it when you go to the
4 Zoning Board. You could wait until you return
5 to the Planning Board for public notice unless
6 the Planning Board would like the public
7 involved earlier on in the process at the next
8 meeting. I, personally, think it's probably
9 good to have it noticed as a public hearing.
10 Legally you could do it either way. The
11 Planning Board can direct you to notice a
12 public hearing. You don't have any problem
13 with doing it at the next meeting to get public
14 input?

15 MR. SALERNO: I would prefer to go to
16 zoning first and then notice a public hearing
17 for planning if and when we get the variances.

18 THE CHAIRMAN: I would prefer the
19 public learn as soon as possible so we don't
20 hear about any back door deals or anything. So
21 I would rather notice the next time you guys
22 are back.

23 MR. SALERNO: So you would like it
24 noticed for next month?

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1 THE CHAIRMAN: Correct, if you're
2 coming back.
3 MR. SALERNO: Okay. We'll do that.
4 THE CHAIRMAN: Okay.
5 MR. SALERNO: Thank you.
6 THE CHAIRMAN: Thank you. The next
7 application is 16-14, 600 White Plains Road.

8 MR. VILLANI: Good evening.
9 THE CHAIRMAN: Good evening.
10 MR. VILLANI: My name is Jonathan
11 Villani with Annunziata Villani Design
12 Consultants, representing 600 White Plains Road
13 Gas Mart located at 600 White Plains Road.

14 The proposal is to convert an existing
15 structure that's presently a retail and service
16 station to a complete convenience store
17 maintaining the gas station use that is
18 existing but asking for a convenience store use
19 that's a non-conforming use in the existing
20 structure. It's already existing
21 non-conforming but a different existing
22 non-conforming use, which would be a
23 convenience store as opposed to a service
24 station. New site plan improvements to the

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1 site, improvements to the building, exterior as
2 well as interior. No major changes to the site
3 as far as structures, parking layout,
4 landscaping, and minor improvements to the
5 lighting and signage.

6 THE CHAIRMAN: So the improvements --
7 I guess if you could just point out that the
8 service bays are right in the middle and those
9 are the pumps right there.

10 MR. VILLANI: Do you want to see the
11 site plan?

12 THE CHAIRMAN: Yes.

13 MR. VILLANI: So the existing
14 structure is now on this side of the building,
15 two service bays and a small retail area here,
16 but it will be all retail with handicapped
17 bathroom as opposed to just the bathroom they
18 have now. So this side of the store is
19 existing retail but these service bays will be
20 converted.

21 THE CHAIRMAN: Could you flip back to
22 the site plan, please?

23 MR. VILLANI: Sure. These in fills is
24 where the service station -- these concrete in

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1 fills would occur where the service bays are.

2 THE CHAIRMAN: So all of the parking
3 that's shown there, is that existing parking
4 that was used by the --

5 MR. VILLANI: No, this is proposed
6 parking. Right now the only designated parking
7 is on the sides here, but we're going to make
8 use of the back as a retail store. So this is
9 proposed parking. Right now there is no
10 designated parking except for these four spots
11 on the side and the spots that belong to the
12 gas station.

13 MR. WEST: Are you still going to sell
14 gas there or no?

15 MR. VILLANI: Yes, Yes, a hundred
16 percent yes.

17 MR. WEST: Where is the parking? I'm
18 sorry.

19 MR. VILLANI: This is the pumps right
20 here, these are the two spots alongside which
21 are considered spots for the gas station, and
22 then these spots are existing, and these would
23 be all new. We're proposing a handicapped
24 spot, which is required, as well as adding

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1 additional spots in the rear.

2 MS. UHLE: The pavement is there, it's
3 just that the parking is not designated. There
4 you go.

5 MR. WEST: There's enough room?

6 MS. UHLE: You have about 15 feet.

7 THE CHAIRMAN: You're saying there's
8 enough room to pull in and back out in the
9 back?

10 MR. VILLANI: There's enough room to
11 pull in and out, back up in the back alley here
12 and come out the side of the building.

13 MS. UHLE: Mr. King did do his own
14 compliance analysis on this with regard to the
15 parking size spaces and backup widths and that
16 kind of thing. So it's really just
17 surprisingly just the use variance that's
18 necessary. Again, just to be clear not to be
19 redundant, but the only permitted use here is
20 single family residential. So if the applicant
21 wanted to do anything with those vacant service
22 bays, either use them to service vehicles or to
23 use for a retail use like a convenience store,
24 that would require a use variance. The only

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1 thing that would not require a use variance is
2 if somebody were to build a single family home.

3 MR. VILLANI: Obviously on this site
4 on a gas station site it's not an economically
5 viable project to build a home on this site,
6 and this has been used as this for quite some
7 time. We're just looking to improve the site
8 and improve the use of the property.

9 MR. PULASKI: I think one of the
10 problems with the parking is that it looks nice
11 on plan but when you look at the curve lines of
12 where the traffic has to go to get to the
13 pumps, usually a gas station has some backup,
14 people are waiting for somebody to clear a pump
15 to get into a pump, and that would totally
16 block off the entrances and exits from the
17 parking that we see and the ability to get to
18 the convenience store. I believe I've also
19 seen this property when they suddenly sell gas
20 and sometimes you even get a little bit of a
21 line on White Plains Road. I just don't know
22 how effectively this is going to work relative
23 to how it's being presented.

24 MS. UHLE: One thing along those lines

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1 too, the application for 504 New Rochelle Road,
2 which was similar that's in the Chester Heights
3 area, when it was before the Zoning Board, the
4 Zoning Board actually worked closely with the
5 traffic engineer who ended up making
6 significant changes to the site circulation and
7 parking. So that's a very good point, and I
8 had already mentioned to the applicant that
9 they would be required to get a traffic
10 engineer to look at this. That's definitely
11 those kinds of issues are things that the
12 traffic engineers would look at.

13 MR. VILLANI: Unfortunately, we're
14 dealing with some site restraints here. I
15 mean, the options are limited as far as
16 circulation considering the pumps are existing,
17 the curb cuts are existing, the signage is
18 existing.

19 MR. PULASKI: That is correct.

20 MR. VILLANI: The constraints of the
21 site are tough.

22 MR. PULASKI: But I think the example
23 that you gave, Margaret, there was a lot more
24 activity at that site that could be measured by

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1 a traffic engineer. This, I believe, is kind
2 of like a dead site right now. So all you're
3 doing is monitoring traffic on White Plains
4 Road and making certain assumptions of what's
5 going to happen at this gas station. I would
6 encourage, as a comparison, look at what
7 happens at Scarsdale Avenue next to the train
8 station where those pumps sell a lot of gas --
9 maybe this one won't but those do -- there are
10 lines, there are turning constraints, there are
11 bottlenecks of traffic. This may not be in
12 that same realm, but if you have one or two
13 cars backed up trying to wait to get to the
14 pump, you aren't going to get in and out of
15 these parking space says and if you can't get
16 in and out, I don't know that somebody is going
17 to use those parking spaces.

18 MS. UHLE: Along those lines as
19 well -- not to keep comparing it to 504 New
20 Rochelle Road -- the Zoning Board actually,
21 because of the very reasons you're talking
22 about, opted to eliminate at least one parking
23 space to enhance circulation on site. So it
24 may be that the traffic engineer or this board

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1 or the Zoning Board says, look, we'd rather
2 have you get a parking variance. The parking
3 is really necessary for the employees or
4 someone stopping at the convenience store. I
5 know for the other service station or gas
6 station that we were looking at, the biggest
7 concern of the board was ease of circulation
8 into and out of the site without causing
9 bottlenecks even if that meant eliminating a
10 parking space or two.

11 MR. PULASKI: I agree. I think that
12 would stop a bottleneck.

13 MR. VILLANI: I agree. I think the
14 only option here because the two permanent
15 structures, the gas pumps and building are
16 there, so the only maneuverability is with the
17 parking spaces if we eliminate them in the
18 front.

19 THE CHAIRMAN: Is there a parking
20 requirement for this or anything?

21 MS. UHLE: Yes. The parking
22 requirement is based on the gross floor area of
23 the retail use. So, again, technically this is
24 a zoning compliant plan which, of course, every

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1 applicant wants to submit, but that doesn't
2 mean that if it's evaluated in more detail that
3 they may not have to eliminate one or two
4 spaces before and then just ask for a variance
5 at that point.

6 THE CHAIRMAN: But you're saying once
7 this goes to zoning, they're going to work with
8 the applicant to come up with something that
9 they might like, or is that our job right now?

10 MS. UHLE: Again, I would leave that
11 up to you whether you'd rather have the
12 applicant come back to you and spend more time
13 on site circulation issues as the Planning
14 Board, which is, in all honesty, how it's
15 typically done. I will have to say on the
16 other gas station the Zoning Board took a very
17 proactive roll and worked very carefully with
18 the traffic engineer to make modifications just
19 because it kind of worked out that way. So you
20 can either defer that to the Zoning Board and
21 have them be the lead agency so that they're
22 considering the use variance along with all the
23 site circulation issues, or you could say to
24 this applicant, you know, we want the traffic

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1 engineer involved in this a little bit before
2 we refer it to the Zoning Board.

3 Again, from the applicant's
4 perspective if ultimately the use variance is
5 ultimately going to get denied, working in
6 conjunction with the Zoning Board they may get
7 a little better sense of that so that they
8 don't go through a comprehensive process here
9 only to get denied at the Zoning Board.

10 THE CHAIRMAN: Right now it's just
11 about the use variance to turn that into
12 retail.

13 MS. UHLE: You could certain say --
14 again, you keep it in front of you or you could
15 certainly say, we're extremely concerned about
16 site circulation issues here, we want the
17 applicant to get a traffic engineer on board,
18 we want the town to get the traffic engineer,
19 and we just want to make it clear to the Zoning
20 Board that we want that looked at very closely.

21 MR. VILLANI: In addition to that, if
22 we could do that very early on, because what I
23 wouldn't like to happen is go get a use
24 variance and then determine that I need the

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1 parking variance, and then I have to go back
2 for a parking variance. So if in conjunction
3 with the traffic engineer I could determine
4 that I need a parking variance now, we could do
5 it all at once.

6 MR. WEST: This gas station has been
7 here for quite some time, and I don't recall
8 ever seeing cars queuing to get into it.

9 MR. VILLANI: Neither have I, to tell
10 you the truth. I think my client would like
11 them to be queuing.

12 MR. WEST: The convenience store will
13 draw more cars in there.

14 MR. CUNNINGHAM: A lot of times they
15 sit at the pump, they go in the store, get
16 coffee.

17 MS. UHLE: I will say a lot of
18 municipalities count the spaces at the pumps as
19 parking spaces. We don't. So in a way that's
20 penalizing both the applicants that are before
21 the board, because most people, like you said,
22 they'll drive to the pump and then get the cup
23 of coffee.

24 MR. PULASKI: There were periods where

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1 it seemed like that pump was open on a Saturday
2 and they would get gas. They would put a sign
3 out it was really inexpensive and you would get
4 a whole bunch of customers, and that's when I
5 saw some of the bottleneck.

6 MS. UHLE: Anything on White Plains is
7 a concern. It's a busy road to begin with.
8 The applicant was already aware that a traffic
9 engineer would be needed at some point in the
10 process, either with the Planning Board or the
11 Zoning Board. Again, I think the applicant
12 makes a good point, and this did work with 504
13 New Rochelle Road fairly well, in that if
14 they're going to eliminate spaces, they can do
15 the variances at the same time.

16 THE CHAIRMAN: If you don't mind
17 starting that before going to zoning, it's an
18 expense, but may be money well spent.

19 MR. VILLANI: If it's something that's
20 going to be determined any way by either board;
21 right?

22 MS. UHLE: Regardless of where you go
23 next, I would get that process started under
24 any circumstances.

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1 MR. VILLANI: I understand.
2 Eventually when I do come back to you, final
3 approval will be through the Planning Board;
4 correct?

5 MS. UHLE: That's correct.

6 MR. VILLANI: If you guys have an
7 issue with the parking situation, we might as
8 well address that.

9 THE CHAIRMAN: So we're saying if you
10 go to zoning, they may give you the use
11 variance immediately right off the bat and let
12 it come back to us come and we'll take care of
13 the parking, or they may take it within their
14 own purview to go after the parking.

15 MR. VILLANI: Margaret, we could speak
16 about getting a traffic engineer involved with
17 the Zoning Board?

18 MS. UHLE: Yes. Again, the way that
19 we handled it for 504 New Rochelle Road is that
20 the Zoning Board looked really closely at
21 traffic and parking and relied on their traffic
22 engineer to a large extent, but actually was
23 pretty proactive about it as well. Their
24 biggest concern was exactly what Mr. Pulaski

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 2 said, was that they wanted to make sure that
 3 proposed parking didn't somehow create a
 4 situation where people were having to que up on
 5 New Rochelle Road. They wanted to make sure
 6 that turns into and out of the site, if there
 7 was increased traffic to the site because of
 8 the retail use, they wanted to make sure that,
 9 you know, turning movements into and out of the
 10 site didn't disrupt traffic. So they looked
 11 very closely at that.

12 THE CHAIRMAN: I would rather do that
 13 here and have you get your traffic consultant
 14 and parking --

15 MS. UHLE: Before you refer it?

16 THE CHAIRMAN: Yes.

17 MS. UHLE: It's really going to be the
 18 same difference for because what will happen is
 19 you will have the site plan all established and
 20 then just go to the Zoning Board with an
 21 understanding, look, we already had the traffic
 22 engineer on board, etcetera, and the Zoning
 23 Board is then really just focusing on the use
 24 variance.

25 MR. VILLANI: That would be great.

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 2 That's fine. I would come next month to
 3 Planning?

4 MS. UHLE: To Planning, yes.

5 MR. VILLANI: If everything with the
 6 traffic engineer works out, presenting a plan
 7 that goes through with the Zoning, then back to
 8 Planning?

9 MS. UHLE: That's right. Actually,
 10 it's Planning, Planning, Zoning, ARB to
 11 Planning.

12 THE CHAIRMAN: Just as a side, why did
 13 this never become a popular gas station,
 14 because the other guys down the road or the
 15 tanks?

16 MR. VILLANI: I think some of -- I
 17 mean, that's my client, the owner of the gas
 18 station.

19 THE CHAIRMAN: It's been there
 20 forever.

21 MR. VILLANI: I think it's also
 22 because the presentation of the building does
 23 need to be improved, aesthetics, something
 24 needs to draw them in. It was just the gas
 25 that they were going there for.

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 2 MS. UHLE: You're a fairly new owner,
 3 aren't you? Yes.

4 THE CHAIRMAN: You can come up.

5 MS. UHLE: This gas station has been
 6 an issue since before I started as a consultant
 7 with the town in 2001, and it has been through
 8 a number of different owners. We did have
 9 somebody challenge us when we indicated that
 10 they were not permitted to use the service
 11 bays, so they sought a determination from the
 12 Zoning Board. This is the first individual
 13 that actually decided to proceed with a use
 14 variance. We have had people challenge us with
 15 regard to their inability to reutilize the
 16 service bays. There was a lot of turnover in
 17 terms of either the tenants and/or the owners.
 18 It seems when this particular owner purchased
 19 the property, he sort of decided to take it to
 20 the next step to seek a use variance and also
 21 to make more of an effort to improve the
 22 aesthetics of the site.

23 MR. TUDISCO: Mr. Chairman, actually,
 24 this site was probably one of the first
 25 Building Department violations that I

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 2 prosecuted when I started as the deputy town
 3 attorney. There have been a number of
 4 enforcement issues and also issues involving
 5 owners of the site leasing to tenants at the
 6 site. Based upon disputes about what they were
 7 allowed to do at the site, there has been some
 8 litigation between the owners and the lessees,
 9 and I think there was general fear that they're
 10 not allowed to do anything with the bays so no
 11 resources went into the property. There's been
 12 a host of issues there. Just to give you some
 13 background.

14 MS. UHLE: But all under other, not
 15 the current owner.

16 MR. TUDISCO: All under prior owners.

17 MS. UHLE: He's done everything right
 18 so far.

19 MR. VILLANI: After a determination
 20 and conversation with Margaret, I mean, the use
 21 of the site is pretty much set in stone. I
 22 mean, nobody is going to use it for pretty much
 23 any other use with the gas station there.

24 MR. CUNNINGHAM: You would be doing
 25 the outside of the building?

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1 MR. VILLANI: Everything, aesthetics.
2 MR. CUNNINGHAM: New, clean?
3 MR. VILLANI: Yes, new, clean. That's
4 the whole intention.
5 MR. WEST: With the school right
6 there.

7 MR. VILLANI: An effort, also, to make
8 the building look more residential because it's
9 in a residential neighborhood changing the
10 fabric of the block.

11 MR. CUNNINGHAM: Correct. One of the
12 problems with the parking in the back is that
13 the neighbors that are on the back, the house
14 that's on there, so the noise and what time the
15 place is open until.

16 MR. VILLANI: All those restrictions.
17 Maybe putting a solid fence in the back.

18 MR. CUNNINGHAM: Correct.

19 THE CHAIRMAN: You're right, it backs
20 up on it. We're glad you bought it and have
21 the desire to clean it up and make it a better
22 part of community. That's certainly what we're
23 looking for, because we've all been looking at
24 it for 20 years now. So that's where we're

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1 going to leave it right now.

2 MR. VILLANI: I'm going to try to get
3 the traffic study done and completed so that I
4 could issue a submission.

5 MS. UHLE: If you want to coordinate
6 with me tomorrow, and then I'll talk to our
7 traffic engineer that can tell you exactly what
8 he would like to see and the extent of the
9 work.

10 THE CHAIRMAN: Traffic and
11 circulation.

12 MR. VILLANI: In actuality, I would
13 love to get the opinions so I could draw it,
14 submit it in time to get on next month's
15 agenda.

16 MS. UHLE: Sure.

17 THE CHAIRMAN: Thank you. That's it.
18 Is there anything else?

19 MS. UHLE: This is also preliminary.
20 At this point, do you also want to require that
21 they notice this as a public hearing when it
22 comes back?

23 THE CHAIRMAN: Hold on guys, don't go.
24 Standby.

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1 MS. UHLE: Again, because of the
2 nature of this site, you may want to.

3 MR. PULASKI: I think that's a good
4 idea.

5 MS. UHLE: We're going to ask you to
6 notice it as a public hearing for the next
7 meeting. So we can coordinate that as well.

8 THE CHAIRMAN: So everyone gets a
9 chance to talk about it. Great. Thank you.

10 So the only other item is we could
11 approve meeting minutes?

12 MS. UHLE: No, you can't, because Phil
13 is not here. It was just you, Bob and Phil at
14 the last meeting.

15 THE CHAIRMAN: Phil would be upset if
16 he didn't get to comment.

17 MR. PULASKI: I can't speak for Phil.

18 THE CHAIRMAN: You can't speak for
19 Phil. None of us can.

20 MS. UHLE: There's a comma missing
21 somewhere on page 42.

22 THE CHAIRMAN: So then I make a motion
23 to close the town of Eastchester Planning Board
24 meeting of March 24th, 2016.

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1 MR. PULASKI: Second.

2 THE CHAIRMAN: All in favor.
3 (All aye.)

4 (MEETING ADJOURNED.)

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CERTIFICATION

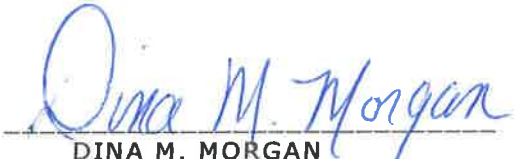
STATE OF NEW YORK)
) Ss.
COUNTY OF WESTCHESTER)

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

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

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

IN WITNESS WHEREOF, I have hereunto set my hand this 13th day of April, 2016.



DINA M. MORGAN
Court Reporter
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CORRECTION SHEET

PAGE CORRECTION

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