

TRANSCRIPT OF  
TOWN OF EASTCHESTER PLANNING BOARD MEETING  
MAY 26, 2016

TOWN OF EASTCHESTER  
BUILDING AND PLANNING DEPARTMENT

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

JUN 14 2016

BOARD MEMBERS IN ATTENDANCE:

CHAIRMAN JAMES BONANNO  
ROBERT PULASKI, MEMBER  
PHILIP NEMECEK, MEMBER  
BILL WEST, MEMBER

EASTCHESTER EMPLOYEES IN ATTENDANCE:

MARGARET UHLE, DIRECTOR OF PLANNING  
ROBERT TUDISCO, DEPUTY TOWN ATTORNEY  
MICHAEL VERNON, ASSISTANT PLANNER

Dina M. Morgan, Reporter  
25 Colonial Road  
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quality of the trees planted at the rear of the property at 1 Corwood Road. It was brought to light by one of the complaints of the neighbors, adjoining neighbors of the property. So I am here to make a small presentation and to request that you guys approve the Arborvitaes that were planted and that they're able to stay as is. If that does not suffice, I have proposed also three options that I would hope that would be pleasing to the board.

So I've provided you tonight with two packets. The first packet on the top of the packet is a letter from my landscape architect basically certifying that I have done everything in my power to plant as per my landscape plan. The letter actually states that I did make substitutions with his supervision, and in reference to the Arborvitaes in the back, I was only supposed to plant 6 to 7 foot Arborvitaes whereas I planted 14 foot Arborvitaes. So I didn't cut corners. You would think I would be here because I planted 3 foot Arborvitaes, but I planted double the size Arborvitaes. I was only

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THE CHAIRMAN: Good evening. This is the town of Eastchester Planning Board meeting of May 26th, 2016. If everyone would rise for the Pledge of Allegiance, please.

(Whereupon, the Pledge of Allegiance was said.)

THE CHAIRMAN: I'm going to do the roll call. Mr. Phil Nemecek.

MR. NEMECEK: Present.

THE CHAIRMAN: Robert Pulaski.

MR. PULASKI: Present.

THE CHAIRMAN: Bill West.

MR. WEST: Present.

THE CHAIRMAN: Jim Bonanno is here, and Mark Cunningham is somewhere not to be found. So we're going to start without him.

The first application is a project we've looked at previously, Application 15-17, 1 Corwood Road.

MR. ROGLIANO: Ready? Good evening. My name is Luigi Rogliano. I am the owner and builder of 1 Corwood Road. I am here -- I actually don't feel I should be here -- but I am here because there was a question on the

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suppose to plant 35. In reality, I planted 45. I made every effort to make sure that the best were planted in the rear. If you could see the ones that are in poorer condition -- I assume that most of you have visited the property and viewed the property -- are on the front corner of California and Corwood. Those plants were actually pulled from the rear yard and placed in the front yard in an attempt to appease Mr. Dubak, the neighbor behind us.

So the second page in the packet is actually an e-mail from Mr. Dubak to Mr. Colavita stating that he was very proud that the Building Department did their due diligence and that we were very responsive back last June because I actually forfeited 2 feet of my property not to disturb something he had on his property. So for Mr. Dubak to say in correspondence that I planted the trees purposely in the way that I did is false, because a year ago I did everything in my power to appease him to make sure that he was happy and we were happy.

The rest of the packet is comprised of

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1 pictures that you'll see of other houses on  
 2 California Road, on Rittenhouse Road, and on  
 3 the corner of Rittenhouse and California.  
 4 These pictures show plants planted on these  
 5 properties with very similar defects. The  
 6 first three pictures are actually plants from  
 7 Mr. Dubak's residence himself which show very  
 8 similar defects as the Arborvitaes I planted  
 9 where the bottoms of the trees are bare. Now,  
 10 I'm not presenting these pictures to say that  
 11 these people have poorer plants and so I  
 12 should. I'm presenting these pictures just to  
 13 show you that it's nature, plants have defects.  
 14 It's a characteristic of the neighborhood in  
 15 the sense that when you plant Arborvitaes  
 16 sometimes they develop defects. You know, not  
 17 to say that the trees aren't going to come  
 18 back.

19 So I'm basically here to request  
 20 approval of the Arborvitaes. If not, I would  
 21 like to propose two options that I would like  
 22 to remediate this issue.

23 THE CHAIRMAN: While you're there, why  
 24 don't you just tell us what the options are.

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1 MR. ROGLIANO: Well, the second packet  
 2 I provided you is with pictures -- I'll put it  
 3 here. This first picture is of a white vinyl  
 4 fence that I would like to install on top of  
 5 the wall. As you can see, Mr. Dubak's vantage  
 6 point is from 6 feet below my property. So  
 7 just like his plants on his property, the  
 8 defects aren't as prevalent because they're  
 9 ground level whereas he's looking at my plants  
 10 from the bottom. So he sees the worst parts of  
 11 all of them. If you were to come on my side,  
 12 you would see, because you're at eye level, the  
 13 trees don't appear that bad. So by installing  
 14 the 6 foot white vinyl fence, you would  
 15 basically shade the lower portions of the  
 16 existing Arborvitaes at the rear of the  
 17 property and you wouldn't see the quote,  
 18 unquote defects from his side. This is one  
 19 optional fence.

20 MR. NEMECEK: I want to see fence  
 21 number 2. This is a good one.

22 MR. ROGLIANO: This is a green screen  
 23 fence I also propose.

24 MR. NEMECEK: You're not seriously

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1 proposing that, are you?

2 MR. ROGLIANO: I got to propose  
 3 whatever I can.

4 MR. NEMECEK: Is that the vengeance  
 5 fence?

6 THE CHAIRMAN: What is it? I don't  
 7 even know what it is. What is it?

8 MR. ROGLIANO: That's a green screen  
 9 fence.

10 THE CHAIRMAN: But it's fake ivy.

11 MR. ROGLIANO: It's like fake ivy.

12 The third option, actually when I met up with  
 13 Margaret on the site and the town landscape  
 14 architect, they actually proposed this, which  
 15 is planting -- well, they didn't recommend the  
 16 size -- but I would say 4 to 5 foot Emerald  
 17 Greens, which stay narrow and have smaller  
 18 balls, so I could plant them in between the two  
 19 walls so that in the future they would provide  
 20 the necessary screening. I'm proposing these  
 21 options because the grass is established.  
 22 Planting a 14 foot tree is difficult in the  
 23 rear of the house where it's not easy to get  
 24 to. So there would have to be a lot of damage

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1 done for me to do it.

2 THE CHAIRMAN: What was on the  
 3 approved plans?

4 MR. ROGLIANO: Well, I planted 45 12  
 5 to 14 footers. On the plan was 35 6 to 7's.

6 THE CHAIRMAN: So 35 6 to 7's?

7 MR. ROGLIANO: Yes, and I planted 45  
 8 12 to 14's.

9 THE CHAIRMAN: What are those; what  
 10 size are those?

11 MR. ROGLIANO: These are Emerald  
 12 Greens. These are 4 to 5 --

13 THE CHAIRMAN: That's 4 to 5?

14 MR. ROGLIANO: Yes. I mean, it's hard  
 15 to tell from the picture. I'm 5 foot 10, so  
 16 they would be --

17 THE CHAIRMAN: I got it. Okay.  
 18 Great.

19 MR. NEMECEK: Just viewing this  
 20 option, if you were to plant these Emerald  
 21 Greens, would you take out the Arborvitaes that  
 22 are complained of or would you just put  
 23 these --

24 MR. ROGLIANO: I would not take out

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the Arborvitaes. I would plant these in between the two tiers of the wall. The reason why I'm proposing the 4 to 5 foot is because the balls are small and they will stay contained. They'll grow high, but they'll stay contained and allow me to plant them in that 2 foot 6 planting bed between the walls.

THE CHAIRMAN: Right.

MS. UHLE: So he's proposing on that lower level so --

MR. ROGLIANO: I know they wouldn't provide immediate screening, but they would eventually grow to the proper height. Again, you guys have to realize, plants are subjective. If I sold this how tomorrow and the plants at the back of this property died and the homeowner didn't want to change them, that's his prerogative because that's his right as a property owner. You know, there are certain things that are out of our control.

I'm mostly upset here tonight because I felt I was doing -- I've done above and beyond by, you know, planting 12 to 14's to give myself additional screening from the

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highway, and it seems as though even though I've gone above and beyond, I'm still suffering.

MR. NEMECEK: This board is acutely aware of the difficulty sometimes of growing Arborvitaes, because I do recall a few years ago we had an issue with Nature's Cradle, a nursery, had difficulty growing Arborvitaes I believe it was in front of solar panels. We understand your point --

MR. ROGLIANO: Yes.

MR. NEMECEK: -- That these are organic, living things --

MR. ROGLIANO: Yes.

MR. NEMECEK: -- But have you had your landscape architect or somebody with appropriate knowledge of plants look at the particular Arborvitaes complained of and assess whether the plant is going to --

MR. ROGLIANO: Yeah, and you'll see in Anthony Acocella's letter he only references 39. Listen, we all know the practices that go on. Most landscape architects give you a letter, they sign off, they say, here, they

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don't even come out and look at it. Anthony Acocella did his due diligence on this project. He actually made my landscaper, who planted all my plants, return 50 percent of the plants he had because he wasn't satisfied with them. So Anthony Acocella did his due diligence. This letter is not something that was just handed to me. Anthony Acocella was out on site, he looked them, he reviewed each one, and that's why he only referenced 39 because, I guess, the five or six in the front primarily he didn't like so he wasn't going to reference them, but I did plant 45.

THE CHAIRMAN: Did the town have someone go and look at the plants?

MS. UHLE: Yes. We had a number of us go and look at the plants. I did ask another licensed landscape architect, Anthony Zaino, to come out and look at the plants. He agreed as a landscape architect, that those would not be plants that he would have selected. Unfortunately for Mr. Rogliano, the planting notes do say, free and clear of defect or healthy and clear of defect. So I guess it's

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how you define a defect and how much is acceptable and how much isn't acceptable.

I think Mr. Dubak also had an arborist look at them. Again, I think most people agree that they are not the best looking plants. I also think that nobody is claiming that they're going to regenerate in those areas. I don't think they're getting worse necessarily either. They were that way when they were planted in the fall, we did not have a very harsh winter, and they sort of -- to an extent -- sort of remained the same.

THE CHAIRMAN: So, Margaret, I know you discussed this, but maybe for everyone else, I think you said this was noticed in the fall and everyone agreed we would wait until the spring, see what happens, and then come back?

MS. UHLE: Yes, exactly, and --

MR. ROGLIANO: The point I'm trying to make is, the five that were up front were pulled from the rear. So when we planted the additional five in the back, we pulled out the five poor in the rear and we put them in the

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1 front. You know, it's not like I -- if I was  
 2 sitting here and telling you that I made no  
 3 attempt to take out the poorer ones in the back  
 4 from the fall, that would be false because, you  
 5 can ask Margaret, there was no trees in the  
 6 front in the fall. We took those from the rear  
 7 because we knew Mr. Dubak was not pleased with  
 8 them, and we placed them in the front and  
 9 planted better ones in the back. So we made  
 10 efforts. To say we haven't --

11 MR. WEST: But that's the way they  
 12 went in? The 8 foot difference, you know,  
 13 they're going to be more mature, they're going  
 14 to be further away from the ground so you're  
 15 going to lose the greens --

16 MR. ROGLIANO: As shown in the  
 17 pictures.

18 MR. WEST: -- But if you maybe planted  
 19 the small ones, which would have been low to  
 20 begin with, it wouldn't have been a problem for  
 21 eight years.

22 THE CHAIRMAN: I'm sorry, are you  
 23 done? What's the growth rate of those?

24 MR. ROGLIANO: The Emerald Greens grow  
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1 about a foot a year.

2 MR. WEST: That's what I just said.  
 3 Thank you.

4 MR. ROGLIANO: They grow about a foot  
 5 a year.

6 MS. UHLE: When we first sort of  
 7 became aware of the situation, it was actually  
 8 late fall. So we did meet with Mr. Rogliano,  
 9 Mr. Dubak, an arborist, Alan Pilch, there was a  
 10 lot of us out there. Unfortunately, at that  
 11 time there wasn't any additional stock  
 12 available in the nurseries. We wouldn't have  
 13 had an opportunity to replace them. We didn't  
 14 want to have him remove them and replace them  
 15 with additional unhealthy stock. So we did  
 16 just say, look, we're going to wait until the  
 17 spring to reevaluate the condition of the  
 18 trees.

19 THE CHAIRMAN: Just so I get it  
 20 straight, the original plan said Arborvitaes or  
 21 Emerald Greens?

22 MR. ROGLIANO: No, they said  
 23 Arborvitaes. The original plan said 35 Green  
 24 Giants, but before purchasing the plants,

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1 because I wanted to do my due diligence to make  
 2 sure that they were adequate, I called my  
 3 landscape architect and said, they have dark  
 4 Americans. He said, yeah, I don't recommend  
 5 those because those are usually more  
 6 expensive -- that's what he told me -- but if  
 7 you could get them, they are actually a better,  
 8 healthier tree. Those are his words.

9 Like I said, at the end of the day for  
 10 me to sit here and tell you guys that I didn't  
 11 reference my professionals, that I didn't ask  
 12 them for their opinions, I would be lying to  
 13 you because I've done that throughout the whole  
 14 process. I cut no corners. I did as per plan.  
 15 In reality, even if 10 of them were not good, I  
 16 still planted 45. So I'm still --

17 THE CHAIRMAN: So we appreciate what  
 18 you've done, but this is in front of us so we  
 19 have to hear both sides, and then, I guess,  
 20 we're like the judge and jury here, we have to  
 21 tell you what we think.

22 MS. UHLE: Can I add just a couple of  
 23 other things? Mr. Rogliano did ask me about  
 24 some potential alternatives, and a lot of times

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1 we do allow substitutions and alternatives. I  
 2 agree with Mr. Nemecek, I did not think that  
 3 the green fence was appropriate. The white  
 4 vinyl fence, I was just concerned that you  
 5 already have 6 feet of the wall and then you  
 6 have another 6 foot of fence on top of that,  
 7 you know -- it would definitely screen the  
 8 damaged parts, the lower parts of the  
 9 Arborvitaes and the root ball. I didn't feel  
 10 comfortable they put another fence on top of  
 11 that wall. I was going to defer that to you.  
 12 With regard to the Arborvitaes in the lower  
 13 level, both Anthony Zaino and I felt that that  
 14 was a potential alternative to put narrower  
 15 trees on that lower level so that they would  
 16 eventually screen the root balls or maybe even  
 17 if you could begin them at 6 foot. I know Mr.  
 18 Dubak was not comfortable with that  
 19 alternative, which he could explain to you, but  
 20 that's where basically I said, okay, we're just  
 21 bringing it back before the board.

22 THE CHAIRMAN: What's the height  
 23 between the lower level and upper level?

24 MR. ROGLIANO: 3 feet.

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MS. UHLE: The wall is 3 feet and then the Arborvitae are on top of that.

THE CHAIRMAN: Right. So 6 feet would extend 3 feet above the --

MR. NEMECEK: And where these new plantings could be planted is completely on your property?

MR. ROGLIANO: Yes. He actually has 2 feet of my property.

MR. NEMECEK: I understood that, but I just want to make abundantly clear you actually can plant them if you want right now, if you wanted to. You don't need our permission.

MR. ROGLIANO: And that's the thing, at the end of the day, I really by doing this and planting larger trees I never in a million years thought that I would be here. Usually people are here when they plant 2 or 3 footers when they call for 6 or 7. I'm here because I planted 14 footers.

THE CHAIRMAN: You're here because the drawings that we approved said, healthy and free from defect trees, and what you planted was not. That's why you're here. If you put

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what was on the drawings, you wouldn't be here. I appreciate that you did everything, but if the trees were free of defects, you wouldn't be here.

MR. ROGLIANO: But again, it's subjective. It's subjective. Those are trees that I would plant at my own house. So to me, they're fine. To you, they're not. It's all the way it's viewed. That's all I'm saying.

MS. UHLE: There's a couple of other things, too, that I was just going to point out. Under any circumstances in that 2 and a half feet of the level area between the two walls, that was not addressed on the landscape plan, which the builder realizes he can't just leave as dirt. So if he was required to replace the Arborvitae at the upper level, he would have to put some kind of ground cover --

MR. ROGLIANO: Yes, and I was -- we spoke about it that I was going to plant zinca (sic) -- Vinca.

MS. UHLE: Vinca. You confused me when you said that. He already understands that. I just wanted you to know that. I was

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going to say something else, but I forgot. I think he is right that Mr. Dubak, unfortunately, has the worst perspective.

MR. PULASKI: What about the matter of the swale? He didn't build the swale.

MS. UHLE: Well, that's really --

MR. PULASKI: I don't know, this guy is standing here and he's telling us how great everything is and we haven't built the swale.

THE CHAIRMAN: I got it. So as far as the drainage goes, the irrigation and the swale and the berm, it's going to be resolved.

There's been separate conversations between Margaret --

MR. ROGLIANO: Yes.

THE CHAIRMAN: Let me finish -- Between Margaret and the applicant that they're going to address that. That's not what we're here to discuss. We're here to discuss the trees. Margaret and her people are pretty confident that the drainage is being handled.

MR. ROGLIANO: In reference to the swale, it was just a misunderstanding. I went over it with Hector. I thought the berm of the

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trees and the slope of the grass provided a narrow channel. Hector --

MR. PULASKI: I'm glad it's getting resolved. You're just here as if nothing that you've done is -- everything is great, but yet you didn't build a swale, you built a drain that's 4 inches or 6 inches too high, it's not going to take any water.

MS. UHLE: But Bob, he does not have his CO because there are some outstanding issues, which is the case any time there's construction. He has agreed to, as he has to -- he did install the catch basin, he did install the pipe. We didn't believe that the swale was defined enough, so he's agreed to do that. He actually can't do that until the issue with regard to the trees is resolved.

I do want to be clear, I've had a very good relationship and rapport with Mr. Dubak, but also Mr. Rogliano has been a good applicant in terms of his dealings with the Building Department and being responsive and I think for the most part doing the right thing as well.

MR. NEMECEK: I know we're going to

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1 hear from Mr. Dubak, but in Mr. Rogliano's  
 2 defense, I do recall you impressed me at the  
 3 time that you made your initial application  
 4 before this board as to how accommodating you  
 5 would be in attempting to assuage whatever  
 6 concerns Mr. Dubak had at the time. I do  
 7 recall being quite surprised that you were  
 8 willing to effectively give away property so  
 9 that Mr. Dubak could have his garden. You  
 10 know, that really suggested to me that you were  
 11 really going above and beyond to attempt to  
 12 defuse whatever tension, and there is naturally  
 13 going to be tension any time a property that's  
 14 undeveloped for a long period of time suddenly  
 15 becomes developed. We deal with those issues  
 16 all the time on this board. But as I said, we  
 17 will hear from Mr. Dubak when our good Chairman  
 18 over here decides it's an appropriate time.

19 THE CHAIRMAN: I think it's time.

20 MR. ROGLIANO: Thank you, guys, I  
 21 appreciate it.

22 THE CHAIRMAN: Thank you.

23 MR. DUBAK: I guess it's the  
 24 appropriate time. My name is Dennis Dubak, and  
 25

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1 I'm the owner of 561 California Road, which is  
 2 adjacent to 1 Corwood.

3 I'm here tonight because of two  
 4 non-compliance issues, as far as I'm concerned.  
 5 One is regarding the landscape and one is  
 6 regarding the irrigation or the flooding  
 7 mitigation. I sent each of the members here a  
 8 packet. Does everyone have a copy of it? I  
 9 just thought I would summarize for it and  
 10 include some pictures and what have you.

11 Basically what I'm suggesting here is  
 12 that there is non-compliance right now with the  
 13 plan for landscape development dated  
 14 April 30th, which was approved by this board.  
 15 That's my contention. It's because there are  
 16 numerous unhealthy, injured, and defective  
 17 Arborvitaes planted on the upper wall adjacent  
 18 to my house and up and down the east side of  
 19 the property on California Road itself. Okay.

20 Interestingly enough, Luigi referenced  
 21 a letter that I sent him or e-mail that I sent  
 22 him early on, about a year ago, saying that we  
 23 had a great working relationship and  
 24 everything. Just keep in mind that was before  
 25

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1 anything started. Okay. I think the  
 2 intentions were good on both of our parts to do  
 3 what's right, and I commend him for certain  
 4 things, but on these two issues I believe  
 5 they're non-compliant with what the board has  
 6 approved.

7 So if you take a look at one of the  
 8 attachments that I included, it's the general  
 9 notes of the landscape plan, and it  
 10 specifically states that all planting material  
 11 will be vigorous, healthy, free of injury and  
 12 defects, quality as per Sherman's Nursery,  
 13 Greenwich Connecticut, Roth in Armonk or equal.  
 14 Okay. Does everybody see that? So that's the  
 15 premise of the non-compliance. It's not the  
 16 number of trees that are the issue, whether  
 17 it's 35 or 45 or whatever. That, to me, has  
 18 nothing to do with the height. That was an  
 19 arbitrary decision done by Luigi to figure out  
 20 what he wanted to put in. I'm fine with the  
 21 high ones. I'm not fine with unhealthy trees  
 22 around the perimeter. I don't think the town  
 23 should be happy with it either coming down  
 24 California Road where everybody visiting our  
 25

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1 town sees it.

2 If you go to the attachment number 2,  
 3 you will see the actual trees, and you could  
 4 see how damaged they are and unhealthy they are  
 5 at the bottom. Now, I will agree with you that  
 6 these are up on a 6 foot wall. So if you're  
 7 looking from the lower level, it doesn't look  
 8 good, but worst of all when you're looking from  
 9 my dining room, from my family room, or from my  
 10 kitchen, it's right at eye level. So it  
 11 accentuates the horrible effect that it's got.

12 In I guess it was October when these  
 13 trees were first planted, I wrote a note to  
 14 Margaret, to Jay, to Alan talking about the  
 15 condition of these trees. What happened is  
 16 that we had a site visit -- first of all, the  
 17 planting stopped so there were like six --  
 18 there was a void space in my backyard adjacent  
 19 to the property that was not filled because of  
 20 the damaged Arborvitaes. We agreed to wait  
 21 until the winter is over to see if they got  
 22 better or they got worst. Well, they didn't  
 23 get better and in some cases they got worse I  
 24 would suggest to you. Then all of a sudden in  
 25

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1 like February I start seeing some additional  
 2 trees planted in the back where the five or six  
 3 were missing. They were worse than the ones  
 4 that were there already. So that was in total  
 5 disregard to the conversation that we had where  
 6 we should revisit this. I can tell you that  
 7 every one of those trees the bad side is facing  
 8 me, my property or to California Road. I'm not  
 9 saying I wouldn't do that, but every one of  
 10 them. So when we talk about a sign of good  
 11 faith, I'm not sure that that's a sign of good  
 12 faith. The pictures are here. You could see  
 13 all of them. From eyesight level from pictures  
 14 taken from my house, as well as from down below  
 15 and you could see they have a lot to be  
 16 desired. The five that were moved from the  
 17 back were moved to the front of Corwood and  
 18 California Road, they don't affect me, but I  
 19 think as a town Planning Board it would affect  
 20 me. So I ask you to take a look at that.

21 The other interesting thing, you know,  
 22 if you take a look at privacy fences in the  
 23 ordinance that the town has, it's always the  
 24 good side of the fence faces your neighbor. In

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1 this particular case, I know it's not a fence  
 2 but it's trying to do the same thing have a  
 3 privacy screen -- every one of the bad sides is  
 4 facing us or the outside. We also took a  
 5 look -- there's a picture in there that takes a  
 6 look at the top of the bottom wall. You could  
 7 see that there was nothing planted there so you  
 8 see a lot of weeds and grass and what have you.

9 Now, I heard two options today, which  
 10 neither one of them I'm happy with, I'll be  
 11 very honest with you. To put a fence, an  
 12 additional fence on top of two walls is going  
 13 to look atrocious. I don't even know what that  
 14 zoning law is but it would be like a 10 footer,  
 15 and I think that would be horrible. I have an  
 16 issue with that. We did talk when the town  
 17 arborist came down, his name was Anthony Zaino,  
 18 he is the landscaper that the town used, and we  
 19 did a walk through of the property. He thought  
 20 that the Arborvitae on the upper level were  
 21 horrible and had to be replaced. I have an  
 22 arborist from Bartley Tree Company, and I've  
 23 got a document which I gave to Margaret, that  
 24 he recently looked at them and said that they

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1 are not going to grow on the bottom portions of  
 2 them. What happens is the Arborvitae are  
 3 going to grow higher but not wider. So that's  
 4 going to maybe even compound the criticality of  
 5 how these things look.

6 I saw the letter that Anthony Acocella  
 7 sent regarding the trees. There's nothing  
 8 about the quality of the trees at all. It's  
 9 only about the quantity and the height. So I  
 10 go back to the premise that the board approved  
 11 a landscape plan and had general notes in there  
 12 that talked specifically about the health and  
 13 vigorous and injury free.

14 Now, Luigi, you might plant them at  
 15 your house, I wouldn't plant them at my house,  
 16 I tell you that, and I wouldn't pay for it.

17 THE CHAIRMAN: Just tell us what the  
 18 facts are.

19 MR. DUBAK: That's the facts. The  
 20 fact is I wouldn't do it. That's the fact I'm  
 21 bringing, okay.

22 So that's where I stand on this  
 23 particular issue, and I don't know if it's  
 24 appropriate now or later to discuss the

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1 drainage issue, which I also sent a package on  
 2 because I believe it's a non-compliance and  
 3 it's not just a --

4 THE CHAIRMAN: Just like I asked Bob  
 5 to stay away from the drainage, unless you want  
 6 to use it as an indication of workmanship, I  
 7 think the drainage has been addressed by the  
 8 Building Department and you, and I think Mr.  
 9 Rogliano is going to do something to address  
 10 the drainage.

11 MS. UHLE: Two things --

12 MR. DUBAK: If I could hear what he is  
 13 going to do, I would appreciate that.

14 MS. UHLE: Mr. Dubak, he has to do  
 15 what was approved on the plans and he's saying  
 16 that he will do that. So essentially, the one  
 17 remaining issue with regard to drainage -- and  
 18 these are the only two issues that are holding  
 19 up the CO at this point, everything else has  
 20 been inspected and is fine -- is that he needs  
 21 to more clearly define the swale at the rear of  
 22 the property, which is in front of the  
 23 Arborvitae, meaning in front on his side of the  
 24 property, make sure that that swale is clearly

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1 directed towards the catch basin, which he's  
2 already installed. He's got to make sure the  
3 elevation of the catch basin is correct so that  
4 the water goes into the catch basin. So he's  
5 got to do that. He's already installed the  
6 catch basin and the pipe, it's just now a  
7 matter of defining the swale and directing it.  
8 Then in between Mr. Rogliano's property and Mr.  
9 Dubak's property between the stone wall and  
10 some stones that are on Mr. Dubak's property,  
11 there's kind of a little crevice or channel  
12 that's been formed there, there's debris, et  
13 cetera, that's been accumulating in there, and  
14 Mr. Dubak believes, and Hector DiLeo went out  
15 there, because of some rubble and stuff that's  
16 in there water is collecting and not flowing  
17 out. So Hector DiLeo, our Highway  
18 Superintendent -- this is not shown on any  
19 plans -- did ask him to clear that out and also  
20 try to direct it towards the street so that  
21 that won't accumulate between the walls. The  
22 applicant has agreed do to that, he's been told  
23 that he has to do that before he gets the CO.  
24 I think he hasn't done it yet because the swale

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1 is so approximate to the Arborvitae that he  
2 really needs to get that issue resolved before  
3 he does the swale.  
4 MR. DUBAK: Okay. So I'm going to  
5 take that that until that's done there will be  
6 no C of O?  
7 MS. UHLE: Absolutely.  
8 MR. DUBAK: Okay. Thank you. Any  
9 questions?  
10 THE CHAIRMAN: Yes, there is one.  
11 Could you just -- some of the pictures you took  
12 of the trees and Arborvitaes, I'm just trying  
13 to get an idea of scale. Can we flip I guess  
14 to number 2. Number 2, if you were to put a  
15 dimension on that, honestly, what would the  
16 dimension of that be above the top --  
17 MR. DUBAK: I'm sorry.  
18 THE CHAIRMAN: Photo 2 in your first  
19 attachment --  
20 MR. DUBAK: Yes --  
21 THE CHAIRMAN: Showing the --  
22 MR. DUBAK: There's like three of  
23 them, the bottom parts of them.  
24 THE CHAIRMAN: What height do you

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1 think that is of the brown?  
2 MR. DUBAK: Well, that's the top of  
3 the wall. On the picture you see the wall a  
4 little bit, that's 6 feet high. That's 6 feet  
5 high from the ground and the Arborvitae is on  
6 top of that, so I'm saying the bottom, like, 3  
7 feet.  
8

9 THE CHAIRMAN: That's the bottom 3  
10 feet. Let's keep going. So that's 3 feet.  
11 Next, same 3 feet or --

12 MR. DUBAK: Basically, yes, that's  
13 right, just another picture of a similar  
14 instance.

15 THE CHAIRMAN: Similar condition. The  
16 e-mail you sent, what is that; where are those?

17 MR. DUBAK: Which ones?

18 THE CHAIRMAN: The March 14th e-mail  
19 with the attachment.

20 MR. DUBAK: Those were the -- when the  
21 planting stopped and there were, like, 30 trees  
22 planted and the last six were vacant because we  
23 talked about the poor condition of the trees,  
24 these what were going to be planted or were  
25 planted, and when I said, guys, these are worse

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1 than the other ones, and I think Jay King got  
2 involved, and they got removed, and I think  
3 they're the ones now that are up on the  
4 front --

5 THE CHAIRMAN: On California?

6 MR. DUBAK: On California and Corwood,  
7 I think.

8 THE CHAIRMAN: Next photo.

9 MR. DUBAK: Next photo. Again, that's  
10 just a larger copy of the other ones.

11 THE CHAIRMAN: That's the entire tree.

12 MR. DUBAK: The trees that were  
13 planted that shouldn't have been that had to be  
14 replaced. Number 4 is on the east side of the  
15 wall on California Road. So I'm standing on  
16 California Road taking that picture you could  
17 see the peak of the roof.

18 THE CHAIRMAN: Along California Road.

19 MR. DUBAK: Right.

20 THE CHAIRMAN: Same thing, bottom 3  
21 feet?

22 MR. DUBAK: Exactly, and then on the  
23 other one by the stop sign, that's on the  
24 corner of Corwood and California Road, those

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one, two, three, four, five of them.

THE CHAIRMAN: And those are the ones that were removed from the --

MR. DUBAK: I don't know that for a fact, but I kind of heard that. I don't know where they came from.

THE CHAIRMAN: Okay. That's good.

MR. DUBAK: Then the last one, number 5, shows what's going on between the top of wall one and the top of wall two. The concern I have there -- I had a landscape guy come out too -- there's only -- here's the lower wall, here's the higher wall and there's 3 feet, approximately, in between them, to put even a 4 or 5 or 6 foot Arborvitae in there, the balls are so big --

THE CHAIRMAN: I understand.

MR. DUBAK: -- You need the space around it. My concern is that -- two things: 1, it doesn't address the non-compliance of the existing ones; and, number 2, any growth could affect the stability of that wall, which bothers me. Okay?

THE CHAIRMAN: Got it.

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MR. PULASKI: I got one question. The condition of the Arborvitae presently, is that similar or essentially the same as what you saw planted initially?

MR. DUBAK: Yes. Yes. We had a very mild winter, so I don't think there was a lot of damage as a result of bad weather, but that's how they showed up.

MR. PULASKI: Okay. Thank you.

THE CHAIRMAN: Great. Thank you.

MR. DUBAK: Anything else?

THE CHAIRMAN: We're good.

MR. DUBAK: Thank you.

THE CHAIRMAN: This is a public hearing?

MS. UHLE: No, it's not.

THE CHAIRMAN: Just discussion and deciding?

MS. UHLE: That's right.

MR. PULASKI: I do not consider those -- I'm not an expert, but I've looked at a lot of Arborvitae in and around Eastchester, and I think the ones that are on this 1 Corwood property are in terrible condition. The reason

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why I asked the question that I just asked was that this is the way they were planted, and if the plans say that they are supposed to be in good health and I forget what the other word was, they were planted under the condition that we're now looking at in these photographs, that's terrible.

MR. NEMECEK: Can I ask Mr. Rogliano another question?

MR. ROGLIANO: Yes. Absolutely.

MR. NEMECEK: I just want you to comment on Mr. Dubak's statement that the Arborvitae were planted in more or less the same condition that they are today.

MR. ROGLIANO: Like I said --

MR. NEMECEK: More or less?

MR. ROGLIANO: Yes, more or less. But to stay the ones that were removed from the back were, they weren't. I could take you to another property where the poorer ones that were pooled out from the back where they were planted. So those were not the ones placed in the front. The ones placed in the front were ones that were pulled and put on the corner to

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better suit. We juggled some of them around.

MR. PULASKI: If you want to take a comparison at that property, if somebody looks at that property, the five or six trees that are close to that shed that are on the west side of the property, those look like a different species and are in great condition.

Apparently, it was because the neighbor complained when -- and I think that was the photo that was being discussed that they --

MR. ROGLIANO: May I interject?

MR. PULASKI: They brought in different Arborvitae and it looks gorgeous.

MR. ROGLIANO: The plants -- Mr. Dubak made reference to the plants that were planted in the back, that he made reference to them. I'm the one who made my landscaper remove them, not Mr. Dubak, because I wasn't happy.

MR. PULASKI: It doesn't matter whether --

MR. ROGLIANO: Well, what I'm saying is, I knew Mr. Dubak wasn't going to be happy, so, like I said, in an effort to make sure that -- to think of my neighbor, I made sure

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that he got me better trees.

THE CHAIRMAN: So just to back up, this isn't really about Mr. Dubak.

MR. ROGLIANO: I know that.

THE CHAIRMAN: None of this is about Mr. Dubak. It's about --

MR. ROGLIANO: I know that.

THE CHAIRMAN: May I finish?

MR. ROGLIANO: I'm sorry.

THE CHAIRMAN: It's really not about Mr. Dubak. It's about what was on your plans and what was on the approved drawings. Mr. Dubak has nothing to do with this.

MR. ROGLIANO: At the end of the day, I'm not saying that the trees are perfect. I'm here as a compromise, as I was a year ago, to give two options that would be easier for me to remedy the problem. I'm not saying that there isn't a problem. I'm not saying that -- to me, like I said, I would plant them at my own house. If you guys --

MR. WEST: So why isn't one of the options to remove all the dead trees instead of putting in another layer of trees?

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MR. ROGLIANO: I know that's an option regardless of whether I want to or not. Do you understand what I'm saying?

MR. NEMECEK: I think you're proposing alternatives --

MR. WEST: Why don't you just get rid of the dead ones?

MS. UHLE: Well, from his perspective obviously he's looking for a reasonable alternative that will be more cost effective for him. Again, I'm not saying that that's what you have to agree to. I think from his perspective --

MR. WEST: He put bigger, deader trees it looks like. They haven't changed since last fall.

THE CHAIRMAN: I don't remember, are any of them in a condition that we could say are free of defects and healthy?

MS. UHLE: There's probably a few in there. I think you would have to kind of pick and choose. I really do think there are three options regardless of people's motivations or whatever.

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One option is to remove all of the trees and replace them with something that is vigorous, healthy, free of injury or defect, which could be just the 6 to 7 feet that were proposed initially. They won't provide as much screening. That's one option. From the builder's perspective, he's already done vinyl siding, he's done drainage improvements. It's going to be costly and somewhat difficult for him to do, and again, that may be fine. If it were an easy solution from his perspective, he would just do it I'm sure. From his perspective, that's costly and difficult.

The next, I think viable option, is allowing a fence on top of the wall. I think the concern with regard to that is you'll have a 3 foot wall and then you'll have essentially a 3 foot wall and a 6 foot fence. So, you know, totally that's going to be quite a bit of wall and fence.

Then the third option is to put the Arborvitaes in. Actually, there's two options there: Put them in at the 4 to 5 feet so that the root balls remain small but it will take

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more time to screen the defects or put them in at the larger size.

MR. WEST: Instead of cover the brown, remove the brown trees.

MS. UHLE: I know, but that's a viable option. Let me put it this way, if the trees were turned and the defective side was facing towards Mr. Rogliano's house, I think a very viable solution would be to put some shrubs that covered it up. I mean, I think that's a viable solution. You may not agree with it, but that's why it's before you. You have those three options essentially.

MR. WEST: At the end of the day, you know, he could put in 30 more trees and they're still biological things that could potentially die. If you put in a vinyl fence, it's never going to die, but it doesn't have the beauty of green.

MR. PULASKI: A couple of comments on those alternatives. From the neighbor's side, that wall is about 6 feet. It's a step wall.

MS. UHLE: They're two, 3 foot walls. So, yes, it's 6 feet high total.

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MR. PULASKI: So now you're putting a 5 foot fence on top of that. That's huge.

MR. NEMECEK: I don't think anybody --

MR. PULASKI: I'm just responding to the comments.

MR. NEMECEK: Let's --

THE CHAIRMAN: Let's listen to him.

MR. NEMECEK: Okay.

MR. PULASKI: The neighbor has already said that he doesn't prefer that option. As far as the shrubs between the walls, I've heard somebody say that there's very little space for the bulb, and usually when you're dealing with conifers, you have roots that want to spread sideways instead of down. So if you only have a 2 foot space, I think you're looking for wall problems eventually. I happen to agree with West.

MR. WEST: Make sure that's in the minutes.

MR. PULASKI: It's an important item. We're in agreement on this.

MS. UHLE: Anthony Zaino, who was the landscape architect that has been to the site

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with me on at least two different occasions there, he did feel that with Arborvitae that there wouldn't be a problem with the root balls if the correct species was selected there, and I think he's a design build person so I trust his judgment on that. Again, not saying that that's the option that you want to go with.

MR. ROGLIANO: That's where the actual option came from, from the town's landscape architect. He proposed it, and I thought it was a good idea. Like I said, I think it's a viable option, but it's ultimately up to you guys.

MR. NEMECEK: What I was trying to say before -- at least Mr. Bonanno agrees with me, I'm not sure about Mr. West and Mr. Pulaski -- I think, first of all, the ugly fence is a non-option. The PVC fence to me also does not look like a good choice. It's a fence on top of a staggered wall, and while it's permanent, more permanent and less malleable, perhaps, than an organic planting, I don't like it. I would like to, if we could, at least eliminate -- take it down to two options

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instead of three if we're in agreement. Are we in agreement on that?

THE CHAIRMAN: So I think the two options, and you were probably going there, is --

MR. NEMECEK: But I'm not asking you. I already know your point.

THE CHAIRMAN: I think the two options are -- the viable options from my point of view, and when I'm done correct me if there are an other options, are: Remove and replace what's there with those, which is what's on the drawing, or, if it's possible, to tag the trees that can remain, tag those to remain and replace the rest with comparable trees. I think those are the two options.

MR. PULASKI: What was that second one?

THE CHAIRMAN: Leave the healthy ones, the healthy tall ones in place, tag the ones that are in poor condition that have defects and then replace those.

MR. PULASKI: Okay. So then you would have to put a 14 foot tree --

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THE CHAIRMAN: Yes. I mean, whatever. That's an option.

MR. WEST: Not necessarily. I don't know if a person buys --

MR. ROGLIANO: Well, I would put a 6 footer.

THE CHAIRMAN: Or just remove everything.

MR. WEST: You still got to sell this property; right?

MR. ROGLIANO: What?

MR. WEST: You still got to sell this house?

MR. ROGLIANO: Yes.

MR. WEST: So it's got to be appealing to, you know, an owner. Are you going to buy another 14 foot tree or you buy a tree that grows up. You do one or the other depending on the owner. He's got to sell it, so he's got to get something that looks aesthetically good.

MR. PULASKI: Now, the tree in that photo is what height?

MR. ROGLIANO: That's a 4 to 5, approximately.

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MR. PULASKI: Okay. So it's not a 6 to 7?

MR. ROGLIANO: Those are not what was approved. That's what Anthony Zaino recommended for between the walls.

MR. PULASKI: Between the walls.

MR. ROGLIANO: And again, I proposed to plant the 35, which would double the number of trees on the property, in between the walls.

THE CHAIRMAN: So then the option I was referring to is to put in whatever was approved on the drawing, which was again?

MR. ROGLIANO: 6 to 7 footers.

THE CHAIRMAN: 6 to 7 Arborvitae, right?

MR. WEST: Cutting out the existing trees and putting in replacements, how does that destroy the lawn?

MS. UHLE: They're huge trees with big root balls. So --

MR. WEST: They've only been there a year.

MS. UHLE: Well --

MR. ROGLIANO: It's not about

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actually -- it's actually getting them out of the ground and getting them back there. I look like a strong guy, I can't pick up a 14 foot tree.

MR. WEST: Chain saws.

MR. ROGLIANO: It's getting plant material back there. No matter what we do, it's going to basically destroy the lawn.

MS. UHLE: At this point, are you saying that you're not considering the option with the Arborvitae at the lower level? You're saying --

THE CHAIRMAN: I'm not.

MR. NEMECEK: I thought we were. That's what I thought we were narrowing it to, either some form of replacement or as the one potentially viable option in my view was planting these things over here on the 3 foot wall. It sounds like the board is not enamored to that idea.

MS. UHLE: So what I understand, it's either replace the unhealthy 12 to 14 footers with healthy 12 to 14 footers or replace them all with the 6 to 7 feet, as was approved on

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the plans.

THE CHAIRMAN: Right. Option one, option two.

MR. ROGLIANO: So I would even have to replace the healthy 14 footers?

MR. NEMECEK: No, he would not have to.

MS. UHLE: I think what they're saying is it's got to be all of one, all of other, not staggered heights.

THE CHAIRMAN: At this point, do we really have to decide which we would prefer?

MS. UHLE: No, but I think you do have to clarify that you're not saying remove a 12 footer and replace with a 6 footer. They all have to be the same height is what I understand you're saying.

THE CHAIRMAN: Right. Leave it up to the applicant to decide --

MS. UHLE: As long as they're healthy.

THE CHAIRMAN: So I think those are the two options: Option one, remove all of them and replace them with what was on the drawing in accordance with the drawing notes

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or, option two, remove the unhealthy ones and replace with trees of similar heights to what is already there.

MR. NEMECEK: I don't want this issue to come back to us. Who is going to judge what is a vigorous, healthy, free of injury or defect plant?

MS. UHLE: We can have our landscape architect go out there and tag trees.

MR. ROGLIANO: I have just another question. So I was only required to plant 35, so --

MR. NEMECEK: That's all you need to do.

MR. ROGLIANO: So that's all I need to do; correct?

MR. NEMECEK: Correct.

MR. ROGLIANO: Provide 35, regardless, healthy trees, if that's the --

MR. NEMECEK: 6 to 8 feet.

MS. UHLE: Also, just to clarify so that everyone is clear, there are some of the Arborvitae -- of course Mr. Dubak objects to the ones that he can see, and, you're right,

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1 it's really not because of Mr. Dubak, it's  
2 because we didn't that they were healthy and  
3 free of injury and defect, but some of the ones  
4 that were additionally planted on California  
5 Road that also have damage, if you just be  
6 clear, do those need to be replaced as well?

7 THE CHAIRMAN: Yes, absolutely.

8 MS. UHLE: So we're talking about any  
9 tree that appears to have that kind of defect  
10 they're saying you need to replace, or if they  
11 weren't approved on the plan, you could just  
12 remove them completely if you want.

13 MR. ROGLIANO: Well, that's what I'm  
14 saying, if we go out there and there's 34  
15 healthy plants, I'm just saying, and if I just  
16 cut them and I plant one healthy plant, would  
17 that be suffice?

18 THE CHAIRMAN: Well, they have to be  
19 spaced.

20 MR. ROGLIANO: Well, that's what I'm  
21 saying. That's where it becomes --

22 MS. UHLE: You would need to do them  
23 in accordance with the approved plan. So if  
24 there are unhealthy trees that are on, say,

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1 California Road, if they're not shown on the  
2 plan and you did that just to supplement the  
3 landscaping, the board is saying they still  
4 want those to be removed as well if they are  
5 unhealthy.

6 MR. ROGLIANO: But I don't have to  
7 replace those ones?

8 MS. UHLE: That's correct, you don't  
9 have to replace those. Just in accordance with  
10 the plan.

11 MR. ROGLIANO: I just did it, and  
12 that's the little confusion, because there are  
13 a lot of additional trees.

14 THE CHAIRMAN: We're going back to the  
15 approved plans. You got to do what's on the  
16 approved plans.

17 MR. TUDISCO: I think you're going to  
18 need to make a formal vote.

19 MS. UHLE: We haven't gotten there  
20 yet.

21 MR. NEMECEK: One other contingency.  
22 If there's a healthy 14 foot that is in  
23 addition to the 35 6 to 8's that are required  
24 and it's gratuitous and you don't feel like

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1 removing it --

2 MS. UHLE: You just have to replace  
3 the unhealthy plants.

4 MR. ROGLIANO: The last five trees  
5 that were planted, were obviously the best. So  
6 if I have to remove, say, 10 in a row, I'm not  
7 going to remove those five healthy green in a  
8 row just to make them all 6 to 7 footers,  
9 unless -- that's what I'm asking. Unless you  
10 guys are telling me that I have to.

11 MR. NEMECEK: I think that's what  
12 we're telling you.

13 THE CHAIRMAN: We are. They have to  
14 be what's on the plan.

15 MR. ROGLIANO: So the healthy trees  
16 you guys want me to cut down is what you're  
17 saying?

18 MS. UHLE: If they're healthy and you  
19 could still transplant them, I think --

20 MR. ROGLIANO: I mean, they're not  
21 going to be transplanted. If you guys want  
22 them down, you want them all 6 to 7's, they're  
23 going to be 6 to 7's.

24 MR. NEMECEK: They're must bigger than  
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1 the 6 to 8, correct, the healthy ones?

2 MR. ROGLIANO: Yes. They're double.

3 THE CHAIRMAN: Where would the healthy  
4 ones be?

5 MR. ROGLIANO: There are six or seven  
6 healthy ones on the right side of the property.

7 MR. NEMECEK: Why did you plant 14  
8 foot that, even by your own admission, weren't  
9 the best looking plants?

10 MR. ROGLIANO: Because, to be honest  
11 with you, and again, it's not like I got them  
12 cheaper, they were no cheaper than a 6 to 7  
13 footer, it's just we tried to screen the  
14 highway from a higher perspective. So from a  
15 selling standpoint, it screened the highway.

16 MR. WEST: It's beneficial to the  
17 potential homeowner that they wouldn't see  
18 something.

19 MR. NEMECEK: If they had filled in  
20 somehow, you would have had a better product.

21 MR. WEST: Things they probably saw  
22 when they started building the house as opposed  
23 to standing on a 20 foot ladder and looking and  
24 see what you see.

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MR. ROGLIANO: So that's why.

MR. NEMECEK: Okay.

THE CHAIRMAN: Just go back so it's clear, you said there's healthy trees that were put up there and I just told you you have to remove them; where are they?

MR. ROGLIANO: I think majority of them are healthy, but I know the five last ones on the end of the property --

THE CHAIRMAN: So looking at the wall, looking at the retaining wall, on the far left?

MR. ROGLIANO: Far left.

THE CHAIRMAN: The very end?

MR. ROGLIANO: Yes. There are about 7 or 12 that are pristine. Pristine, pristine. But again, in the middle section if I have to plant 6 to 7 footers, you're telling me I have to take out even healthy ones, so that's what I'll do.

MR. NEMECEK: If it mattered, if you literally could spray paint --

MR. PULASKI: Why are we spending so much time on this?

MR. WEST: Because we love trees, Rob,

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we love trees.

MR. PULASKI: Seriously. We spent a lot of time a year ago on this swale and going back and forth with Mr. Pilch. He didn't build that. Now this neighbor has a problem with water coming on to his property, he has a problem with the plans not being followed. We had another applicant on a different project that we spent a lot of time with because, again, they didn't follow the plans.

MR. ROGLIANO: Sir, I was just asking for clarification.

MR. PULASKI: Follow the plans.

MR. ROGLIANO: I was just asking for clarification, that's all.

THE CHAIRMAN: Bob is right, we've sort of discussed this on infinitum. So, we have to make a motion?

MS. UHLE: The only problem is -- I mean, I agree you've discussed it a lot, but I think you have to be very clear. So the last outstanding question, and it sounds like the answer was, no, but I just want to be clear, his question was -- even Mr. Dubak acknowledged

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that the last five trees look beautiful, there's clustered at one side of the property line, so his question is: Can I keep those or are you telling me, again, all of them have to be the same height?

MR. ROGLIANO: But it's not about Mr. Dubak. It's not about Mr. Dubak.

MR. NEMECEK: I don't think you're going to like the answer then if you're not going to let Mr. Dubak come up.

MR. DUBAK: Luigi, I'm trying to work with you, okay. What I'm suggesting is if you want to leave those last five and then replace the other ones that are bad, I don't have a problem with that. That's what I'm trying to do, I'm trying to be accommodating too. Those last five that are good, let them stay. Replace all the other crap and just keep it consistent.

THE CHAIRMAN: Got it. Thank you.

MS. UHLE: There are two administrative things. Technically, the Planning Board has to make a motion to say that a public hearing is not necessary. I did feel

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it was appropriate simply to make it very clear to Mr. Dubak that this would be on the agenda, but I did not think it was necessary to notify neighbors within a 200 foot radius with regard to this issue? So if you could indicate that -- you can waive a formal public hearing on this.

MR. NEMECEK: We have to vote on it or just a make statement?

MS. UHLE: You vote on it.

THE CHAIRMAN: I make a motion to state that a public hearing on this open to the public was not necessary for this application.

MR. NEMECEK: Make a motion to approve that statement.

THE CHAIRMAN: Make a motion to waive the need for a public hearing for this application.

MR. NEMECEK: Second.

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

THE CHAIRMAN: Now, as far as the motion for this, we're going to give two options of which the contractor could apply for

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or agree to do either one?

MS. UHLE: Yes. Option one is --

THE CHAIRMAN: Leave the five, replace the rest.

MS. UHLE: With the 6 to 7 feet.

THE CHAIRMAN: It's on the drawings.

MS. UHLE: Or to leave the five and replace the rest with 12 to 14 feet as long as they're healthy. Those are basically your two options.

THE CHAIRMAN: Or replace the others; or the third option is just remove everything; right?

MS. UHLE: Yes. I think Luigi is clear; right?

THE CHAIRMAN: All right. So those are the three options. We're going to make a motion to approve those, and whichever those three is suitable for you, we're okay with all of them. Margaret has it written. Just to be clear again, run through them one more time.

MS. UHLE: Okay. One option is to leave the five healthy 12 to 14 footers and replace the others with healthy 6 to 7 feet.

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The second option is to leave the five healthy 12 to 14 footers and replace the others with healthy 12 to 14 footers. The third option is to replace them all with healthy 6 to 7 feet.

THE CHAIRMAN: Actually, the second option we said was if there are any other healthy ones in between they could remove and replace those also.

MS. UHLE: Just to make sure they are all healthy. That's what it boils down to, all healthy.

MR. PULASKI: I would not get into that distinction which ones are healthy and which are not. There are five, though, that Margaret is talking about and the neighbor is talking about that are over on the west side of the property, they're all on the west side of the property nearest the west side by the shed. Those are the five.

THE CHAIRMAN: Make a motion to approve the application with the three options which Margaret has just presented --

MR. NEMECEK: With the one caveat that you do not have to put any more than the amount

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specified in the approved plan.

THE CHAIRMAN: Great. All clear? I made the motion. Second.

MR. NEMECEK: Second.

THE CHAIRMAN: All in favor.

(All aye.)

THE CHAIRMAN: Great. Thank you.

Next application is 16-14, 600

White -- no, it's not -- stand by, Application 16-13, 22 and 24 Water Street.

MR. SENOR: Good evening. Eliot Senor here as engineer, surveyor for the property at Water Street. We were here once before.

After the last meeting, we were asked to provide some additional information to the engineer and the board. The information was -- we had submitted some plans with the information. It mostly had to do with the charts, the summary of the variance charts and of the zoning charts that we had on the subdivision map. There were some other comments about a Notice For Intent for the state because we were covering more than 25 percent of impervious surface and more than an

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acre. There were some comments about underground storm water detention and drainage. We have local municipal street drains there. Our underground intention would be partial percolation and then also underground detention for the road itself.

We also -- I guess they were asked by Mrs. Uhle to go over the part two of the Shorten Environmental Assessment Form and talk about some additional information. The page two or the part two I mean, the main item that we have on part two here is the variances required for this subdivision. There are many variances required. They are all in your packet. We've been over that. We are really not going to change the land use intensity, mainly on this site specifically but we are surrounded by similar sized properties and similar sized building areas.

So most of the items on here have to do with things that we are on part two that we have no or small impact. I mean, we can go over each one --

MS. UHLE: Well, I think -- can I just

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1 interrupt you for one minute? Did you submit  
2 anything to the board?

4 MR. SENOR: I didn't submit anything.

5 MS. UHLE: I don't think they have the  
6 part two in front of them, and I think that  
7 request was more to basically summarize -- it  
8 was a suggestion to look at the part two but  
9 really to provide a written summary to the  
10 board explaining what the potential  
11 environmental impact would be so that they  
12 would be in a position to make a SEQRA  
13 determination. Again, as I said at the meeting  
14 a couple of months ago, I don't think it's  
15 extensive but it's at least a cover letter  
16 outlining some of those issues, and I don't  
17 believe anything was submitted to the board  
18 regarding those issues since you submitted a  
19 couple of months ago. Because they don't have  
20 the part two in front of them at this point,  
21 I'm not sure going point by point is going to  
22 make much sense to them. So I just wanted to  
23 point that out.

24 THE CHAIRMAN: Just for the record,  
25 can someone at least state what some of those

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1 points are so we know when you come  
2 back what --

4 MR. SENOR: The main -- I can go  
5 around -- the main -- basically this property  
6 is in an R-10 zone, and we want to develop to  
7 an R-5 zone. So basically we need variances  
8 for our effective square, our lot areas, our  
9 side yard setbacks, and things like that.

10 We also have a variance on the road  
11 because we can't maintain a property line  
12 radius at this corner because we don't own the  
13 property past the corner, which is a square  
14 corner now. So we need a variance for that.  
15 We also show a radius of cul-de-sac at 50 as  
16 opposed to 55. But mostly it's just for lot  
17 areas and effective squares for the building.

18 MS. UHLE: Just -- can I interrupt?  
19 Applicants for this type of application are  
20 required to submit a part one of an  
21 Environmental Assessment Form, which is  
22 included in your package, which gives you some  
23 information about the site. Then part two is  
24 something that technically the board or the  
25 lead agency looks at to make its determination

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1 with regard to whether there's potential  
2 significant environmental impact.

4 So some of those questions -- for  
5 example, one of them, will the proposed action  
6 result in an increase in the potential for  
7 erosion, flooding, or drainage problems. So I  
8 guess my intent was for you to say, we've met  
9 with our engineer, we've done deep hole tests,  
10 we know that the soil conditions are proper,  
11 that there is not a high water table, we're  
12 going to be directing drainage into the street  
13 drain. So those are the kinds of things that I  
14 think I was anticipating. Again, not to make  
15 it more complicated than it needs to be, but  
16 how are handling sanitary sewer; is there  
17 capacity in the street; is there any potential  
18 for flooding problems; or have you met with our  
19 engineer to evaluate. Even though this is  
20 subdivision approval, that's one of the  
21 requirements is to do the deep hole test.

22 You're creating a new roadway, are there any  
23 potential issues with regard to site distances.  
24 That's the kind of issue. The variances the  
25 board is aware of and the Zoning Board will be

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1 evaluating that.

3 I think with regard to the analysis  
4 about, say, consistency with the character of  
5 the neighborhood, you know, is there a map that  
6 shows all of the -- where we can readily see  
7 that all the lots that are colored yellow are  
8 the same size and ours are that way. I think  
9 it's kind of a simple analysis, but it's an  
10 analysis that just provides the board with  
11 readily digestible information.

12 MR. SENOR: Well, I mean our view was,  
13 and I think we've been going on this premises,  
14 that we have to go through the zoning  
15 requirements and that whole procedure at the  
16 time we come back. If we don't get any of the  
17 variances, then there's no point in doing all  
18 of that other, what we say, expensive work, of  
19 doing the deep test pits, of meeting with all  
20 the different representatives from the utility  
21 companies and the water company.

22 Generally, you know, the sewer, there  
23 is sewer in the street. It is available to us.  
24 There is water in the street. It is available  
25 to us. We never have found that as a problem

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1 in any of the subdivisions that we've done  
2 where there not the capacity on an existing  
3 service, and if there was, we would propose a  
4 new one.

5 As far as ground water is concerned,  
6 you know, our site is relatively flat. In the  
7 full depth of the property we're only going up  
8 about 8 feet in height difference. So we're  
9 not very steep. We thought that this was  
10 sufficient for the character of the  
11 neighborhood, which we show all the lots in the  
12 surrounding area, the lot areas, the  
13 topography. We didn't want to go and spend a  
14 huge amount of the client's money to find out  
15 that we couldn't get any variances. We talked  
16 about that last year.

17 MS. UHLE: We did, and last year I  
18 indicated that, unfortunately, SEQRA requires  
19 that the Zoning Board cannot make a  
20 determination until the lead agency makes a  
21 determination with regard to SEQRA. So they  
22 have to adopt a Negative Declaration. As I  
23 indicated to you at the last meeting and I  
24 think in previous conversations, there is just

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1 a basic level of environmental review that's  
2 necessary in order for the board to get to that  
3 position. I mean, a deep hole is test is  
4 required as part of the subdivision approval  
5 process for them to be able to say, we're  
6 satisfied the drainage conditions can be -- I  
7 guess I'm still kind of confused. To me, it  
8 doesn't seem like you submitted anything new  
9 since the first time you came before the board,  
10 and at that meeting we had talked about  
11 providing some additional information in  
12 writing to the board that just addressed pretty  
13 basic environmental conditions.

14 The problem that the board is going to  
15 have is they can't refer you to -- the Zoning  
16 Board can't make a determination with regard to  
17 the variances until they've adopted a Negative  
18 Declaration. So I think to say, we're just not  
19 going to take the time to evaluate whether  
20 there are proper site distances at the entrance  
21 to the cul-de-sac or we're not even going to  
22 consider drainage until we get our variances,  
23 they're very interrelated. I think the Zoning  
24 Board is going to need to know some of that

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1 information too.

2 MR. WEST: It a road that's currently  
3 green mostly. How would water not be an issue  
4 if you're going to build road, a cul-de-sac?

5 MR. SENOR: We're basically only  
6 adding two additional homes to the site.  
7 Currently, there are three homes there now.

8 MR. WEST: You're adding asphalt, I  
9 would assume, that's not there now.

10 MR. SENOR: I didn't hear you.

11 MR. WEST: You're adding asphalt to  
12 the road.

13 MR. SENOR: Right, but that's not  
14 water service and sewer service. The water and  
15 sewer service capacity --

16 MR. WEST: I'm thinking lawn or dirt  
17 or grass.

18 MR. SENOR: Well, we actually have a  
19 considerable amount of impervious surface  
20 currently. We have -- the two houses, the lots  
21 are almost completely paved. There's a road  
22 that runs up between the two of them. There's  
23 a long driveway that runs from -- there's a  
24 long driveway that runs from Stewart Place to a

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1 big garage that's in the back there as well.  
2 So there is quite a bit of existing impervious  
3 surface. Our new impervious surface we can  
4 take care of underground. If we don't have the  
5 proper perc rate, we could detain it and let it  
6 out slowly at zero net increase in peak runoff  
7 into the town's storm system. So we don't have  
8 to have, you know, the other testing. That's  
9 what our plan was.

10 THE CHAIRMAN: So, Margaret, in the  
11 past when we've done this in order to adopt a  
12 Neg Dec on the application, do we explore each  
13 of the items on the short form and make sure  
14 that they are being addressed or that they will  
15 be addressed? Do they need to be addressed in  
16 full to our satisfaction before --

17 MS. UHLE: Again, they need to be  
18 addressed to an extent that you feel  
19 comfortable saying that you understand that the  
20 project will not result in a significant  
21 adverse impact to the environment. You have a  
22 responsibility to do some sort of due diligence  
23 to get there. You know, I think intuitively we  
24 may think, you know, we can always handle

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1 drainage problems so what's a big deal, but I  
 2 don't think an applicant just saying, yes,  
 3 we're going to take care of that and just  
 4 something as simple as saying we're going to  
 5 balance the impervious surface or there's not  
 6 going to be that much of a difference, we're  
 7 just taking your word standing up there and  
 8 talking about it now. To me, most of these  
 9 things are fairly easy to summarize and to  
 10 explain to the board in writing, you know, to  
 11 say these are the potential things that you  
 12 would be concerned about and this is why we  
 13 believe as an applicant you don't need to be  
 14 concerned about this them and then provide  
 15 something to back that up. To me, that's just  
 16 standard practice as part of this review  
 17 process.

18 THE CHAIRMAN: Right. So that being  
 19 said, once that's presented and if we are  
 20 agreeable to it, we could adopt --

21 MS. UHLE: The Negative Declaration.  
 22 Then it goes to the Zoning Board.

23 THE CHAIRMAN: Then it comes back  
 24 here.

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1 MS. UHLE: Then you look at things in  
 2 much more detail.

3 THE CHAIRMAN: Then we look at storm  
 4 water management and gallons and flows and all  
 5 of the waste water and everything else. That's  
 6 when we make sure everything is good.

7 MS. UHLE: Then you're looking at it  
 8 just more site specifically and in more detail.  
 9 I think you want to have some kind of evidence  
 10 that you don't believe there will be any  
 11 potential problems related to drainage or that,  
 12 you know, it's not currently a forested  
 13 property where you're going to be depleting so  
 14 much of the green space on it. Again, to me --  
 15 I'm sounding like I'm asking for a lot, I  
 16 thinking I'm asking -- you're essentially  
 17 asking for a memorandum addressing the issues.

18 THE CHAIRMAN: So that's what we're  
 19 asking.

20 MS. UHLE: But I also think with  
 21 regard to trying to make an argument that the  
 22 lot sizes are consistent, you're going to have  
 23 to do this for the Zoning Board any way, if  
 24 you're telling me that those five to seven

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1 thousand square feet or whatever they are, I  
 2 would highlight all the other five to seven --  
 3 like color them in, all the other five to seven  
 4 thousand square feet so they could see  
 5 immediately the entire neighborhood is yellow.  
 6 But just you saying, yes, it's consistent  
 7 because I have a map with some lots on it,  
 8 short of them having to read every single lot  
 9 area, I just think there are simple ways that  
 10 you can illustrate this information.

11 THE CHAIRMAN: Right, because in the  
 12 end I think from our point of view I think all  
 13 the technical issues can be addressed but the  
 14 character of the neighborhood is something that  
 15 is somewhat subjective and that's the one that  
 16 we usually hang up on, are we changing the  
 17 character of the neighborhood. So anything you  
 18 have would certainly help us agree with you.

19 MR. SENOR: We were thinking that was  
 20 for the Zoning Board, but --

21 MS. UHLE: And again, I'm not trying  
 22 to be adversarial here or anything, but I'm  
 23 just confused because I feel like I made these  
 24 very same comments three months ago or two

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1 months ago. I have transcripts. I'm certain  
 2 that I did. Also, in an e-mail that I wrote, I  
 3 explained what, you know, as was discussed at  
 4 the last Planning Board meeting it was  
 5 recommended the applicant compare an analysis  
 6 of lot sizes, provide basic information for  
 7 regarding storm water management, sanitary  
 8 sewers, traffic, etcetera. So that's the same  
 9 e-mail that mentioned going over the part  
 10 two -- the comments in the part two EAF. I  
 11 think I would anticipate that those would be in  
 12 writing and meaningful to the application.

13 THE CHAIRMAN: It gives us an  
 14 opportunity to review it before you come back  
 15 and sort of ask questions that help us make the  
 16 determination and allows you to go to the  
 17 Zoning Board.

18 MR. NEMECEK: And it creates a better  
 19 record as well.

20 THE CHAIRMAN: So if you could do that  
 21 and come back in June, that would be good, and  
 22 if you're not back in June, it's not until  
 23 September.

24 MR. SENOR: All right.

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1 THE CHAIRMAN: Thank you. Next  
2 application is --

3 MR. TUDISCO: Mr. Chairman, that  
4 application is adjourned, the public hearing is  
5 still not open?

6 THE CHAIRMAN: Yes. This is  
7 preliminary, correct.

8 Next application is 16-23, 183 Beech  
9 Street.

10 MR. MAIORANO: Good evening, board  
11 members. My name is Adamo Maiorano from  
12 Community Designs on behalf of the applicant,  
13 Peter Albano. We are proposing a three lot  
14 subdivision at 183 Beech Street.

15 The current lot as it stands there is  
16 an existing residence with walkways and  
17 driveway, adjacent it's a hundred foot by just  
18 a bit over a hundred foot in length. Adjacent  
19 to that is two 25 foot wide lots.

20 What we are proposing -- so basically  
21 the existing site does currently have roughly  
22 3300 square feet of impervious surfaces that,  
23 to we know, doesn't have any known drainage  
24 facilities.

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1 What we are proposing. Now, the three  
2 proposed lots will comply with all zoning  
3 requirements. We did do deep hole and  
4 percolation tests to check the soil and to see  
5 if we can adequately drain what we are  
6 proposing. Roughly, we did a calculation based  
7 on 2500 square foot of each lot having  
8 impervious surface. What is permitted is  
9 roughly around 2700. What we have proposed  
10 here is between and 23 and 2400 square foot  
11 impervious surface. We are adding CULTEC units  
12 to capture a hundred percent of the water  
13 runoff at each proposed lot.

14 MR. NEMECEK: What did you say the  
15 difference in the impervious surface from  
16 existing to proposed is?

17 MR. MAIORANO: Existing is around  
18 3300, which obviously we don't think there's  
19 any drainage going on right now. What we have  
20 calculated for, I guess if you want to count  
21 all three lots around 7500, it would be more  
22 around 7200 in bulk, but we are going to  
23 capture a hundred percent of that on site with  
24 drainage CULTEC units at each lot.

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1 If there are any questions, comments.

2 MR. PULASKI: The pit that you dug to  
3 check for your percolation, did you provide the  
4 backup documents to that?

5 MR. MAIORANO: We did submit to the  
6 town engineer, Joe Cermele, and he reviewed it.

7 MR. PULASKI: All right. It's  
8 submitted. All right.

9 MR. MAIORANO: It is, you know,  
10 somewhat preliminary at the time.

11 MR. PULASKI: I just wanted to make  
12 sure that they were because they weren't  
13 provided to us. I just wanted to make sure  
14 that they were provided.

15 MR. MAIORANO: It's along the left  
16 side, the test results and the storm water  
17 calculations.

18 MR. PULASKI: I would like to make a  
19 couple of comments about what I saw when I  
20 passed by this site. One, it looks relatively  
21 level, relatively flat. It may have some slope  
22 to it, but it's small. I saw an interesting --  
23 I made an interesting observation. I started  
24 at the south end property line and I looked to

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1 the opposite side of the street and I saw the  
2 approximate fence line of the house that was  
3 over there, then I went down the street a bit  
4 and I saw the next house that was to my left,  
5 and then I went down the street and I found the  
6 third house to my left and when I got to its  
7 fence line, it basically lined up with where  
8 this property line is. So that's just rough  
9 observation. So, in essence, what they look  
10 like they're trying to create on the east side  
11 of the street is what is already existing on  
12 the west side of the street. It's like a  
13 mirror.

14 MR. MAIORANO: Yes.

15 MR. NEMECEK: I don't think there is  
16 any option because they have 150 feet and you  
17 need 50 feet.

18 MR. PULASKI: Yes. It's just  
19 interesting. Usually it doesn't align that  
20 simply and clearly, and I thought that maybe  
21 people of the community might be here to speak  
22 or whatever and they might be interested in  
23 that observation.

24 THE CHAIRMAN: Thank you. I don't

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1 have any observations. So this has to be a  
2 public hearing. So let's open this to the  
3 public.

4 MS. UHLE: I'm sorry, I had to step  
5 out for a minute because of the other  
6 application. Did you indicate that Mr. Cermele  
7 provided comment?

8 MR. MAIORANO: Yes.

9 MS. UHLE: You went over that. Thank  
10 you.

11 THE CHAIRMAN: So then I make a motion  
12 to open the public hearing on Application  
13 16-23 --

14 MR. NEMECEK: Second.

15 THE CHAIRMAN: -- 183 Beech Street.

16 MR. NEMECEK: Second.

17 THE CHAIRMAN: All in favor.  
18 (All aye.)

19 THE CHAIRMAN: Public?  
20 (No comments.)

21 THE CHAIRMAN: So I'm going to close,  
22 we're going to vote, and that's it.

23 MR. NEMECEK: Did we have to hear from  
24 Mr. Cermele?

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1 MS. UHLE: You know what, he actually  
2 submitted a memorandum to us I think yesterday.  
3 I brought a copy of that for you, but maybe you  
4 could just say what your findings were.

5 THE CHAIRMAN: Let me close the public  
6 hearing. Standby. I make a motion to close  
7 the public hearing on Application 16-23, 183  
8 Beech.

9 MR. PULASKI: Second.

10 THE CHAIRMAN: All in favor.  
11 (All aye.)

12 MR. NEMECEK: Let's reopen the public  
13 hearing. Move to reopen the public hearing.

14 MS. UHLE: Reopen it, and then after  
15 Mr. Cermele speaks, this gentleman can ask  
16 questions.

17 THE CHAIRMAN: I make a motion to  
18 reopen the public hearing on Application 16-23,  
19 183 Beech.

20 MR. NEMECEK: Second.

21 THE CHAIRMAN: All in favor.  
22 (All aye.)

23 MR. CERMELE: We just reissued another  
24 memorandum, but it's very short. We reviewed

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1 the application back in April. We had a number  
2 of comments, majority of which were addressed  
3 for the purposes of subdivision. We have very  
4 minor details to work out with final design of  
5 the storm water and some of the utilities. For  
6 the most part, everything has been addressed.  
7 We've witnessed the soil testing performed,  
8 both deep and percolation. There's ample space  
9 on site in the areas that he's showing for  
10 infiltration, so we don't have any concerns  
11 that we won't be able to finalize the design in  
12 the footprints that he shows. Everything else  
13 has been satisfactorily addressed. As I said,  
14 we had maybe a half a dozen very minor  
15 comments, dotting I's and crossing T's, but the  
16 plan is fairly complete at this point.

17 THE CHAIRMAN: Since you're up, where  
18 is ground water relative to grade and where are  
19 the CULTECs?

20 MR. CERMELE: I believe in every test  
21 hole that we did, there was no ground water  
22 found in any of them, and we went as far as 8  
23 feet deep.

24 THE CHAIRMAN: So you're way above  
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1 that with the CULTECs.

2 MR. CERMELE: We have plenty of room  
3 for the system to be designed.

4 THE CHAIRMAN: That's unusual for this  
5 town. Great. Thank you.

6 MR. NEMECEK: Especially Bronxville  
7 Manor. We had some real issues with the  
8 Deerfield properties years ago.

9 MR. CERMELE: He did six holes  
10 throughout the site front and rear of each of  
11 the proposed homes, and they were all suitable.

12 THE CHAIRMAN: Is it a different soil  
13 type than other places?

14 MR. CERMELE: Yes, obviously.

15 THE CHAIRMAN: Great. Thank you.

16 MR. CERMELE: Everything is fine.

17 THE CHAIRMAN: Comments from the  
18 public? That's you.

19 MS. UHLE: Sure. Yes.

20 THE CHAIRMAN: Please.

21 MR. SLOVENKO: My only comment is not  
22 so much --

23 MR. NEMECEK: If you could --

24 MR. SLOVENKO: Oh, I'm sorry.

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1 MR. NEMECEK: We have a substantial  
2 viewing audience at home, and they all want to  
3 know who you are.

4 MR. SLOVENKO: Excuse me.

5 MR. NEMECEK: We have a substantial  
6 audience.

7 MR. SLOVENKO: I don't want to hurt  
8 your ratings.

9 MR. NEMECEK: After this is over,  
10 they're going to watch the NBA semifinals but  
11 not unless this is over.

12 MR. SLOVENKO: I was actually on  
13 Anderson Cooper and not a soul ever saw it. If  
14 this does it, then you really have pull.

15 MR. NEMECEK: Here's your moment.  
16 Announce yourself to the world.

17 MR. SLOVENKO: Okay. I'm Glenn  
18 Slovenko. I'm known as Richard. I'm just down  
19 the street at 200 Beech. My comment isn't so  
20 much about the development but the impact  
21 related with it, which is that this is a very  
22 popular cut through in the morning and in the  
23 evening. As a matter of fact, I counted it  
24 with a motion webcam, we get over 400 cars a  
25

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1 day and often of high speed and we're adding  
2 more homes that are backing out of driveways.  
3 Beech is the big avenue. So I just want you to  
4 be sensitive.

5 Another thing, Mr. Pulaski's comment  
6 is well put, I didn't think about it, but he is  
7 about right it is similar to the houses in the  
8 area. The problem is that like some people  
9 have gone to even putting out the little kid,  
10 green kid with the flag way out into the middle  
11 of the street because I assume the first tier  
12 efforts didn't work. This is an area  
13 especially with the density of young families  
14 that are in there now, it kind of turned over  
15 in the neighborhood, I'm the old guy, so a lot  
16 of young kids and so forth and there's a lot of  
17 heavy traffic and this Beech Street is like the  
18 main thoroughfare which that should be at least  
19 in your thoughts as you go forward with this.  
20 That was my comment.

21 THE CHAIRMAN: Thank you.

22 MR. NEMECEK: Thank you.

23 THE CHAIRMAN: So I'm going to  
24 re-close the public hearing now. So I make a  
25

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1 motion to close the public hearing on  
2 Application 16-23, 183 Beech Street.

3 MR. NEMECEK: Second.

4 THE CHAIRMAN: All in favor.  
5 (All aye.)

6 THE CHAIRMAN: Great. So at this  
7 point I can't see anything else to bring to  
8 your attention, so I'm going to make a motion  
9 to approve the minor subdivision. So I make a  
10 motion to approve --

11 MR. PULASKI: Before we do that, just  
12 in response to the resident's comment, the lot  
13 size permits this development, and the traffic,  
14 it's a real issue, it's all over the place, and  
15 I think that has to be solved some other ways,  
16 but legally that is a lot that can be  
17 subdivided and three houses can be put on it.  
18 Unless there is something that I can't think of  
19 describing at this meeting, we're held to that.

20 MR. SLOVENKO: I'm trying to indicate  
21 it's in an area where there is impact right  
22 now.

23 MR. MAIORANO: The owner is here so he  
24 could try and do everything in his possible way  
25

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1 to try to minimize the interruption.

2 MR. NEMECEK: It's a straight-away  
3 that happens to connect part of the town to  
4 some of the schools. So I think it's naturally  
5 going to attract a healthy amount of traffic,  
6 and short of the Highway Department putting in  
7 some sort of impediments, I don't think the  
8 little green kid holding a flag is going to  
9 slow too many people down.

10 But that said, we're talking about a  
11 subdivision and contemplated building of two  
12 additional units, two additional homes, which,  
13 in the big scheme of things, I would be hard  
14 pressed to think would have a huge impact.  
15 Certainly it will have an impact; probably a  
16 very small impact. I think that's what the  
17 comments were addressed to, it's crowded  
18 already.

19 MS. UHLE: Just before you move on to  
20 a vote for this, you will have to adopt a  
21 Negative Declaration. I would just like to  
22 point out that in this particular application,  
23 the applicant very clearly identified trees  
24 that existed, trees to be removed, met with the  
25

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1 engineer to do the soil tests, indicated, you  
2 know, that there's sufficient pipes that are  
3 proposed for sanitary sewer and water and that  
4 kind of thing. Again, it's not rocket science  
5 but those issues were addressed.

6 MR. MAIORANO: I did bring the plans  
7 to Hector DiLeo at the Highway Department and  
8 there is one town tree, it's a pine in the  
9 front, that we are removing, and he was okay  
10 with the pine tree coming down.

11 MR. PULASKI: You have a very large  
12 one to the left of the property, left parcel;  
13 no?

14 THE CHAIRMAN: It's a big tree.

15 MR. PULASKI: Must be like a 4 foot  
16 diameter. It's got multiple trunks to it.

17 THE CHAIRMAN: Is that one remaining?

18 MR. PULASKI: This is all the way to  
19 the north.

20 MR. NEMECEK: It's near the road.

21 MR. PULASKI: It's near the road.  
22 It's got limbs that stretch out for 50 feet in  
23 all directions.

24 THE CHAIRMAN: It's a scary looking  
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1 tree on the north most side.

2 MS. UHLE: I think it may not be on  
3 your property.

4 MR. MAIORANO: Yes, he's right, it's  
5 the one you see in the picture right there in  
6 the middle.

7 THE CHAIRMAN: So --

8 MS. UHLE: Make a motion to adopt a  
9 Negative Declaration.

10 THE CHAIRMAN: So I make a motion to  
11 adopt a Negative Declaration for Application  
12 16-23, 183 Beech Street.

13 MR. NEMECEK: Second.

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

16 THE CHAIRMAN: I make another motion  
17 to approve Application 16-23 for a minor  
18 subdivision at 183 Beech Street.

19 MR. PULASKI: Second.

20 THE CHAIRMAN: All in favor.  
21 (All aye.)

22 THE CHAIRMAN: Great. Thank you.

23 MR. MAIORANO: Thank you.

24 THE CHAIRMAN: Next application is  
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1 16-04, 33 Orchard Street.

2 MR. MAIORANO: Good evening, board  
3 members, Adamo Maiorano my from Community  
4 Designs on behalf of the applicant and owner,  
5 Karen Fox.

6 We are proposing a two and a half  
7 story side addition to the existing residence.  
8 We did get Zoning Board approval for the  
9 variances. In the addition, the basement floor  
10 is going to be a two car garage; first floor  
11 additional living space; and second floor  
12 master bedroom and bath.

13 MR. NEMECEK: I'm sorry, I don't have  
14 this. Which --

15 MR. MAIORANO: 33 Orchard Street.

16 MR. WEST: I don't have it either.

17 THE CHAIRMAN: It's from last time.  
18 You guys weren't there.

19 MR. MAIORANO: It was on last month's  
20 agenda. We were here.

21 MR. NEMECEK: I'll follow along here.  
22 Thank you, Michael.

23 MR. MAIORANO: So basically we're  
24 going to do all new materials throughout the  
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1 house. The exterior siding is going to be a  
2 HardiePlank siding, AZEK white soffits and  
3 vents, as well as the detailing brackets.  
4 We're going to have an entirely new asphalt  
5 shingle roof, it's going to be a charcoal  
6 color. We're going to have new Andersen double  
7 hung windows throughout.

8 As far as the Architectural Review  
9 Board, they did have two comments: Try to  
10 minimize the appearance of the foundation wall  
11 in the front elevation on the left-hand side.  
12 So what we did was we raised the grade about 8  
13 inches to minimize that stucco wall of the  
14 foundation. There will be new planting in  
15 front of that as well.

16 The other comment -- I'm sorry -- was  
17 the tree on the -- on the town property. So I  
18 did meet with Hector DiLeo on site and he did  
19 give the approval to remove the existing oak  
20 tree and replace it with a 3 to 4 inch caliber  
21 red cherry tree or oak tree in place of that  
22 existing tree. It will be healthy, free of  
23 defects.

24 MR. NEMECEK: And that will be planted  
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on the town right-of-away also?

MR. MAIORANO: It is on the town property, yes. Basically the street-scape of what the road would look like.

Any comments, we would happy to address them. These are the materials, colors, and I have a sample of the Unilock retaining wall proposed on the adjacent sides of the garage.

MR. NEMECEK: When you said in response to the Architectural Review Board's comments you raised the grade by about 8 inches you said --

MR. MAIORANO: Exactly.

MR. NEMECEK: Did you also have to raise the height of the retaining wall?

MR. MAIORANO: We did, about 8 inches.

MR. NEMECEK: I'm sorry, did you say you had to obtain certain variances?

MR. MAIORANO: Yes, we did. There's an existing front yard setback that's non-conforming of the existing residence, so the proposed addition needed a front yard setback, as well as the driveway, and the front

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portico on the existing house did exceed the front yard setback, obviously not for -- aesthetic reasons and sheltering the front door to tie in the front elevation.

MR. NEMECEK: The variances are largely related to existing non-conformities?

MR. MAIORANO: Exactly, yes.

MR. PULASKI: And the peak of your roof is now higher?

MR. MAIORANO: No. We're going to drop down the addition, but the peak is going to stay the same. We're going to put new -- obviously change the materials on the existing house, new siding.

MR. PULASKI: I was just trying to understand that the lower right-hand corner elevation.

MR. MAIORANO: This is an existing gable.

MR. PULASKI: Okay. I couldn't read the fine print. All right.

MR. MAIORANO: You can't see the addition there. It's about 6 inches lower than the ridge, existing ridge.

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MR. PULASKI: All right. Looks fine to me. We have to open the public hearing.

MR. NEMECEK: Any other questions from the --

THE CHAIRMAN: Yes, just one question. So the grade at the driveway is I guess called out here as 218 or it slopes down?

MR. MAIORANO: So we're going to be collecting -- there's going to be a trench drain in front of the garage and we're going to collect all the added impervious surface into CULTEC units in the rear of the property. So it will slope up a bit up until the property line, and then all of the impervious surface as far as the driveway slopes towards the garage door into the trench drain to the CULTEC units.

THE CHAIRMAN: So I'm just trying to understand the grade of the adjacent -- across the property line; is it about the same?

MR. MAIORANO: It's fairly flat.

THE CHAIRMAN: Looking at the elevation, it seems like the street slopes a little bit.

MR. MAIORANO: The street does, and

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then once you get to the property, it's fairly flat.

THE CHAIRMAN: So looking at, I guess, A2 -- can you flip to A2? Yes, that. It shows the existing grade and then the driveway next door, I guess, that's what we're looking at there?

MR. MAIORANO: Yes.

THE CHAIRMAN: It looks like there's just a curb there?

MR. MAIORANO: On the left side of the driveway, yes, that will be, again, new cobblestone along the edge of the driveway.

THE CHAIRMAN: I guess for the most part your driveway is going to drain in the direction of the trench drain?

MR. MAIORANO: Exactly. Not to the street, yes.

THE CHAIRMAN: Public hearing. I make a motion to open the public hearing on Application 16-04, 33 Orchard.

MR. PULASKI: Second.

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

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(No comments.)

THE CHAIRMAN: Make a motion to close the public hearing on Application 16-04, 33 Orchard.

MR. PULASKI: Second.

THE CHAIRMAN: All in favor.

(All aye.)

THE CHAIRMAN: Okay. I think it's a handsome house. It will be a nice addition to the neighborhood.

MR. MAIORANO: Thank you.

THE CHAIRMAN: With that, I make a motion to approve Application 16-04, 33 Orchard.

MR. PULASKI: Second.

THE CHAIRMAN: All in favor.

(All aye.)

THE CHAIRMAN: Great. Thank you.

MR. MAIORANO: Thank you very much.

THE CHAIRMAN: Next application is also from the last public hearing and it's 16-15, 9 Innisfree Place.

MR. DEMASI: Good evening. My name is Lou Demasi, I'm the architect on behalf of the

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applicant, John Jennings. He's here tonight in the audience with me.

John just purchased the property a couple of months ago, and what we're looking to do is take this old 1950's style house and update it to a more modern look. The existing house has some brown shingles that are in disrepair. We're looking to change the whole look of the house, give it an updated look, like I said, change all the windows, change the siding, change the roofing.

Some pictures of the adjacent neighborhoods, and I also have a street-scape to show you. There are some nice looking houses in the neighborhood and I think this addition will compliment the neighborhood.

The Architectural Review Board had asked me to prepare a street-scape. It's a little difficult to see. This is in a cul-de-sac. So I did my best to take the existing two structures on either side and kind of superimpose what it would look like on a flat facade. The height, we're not raising the height. I have another diagram to show you

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that shows that we're keeping the existing roof line. We're kind of just infilling a little bit on either side of the house. So I don't know if you could read it, but this dotted line here shows the existing outline of the existing house, and what we're doing is simply matching the roof line but infilling the two areas here and here. What we're doing is taking the garages that facing front now, creating a three car garage that's on the side.

Last page. So now instead of having the garage doors in the front, we would have it on the side.

Jump to the site plan. So right now you enter from the cul-de-sac here and go into the garage doors on the front of the house. What we're doing is relocating that, coming around, and adding a little bit of a driveway so it has a nice little turnaround space to back out and back out into the street. I did some drainage calculations to cover all the new impervious surface and keeping that on the site.

Would you like me to go over the  
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siding materials or anything like that?

THE CHAIRMAN: Would you, please.

MR. DEMASI: Yes. So we're removing the existing siding. We're going to go with a HardiePlank siding, a bevel styling, and it's going to be a gray. The windows will be all Andersen windows double hung white. The trim will be an AZEK. Everybody seems to be using AZEK nowadays. AZEK is a composite material that's going to be white. The front door is going to a composite or wood, we're not sure yet, but it's going to be painted black. The roof is going to be an asphalt charcoal color, and the front porch here is going to be changed to a metal standing seam roof like a gray color to compliment the asphalt color siding. We're dressing up the front by putting some stone on the front and also the chimney, changing that from a brick, 1950's brick to a nice stone look to it. All the gutters are going to be aluminum and they're going to be painted -- they're going to actually just be white, not painted.

THE CHAIRMAN: Can you flip back to  
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 2 the rendering?  
 3 MR. DEMASI: The street-scape.  
 4 THE CHAIRMAN: Yes. That's the best  
 5 to see colors. Oh, you didn't put any colors  
 6 on there. Okay.  
 7 MR. NEMECEK: Do you have any samples  
 8 for us?  
 9 MR. DEMASI: I'm sorry.  
 10 MR. NEMECEK: Any samples?  
 11 MR. DEMASI: I did not bring them. I  
 12 brought them to the Architectural Review Board.  
 13 They approved everything. It's HardiePlank  
 14 siding, white AZEK, all the normal stuff.  
 15 MR. NEMECEK: Did the Architectural  
 16 Review Board have any comments as to the  
 17 design?  
 18 MR. DEMASI: No, none to the design.  
 19 They just had asked me to provide a  
 20 street-scape to get a better understanding of  
 21 the neighborhood, to dot in where the existing  
 22 building was to get a reference, and pick a  
 23 light fixture, which we did. I could show you  
 24 that. Just a standard light fixture that we're  
 25 going to put on the front door and on the side

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 2 of the garage doors, which I had drawn into the  
 3 plan. A fixture here, a fixture here and here.  
 4 Every place with a door, what's required by  
 5 code basically. Also, I think two is enough on  
 6 this side to compliment and to give some light  
 7 and some accent to the side elevation.  
 8 THE CHAIRMAN: What's the stone at the  
 9 chimney and the base; what's the -- it's just  
 10 natural different colors?  
 11 MR. DEMASI: Natural, yes. It's  
 12 Connecticut stone. It's got some grayish --  
 13 there's no pinks or any kind of hues to it like  
 14 that.  
 15 THE CHAIRMAN: But is it consistent or  
 16 is it graduated?  
 17 MR. DEMASI: It's consistent. It's  
 18 like a gray color, yes.  
 19 THE CHAIRMAN: It's not different  
 20 stone colors --  
 21 MR. DEMASI: Yes.  
 22 THE CHAIRMAN: It's one typical color.  
 23 What's the cap on the chimney?  
 24 MR. DEMASI: The cap on the chimney?  
 25 THE CHAIRMAN: Yes.

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 2 MR. DEMASI: It's going to be --  
 3 THE CHAIRMAN: It's going to be stone?  
 4 MR. DEMASI: Flagstone in a gray color  
 5 to compliment it, yes.  
 6 THE CHAIRMAN: You said the fascias  
 7 are all --  
 8 MR. DEMASI: The AZEK white.  
 9 THE CHAIRMAN: AZEK. What about on  
 10 top of the gables, it sort or shows a little  
 11 bit of texture there, what is that going to be?  
 12 MR. DEMASI: The texture is just to  
 13 give -- they call this a fish scale or kind of  
 14 a scalloped siding.  
 15 THE CHAIRMAN: Right. And on top of  
 16 the dormers?  
 17 MR. DEMASI: Here?  
 18 THE CHAIRMAN: The dormers in the  
 19 middle.  
 20 MR. DEMASI: No, the dormers are just  
 21 AZEK. It's just a white -- there is no texture  
 22 to it. The way it reads it's a crown molding,  
 23 then you have a break, and this part is all  
 24 AZEK.

25 THE CHAIRMAN: So it's just molding  
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 2 that we're looking at?  
 3 MR. DEMASI: Just molding, yes.  
 4 THE CHAIRMAN: Okay. We have to open  
 5 the public hearing.  
 6 MR. NEMECEK: I had a couple more  
 7 questions. Are you changing the footprint of  
 8 the house at all?  
 9 MR. DEMASI: We are changing the  
 10 footprint by adding a third bay.  
 11 MR. NEMECEK: Let me see that.  
 12 MR. DEMASI: Right here. Right now  
 13 it's a two car garage this way. We're changing  
 14 it to one, two, and three. We did add about  
 15 144 square feet to the footprint.  
 16 MR. NEMECEK: To the footprint?  
 17 MR. DEMASI: Overall we're adding  
 18 about 1300 square feet.  
 19 MR. NEMECEK: But most of that is on  
 20 the upper floor?  
 21 MR. DEMASI: Correct. Just filling in  
 22 some of the gables.  
 23 MR. NEMECEK: And how about the  
 24 impervious surface, what is the differential  
 25 between the existing and the proposed?

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1 MR. DEMASI: The impervious surface  
 2 right now is 3173, and we're adding -- it's  
 3 going to be 48, so it's about --  
 4 MR. NEMECEK: About 50 percent more.  
 5 MR. DEMASI: I'm sorry.  
 6 MR. NEMECEK: About 50 percent more,  
 7 but it's within the acceptable limits?  
 8 MR. DEMASI: Yes, it's within our  
 9 coverage. It's actually a lot less. I mean,  
 10 the parcel is fairly big. We're allowed 74  
 11 actually.  
 12 MR. NEMECEK: And whatever impervious  
 13 surface you're creating, you're addressing that  
 14 with your --  
 15 MR. DEMASI: CULTECs.  
 16 MR. NEMECEK: -- CULTECs. Okay.  
 17 THE CHAIRMAN: The site plan shows AC  
 18 units or condensers in the back.  
 19 MR. DEMASI: Yes. Since I had  
 20 upgraded this and added the CULTECs here, your  
 21 site plan does not show that, but I do have on  
 22 this plan a future location for a generator and  
 23 two AC units that are going to be screened with  
 24 some shrubs.

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1 MS. UHLE: It does show on our plan.  
 2 MR. DEMASI: Sorry.  
 3 MS. UHLE: They're on our plan as  
 4 well.  
 5 MR. DEMASI: Oh, it is. Good.  
 6 THE CHAIRMAN: So just in general, you  
 7 screen the AC units and the generator doesn't  
 8 get screened, I guess?  
 9 MR. DEMASI: Doesn't --  
 10 THE CHAIRMAN: Doesn't get screened?  
 11 We rarely have generators, I mean, you just  
 12 leave them there? When they run, it's not for  
 13 very long or it's intermittent, so they don't  
 14 need to be screened just in general I guess?  
 15 MR. DEMASI: Okay.  
 16 MS. UHLE: I think your question is,  
 17 are they proposing to screen.  
 18 THE CHAIRMAN: What do we do with  
 19 generators?  
 20 MS. UHLE: Personally, with AC units  
 21 and a generator with such a deep back yard, I  
 22 don't think it really matters whether they  
 23 choose to screen them or not. I think that's  
 24 up to the applicant. I think typically with

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1 the AC units if they're in a side yard where  
 2 they're really visible to an adjacent neighbor,  
 3 that's more of an issue.  
 4 THE CHAIRMAN: Right, and generators  
 5 are temporary and during emergencies, so --  
 6 MS. UHLE: But the screening I think  
 7 is more for aesthetics. I don't think it  
 8 really affects the noise one way or the other.  
 9 MR. DEMASI: Definitely not for sound.  
 10 MR. WEST: It backs up to the  
 11 cemetery?  
 12 MS. UHLE: You know, I have driven by  
 13 the house but the front. Do you back up to the  
 14 cemetery property there?  
 15 MR. DEMASI: Yes. I don't know if you  
 16 could see this.  
 17 MS. UHLE: On the site location map.  
 18 MR. WEST: I know where it is.  
 19 THE CHAIRMAN: Did we do a public  
 20 hearing?  
 21 MR. NEMECEK: No.  
 22 THE CHAIRMAN: So I make a motion --  
 23 we're just going to open the public hearing so  
 24 don't go anywhere. I make a motion to open the

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1 public hearing on Application 16-15, 9  
 2 Innisfree Place.  
 3 MR. NEMECEK: Second.  
 4 THE CHAIRMAN: All in favor.  
 5 (All aye.)  
 6 (No comments.)  
 7 THE CHAIRMAN: Motion to close the  
 8 public on Application 16-15, 9 Innisfree Place.  
 9 MR. NEMECEK: Second.  
 10 THE CHAIRMAN: All in favor.  
 11 (All aye.)  
 12 THE CHAIRMAN: Comments?  
 13 MR. NEMECEK: It looks pretty nice.  
 14 MR. PULASKI: I think it looks fine.  
 15 MR. WEST: Nice.  
 16 THE CHAIRMAN: Very nice. I make a  
 17 motion to approve Application 16-15, 9  
 18 Innisfree Place.  
 19 MR. PULASKI: Second.  
 20 THE CHAIRMAN: All in favor.  
 21 (All aye.)  
 22 THE CHAIRMAN: Last application is  
 23 16-11, 41 Rose Avenue.  
 24 MR. IANNACITO: Good evening. My name

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1 is John Iannacito, I'm an architect, and I'm  
2 representing Mr. and Mrs. William McCarthy this  
3 evening, the owners of the subject property.  
4 We are proposing additions and alterations to  
5 the existing single family residence located at  
6 41 Rose Avenue.

7 The proposed scope of work will  
8 include a two story addition at the front of  
9 the existing residence, construction of a new  
10 entry portico at the front, and site  
11 alterations including the removal of paved  
12 areas on the side and the rear of the property,  
13 which will result in a decrease to the net  
14 coverage on the property.

15 Quickly go through the floor plans.  
16 The first floor with the addition at the front  
17 which will include expansion of the existing  
18 dining room and expansion of the existing  
19 entrance hall, and the addition on the second  
20 floor which will include expansion of the  
21 existing master suite, bedroom, sitting room,  
22 and bathroom.

23 The elevations. Front elevation, the  
24 two story addition with the new portico as

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1 viewed from the left side, the two story  
2 addition and the side view of the portico. At  
3 the rear, you'll only see the backside of the  
4 roof at the two story addition, and then the  
5 right side the two story addition side view of  
6 the portico.

7 Photo of the existing house showing  
8 the existing materials. On the proposed  
9 materials, we will be matching all the  
10 existing. So the siding will be vinyl siding  
11 to match existing, the roof surfaces will be  
12 asphalt to match existing, windows will be  
13 vinyl clad in a white finish to match existing,  
14 and the trim boards will be painted AZEK to  
15 match existing.

16 This application was presented to the  
17 Zoning Board and two area variances were  
18 granted on April 12th, 2016. The first was for  
19 a front yard setback to the principal building,  
20 which was deficient by 6.2 feet, and the second  
21 was for a front yard setback to the proposed  
22 portico, which was deficient by 4.5 feet.

23 The application was also presented to  
24 the Architectural Review Board on May 5th,

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1 2016, and it was approved as submitted with no  
2 additional comments or recommendations.

3 MR. PULASKI: Those deficiencies were  
4 existing non-conformity?

5 MR. IANNACITO: No. They're new  
6 variances, and it was for this small portion of  
7 the house right here in the front. This front  
8 corner here.

9 MR. PULASKI: What had prevented you  
10 from not staying within the setback, what  
11 architectural --

12 MR. IANNACITO: We probably wouldn't  
13 have had any addition at all. Here is the  
14 existing footprint. We would have only been  
15 able to fill in this little piece right here.

16 MS. UHLE: I think it was primarily  
17 because the house is at an angle to the  
18 property line. So in order to do like a square  
19 addition --

20 MR. IANNACITO: We clipped this corner  
21 here.

22 MR. PULASKI: Okay.

23 MR. NEMECEK: If I recall correctly,  
24 you went out about something like 6 feet or

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1 something from where -- the distance from the  
2 property line was you intruded basically into  
3 non-conforming space by maybe about 6 feet?

4 MR. IANNACITO: 6 feet for the house  
5 and 4 feet for the portico.

6 MR. PULASKI: The previous house, the  
7 front of the previous house was parallel to the  
8 road? That's the way it --

9 MR. IANNACITO: The front facade is  
10 still in the same line. It hasn't changed.

11 THE CHAIRMAN: Oh, but the setback is  
12 skewed like the road.

13 MR. PULASKI: It's really immaterial.  
14 You got the variance. I was just curious.

15 THE CHAIRMAN: Let me just open the  
16 public hearing and close it. I make a motion  
17 to open the public hearing on Application  
18 16-11, 41 Rose Avenue.

19 MR. NEMECEK: Second.

20 THE CHAIRMAN: All in favor.  
21 (All aye.)

22 (No comments.)

23 THE CHAIRMAN: Close the public  
24 hearing on the same application, 16-11 41 Rose.

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MR. NEMECEK: Second.

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

MR. NEMECEK: Looks like a very nice addition you have here, and I think it's a nice design, and I like the fact that you're decreasing the impervious surface as well.

THE CHAIRMAN: There is no -- when you talk about trees, there's nothing there, it's open, I saw the picture; right? It's just a driveway; right? There's nothing there.

MR. IANNACITO: We'll be moving and relocating some of the existing landscaping in the front but that's about it.

MR. NEMECEK: Is that driveway a shared driveway with the neighbor?

MR. IANNACITO: The property line is right there. They both have 8 feet.

MR. NEMECEK: Yes.

MR. IANNACITO: I guess they might encroach on each other's driveway.

MR. NEMECEK: So there's a stripe painted down the middle?

MR. IANNACITO: I think it's a

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cobblestone divider right down the middle there. There are a few houses in Bronxville Manor like that.

MR. WEST: At the furthest point the new front of the house extends how far beyond this overlay here? Did you need a variance from the front of the house to the street?

MR. IANNACITO: We needed the variance for this corner right here and the front portico.

THE CHAIRMAN: Right. So front yard existing is 31.8, 23.8, so the difference is the change. So it's 8 feet.

MR. IANNACITO: 6.2 is the front.

THE CHAIRMAN: Oh, that's all the way back to there.

MS. UHLE: They're comparing the existing with the proposed. You're comparing the permitted with the proposed. They're two different numbers.

THE CHAIRMAN: Still, you got a variance from Zoning because they're nice guys. We're not that nice, but we will approve the application. So I make a motion to approve

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Application 16-11, 41 Rose.

MR. PULASKI: Second.

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

THE CHAIRMAN: Thank you.

MR. IANNACITO: Thank you. Have a nice weekend.

MR. NEMECEK: Good luck.

THE CHAIRMAN: Minutes.

MS. UHLE: That's for February and March. Jim, Bob, and Phil can vote on the February minutes, and these will all be subject to any potential comments from Phil Nemecek. All of them have been forwarded to Dina.

They're forwarded immediately. That's for February 25. Do you want to vote on those now?

THE CHAIRMAN: Sure, so we could move on.

So I make a motion to approve the meeting minutes of February 25th, 2016.

MR. NEMECEK: Second.

THE CHAIRMAN: All in favor.

MR. PULASKI: Aye.

THE CHAIRMAN: Aye.

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MR. NEMECEK: Aye.

THE CHAIRMAN: March 24th there's --

MS. UHLE: That's everybody except for Phil, although he still had comments on them.

THE CHAIRMAN: So I make a motion that the three of us can approve the meeting minutes of March 24th, 2016, but Phil has to abstain. Second.

MR. PULASKI: Second.

THE CHAIRMAN: All in favor.

MR. PULASKI: Aye.

THE CHAIRMAN: Aye.

MR. WEST: Aye.

THE CHAIRMAN: Great. I make a motion to close the Planning Board meeting of March 26th, 2016.

MR. NEMECEK: Second.

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

MS. UHLE: Thank you.

THE CHAIRMAN: Thank you.

MR. NEMECEK: Thank you.

(MEETING ADJOURNED.)

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