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TRANSCRIPT OF
TOWN OF EASTCHESTER PLANNING BOARD MEETING
SEPTEMBER 24, 2015

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

BOARD MEMBERS IN ATTENDANCE:

ACTING CHAIRMAN PHIL NEMECEK
ROBERT PULASKI, MEMBER
BILL WEST, MEMBER

EASTCHESTER EMPLOYEES IN ATTENDANCE:

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

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

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any minutes today because we do not have the right bodies who were at the actual May 28, 2015 and June 25, 2015 meetings in order to approve those minutes. So we'll get straight to business. We have, as I mentioned earlier, seven applications before the Board today, and we'll do them in the order in which they appeared on the agenda.

The order is, number one, the Elide Manor Apartments at 40 Jackson Avenue, which is Application 13-59. That is the one -- it states here it's the one item of old business, but I do see a repeat applicant in the Country Markets application, which is Application 15-49, which is 344 to 356 White Plains Road. The third application is Application 15-08, which is 185 Summerfield Street. The fourth application is 15-50, 70 Lake Shore Drive. The fifth application is 15-48, which is 86 Waverly Avenue. The sixth application is 15-59, which is 95 (97) Montgomery Avenue. Our seventh and final application this evening is 15-47, which is 549 White Plains Road. If you're here for any other application, you can go home.

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ACTING CHAIRMAN NEMECEK: Welcome to the Planning Board meeting of September 24, 2015. Let's start with the Pledge of Allegiance.

(Whereupon the Pledge of Allegiance was said.)

ACTING CHAIRMAN NEMECEK: Welcome, everyone, and our sizable viewing audience at home, which I think we're going to lose at 8:30 because there's a Giant football game on tonight. So we'll do our best to get through all seven applications as quickly as possible.

Let's do the roll call. My name is Phil Nemecek. I'm the Acting Chairman today in the absence of Jim Bonanno, who is not here today, and Mark Cunningham is not here today either. William West.

MR. WEST: Present.

ACTING CHAIRMAN NEMECEK: Robert Pulaski.

MR. PULASKI: Present.

ACTING CHAIRMAN NEMECEK: All right. Let's get going. We are not going to approve

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All right. Let's start with the first application, which is Application 13-59, the Elide Manor Apartments located at 40 Jackson Avenue.

MR. CORDONE: Good evening, ladies and gentlemen of the Board. My name is Rich Cordone. I'm here with JMC representing the Seminara Family for the Elide Building Corp.

We're here actually requesting an amended site plan approval on our project. As you guys may or may not know, about a year ago we received site plan approval on a 117 unit 55 and up apartment building at 40 Jackson Avenue. On that site plan application we had depicted, as you can see over here on the rendering, a segmental block retaining wall such as Unilock or something similar to that. However, due to constructability of it, we've been forced to change our application and request to install a concrete block -- a poured in place concrete wall in one portion of the property and a brick veneered poured in place concrete wall at another portion.

What I've done here is we've come

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through and we prepared a 3D visual rendering that I'm going to start right now. You guys could get an idea of where we're making the changes. Here we are on Jackson Avenue going down Jackson Avenue facing our proposed building. That's our proposed driveway coming in off of Jackson. The wall over there on the left as we're coming up to it right now in the previous application was proposed as a segmental block. Right now we're proposing to do a brick veneered concrete wall. As you can see, it blends in with the building. We're going to use the same brick as the building. We hope it ties everything together.

The larger retaining wall that's right there, as you can see as we're zooming out, is kind of at the edge of the site. That's on the western edge of the site running parallel to Marbledale Avenue. We're zooming out right now and we're going to be coming in onto Marbledale Avenue, so --

ACTING CHAIRMAN NEMECEK: Marbledale Road.

MR. CORDONE: Excuse me.

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ACTING CHAIRMAN NEMECEK: Road. Road not avenue. Marbledale Road.

MR. CORDONE: Marbledale Road. I'm sorry. As you can see right there, in the summertime you're not going to see anything at all. In the wintertime the only spots that you're going to see any of this wall from Marbledale is potentially going to be in between the alleyways of the building.

That's our 3D presentation right here. It's just going to keep looping so I'll stop that if you guys don't mind.

ACTING CHAIRMAN NEMECEK: So it's only this segment of retaining wall that you propose to change from the approved plan?

MR. CORDONE: There are two segments. This right here, the segment along the building, and the second segment is down here. That's along the western edge of the property line. That was previously a segmental block retaining wall such as a Unilock or something similar. It's fairly impossible to construct that way. We've had a number of structural engineers look at it, and everybody has come

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back and said the best bet and best way to go about this is to do a poured in place concrete wall.

ACTING CHAIRMAN NEMECEK: Is that the retaining wall that runs along the entirety of the property?

MR. CORDONE: It is.

ACTING CHAIRMAN NEMECEK: So you have an application to change both retaining walls on the property? Are there any other retaining walls on the property at all?

MR. CORDONE: Those are the only retaining walls on the property.

ACTING CHAIRMAN NEMECEK: You mentioned a problem that the engineers have identified with constructability, I believe was your word, on the retaining wall that runs the length of the property?

MR. CORDONE: Correct.

ACTING CHAIRMAN NEMECEK: Do you have the same problems with the retaining wall that runs along -- that joins up to the building?

MR. CORDONE: Over constructability with this?

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ACTING CHAIRMAN NEMECEK: That one. Yes.

MR. CORDONE: No. That's going to be a poured in place concrete wall, and we're going to veneer it with the same brick from the building. So there should be no constructability issue.

ACTING CHAIRMAN NEMECEK: Did the engineers identify a similar problem with let's call it retaining wall A as they did with retaining wall B, retaining wall B being the one that runs the length of the property? Is there an engineering problem with retaining wall A that requires you to change?

MR. CORDONE: No, there is not.

ACTING CHAIRMAN NEMECEK: Why are you changing that?

MR. CORDONE: We're changing it to tie everything together, to bring everything together on the site.

ACTING CHAIRMAN NEMECEK: What was the approved plan? Do you have what was approved? Do you have an illustration of it?

MR. CORDONE: I don't have the

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1 illustration of it approved. It actually was
2 quite similar to this. The only difference
3 between what was approved is it was a split
4 face buff block. It's a similar color, but
5 it's split faced as opposed to the two by four
6 inch brick.

7 MS. UHLE: It was a buff Unilock
8 retaining wall that was sort of stepped back
9 slightly.

10 ACTING CHAIRMAN NEMECEK: Bob, I know
11 you were very --

12 MR. PULASKI: On the concrete wall,
13 have you looked at some of the forms that they
14 use to give you a decorative appearance on the
15 concrete? You see it used all over the place
16 on parkways where it gives you a faux stone.
17 It ends up looking like a stone. You could
18 paint it so it gives you different tones of
19 stone but it's actually poured concrete. So
20 that could become instead of a plain concrete
21 wall with the holes in it for the ties, it
22 could become something very aesthetic and
23 decorative. Have you looked at that?

24 MR. CORDONE: We have. Unfortunately,
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1 because of the size of this wall it's very
2 difficult to utilize those.

3 MS. UHLE: Richard, could you just
4 speak into the microphone. Thanks.

5 MR. CORDONE: The forms come in plates
6 that are about four foot by eight foot and they
7 have to be placed with a crane. Along
8 something such as a road, you have a footing at
9 the bottom of it that you could work off of.
10 In this application, we're building this wall
11 essentially on top of another wall. We don't
12 have a lot of room to work at the face of the
13 wall.

14 Another instance is these have to --
15 the walls have to cure for three or four days,
16 and with those plates they're just not going --
17 it's not going to come apart cleanly. Even if
18 you use a release agent, they're not made for
19 that.

20 MR. PULASKI: They're difficult. I've
21 used them. They're tricky. How tall is that
22 wall?

23 MR. CORDONE: Generally it's --
24 generally it's about -- I want to say at the

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1 lowest point it's about 6 feet and at the
2 highest point it's up to 30.

3 ACTING CHAIRMAN NEMECEK: We're
4 talking about what I labeled as retaining wall
5 B; correct?

6 MR. CORDONE: Yes, this is retaining
7 wall B. This is the retaining wall on the west
8 edge of the property running parallel to
9 Marbledale.

10 MR. PULASKI: What was the height
11 again?

12 ACTING CHAIRMAN NEMECEK: Between 6
13 and 30.

14 MR. CORDONE: Between 6 and 30.

15 MR. PULASKI: 6 and 30 feet.

16 MR. CORDONE: It will actually -- as
17 it approaches Jackson Avenue, it actually goes
18 to zero.

19 MR. PULASKI: The property that's
20 below the wall, is that property that can be
21 developed?

22 MR. CORDONE: Those properties are in
23 Tuckahoe. Right now they're all zoned as
24 commercial and industrial. It's a commercial

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1 and industrial zone.

2 ACTING CHAIRMAN NEMECEK: What is
3 there right now? Is it just trees and dirt?

4 MR. CORDONE: Between where?

5 ACTING CHAIRMAN NEMECEK: Moving
6 further west from retaining wall B.

7 MR. CORDONE: From the retaining wall
8 there's some rock and some trees. There's
9 trees, rock, and there's some dirt.

10 ACTING CHAIRMAN NEMECEK: But the area
11 immediately adjacent to retaining wall B is
12 undeveloped?

13 MR. CORDONE: The area immediately
14 adjacent to retaining wall -- well --

15 ACTING CHAIRMAN NEMECEK: I'm not
16 talking about the lots. I'm talking about the
17 space that is immediately next to it.

18 MR. CORDONE: I understand.

19 Essentially, we are building retaining wall B
20 on top of an existing wall and we're continuing
21 that wall up. So from the foot of retaining
22 wall B there really is no room to work. There
23 is no room to finish it afterwards. We can --
24 it's very difficult to work with the forms

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there.

ACTING CHAIRMAN NEMECEK: What are you proposing again for retaining wall B in terms of a finish; is it just poured concrete?

MR. CORDONE: It's going to be a poured concrete wall, yes.

MR. PULASKI: The problems that walls like that have is that if anything happens to the trees, which we can't tell what the future holds, then you're looking at a blank concrete wall. They are not very pretty.

MR. CORDONE: Understood. I do understand that.

MR. PULASKI: That wasn't what was initially approved. What was initially approved was a decorative wall.

ACTING CHAIRMAN NEMECEK: And I remember Mr. Pulaski specifically asked question because that was one of the remaining issues, lingering issues that we came back on, and I remember a lengthy discussion as to that particular retaining wall, which has now acquired the name retaining wall B.

MR. PULASKI: Retaining wall A is a
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no-brainer. That blends well.

MR. CORDONE: I understand that and, respectfully, I disagree. If we were to take the trees out of here, the wall is lower than the trees. You can't see past the buildings. You won't be able to see the wall past the buildings.

MR. PULASKI: I'm talking about if you're down slope and you're looking up.

MR. CORDONE: That is down slope from Marbledale. You're looking at two to three story buildings from Marbledale that are right on the property line. So when we stand on Marbledale and look up --

MR. PULASKI: If that area gets redeveloped some day and somebody now has those retaining walls as their backdrop, they're going to have to put some shrubs up or something to help mask the look of the walls, unless we do something here.

There are sometimes other types of forms that you could use that are not all those blocks. Sometimes they're just fluted and they're totally vertical from base all the way

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to the top. That might be easier to work with.

ACTING CHAIRMAN NEMECEK: Let's move on to retaining wall A. Retaining wall A, the changes are purely cosmetic?

MR. CORDONE: That's correct. It's cosmetic, but it also changes the construction of the wall. The primary difference between that is the type of construction. It's not going to have a geogrid installed behind it, it's going to have buttresses that are poured in place concrete. Constructability, it's going to be better. We don't have to worry as much about things penetrating the geogrid. We could put the fence right on top of the wall. It's a little bit of a better product, and our client feels much more comfortable with having a solid concrete wall for safety as opposed to a segmental block.

ACTING CHAIRMAN NEMECEK: What type of brick -- I think you mentioned that the brick was going to match up with the --

MR. CORDONE: Yes. We're going to use the same brick as the building.

ACTING CHAIRMAN NEMECEK: But the
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brick has multi-tones -- the building has multi-tone bricks. Which one are you going to match up with, because this looks different than the portion of the building -- in the illustration that I'm looking at, the brick on the wall looks to be a different shade than the brick on the part of the building that it joins to, but in the 3D rendering or the video you showed us a moment ago, it looked like it did match.

MR. CORDONE: Yes. It is going to match -- it is going to match the building. The reason that it doesn't match here is because it's a graphical representation that takes into consideration lighting and shadows and the angle of light. As you understand, you have the sun coming in on this direction. If you look at this face, it has the same tone as -- this face and this face are the same. Our rendering program, what it does is it takes into consideration our sun so that everything on the same face matches. I understand it doesn't, it's at a perpendicular angle, it's not getting the same type of light. That's the

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1 only difference in the variation there. With
2 our 3D video, it's a little bit different
3 because the light can move with the camera. I
4 can show that if you want.

5 ACTING CHAIRMAN NEMECEK: All I need
6 to confirm is that you're proposing that
7 retaining wall A -- the brick on retaining wall
8 A would be identical to the brick in the
9 portion of the building that it adjoins?

10 MR. CORDONE: That's correct.

11 MS. UHLE: But there are two different
12 color bricks being used on the building. Do
13 you know, are you proposing to match the
14 main --

15 MR. CORDONE: The main brick.

16 MS. UHLE: The main brick, not the
17 accent brick. Okay.

18 ACTING CHAIRMAN NEMECEK: Is that
19 going to look monolithic or is --

20 MR. CORDONE: I don't believe the pour
21 is going to be monolithic. I'm not a
22 structural engineer, so I can't say --

23 ACTING CHAIRMAN NEMECEK: No, no, no,
24 I'm talking about the brick, the use of

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1 identical brick as opposed to using some sort
2 of contrast or highlight.

3 MS. UHLE: I think there is some
4 variation in the brick itself because that's
5 what's being used for the building itself.

6 ACTING CHAIRMAN NEMECEK: Okay.

7 MR. PULASKI: I think ultimately when
8 you're comparing brick to brick versus brick to
9 block, which is what it was, my sense is that
10 it's an improvement even if the brick isn't a
11 total match. Though, I would think that it
12 could be, you just buy some more pallets of
13 brick that look like that. So I don't have a
14 problem with wall A. But wall B, going back to
15 that, if you took that face of wall and shifted
16 it back four inches allowing yourself to build
17 a brick shelf at the bottom and then put cut
18 stone up against the wall or brick or some type
19 of a large square stone or whatever, then you
20 could cover all of that concrete.

21 ACTING CHAIRMAN NEMECEK: What other
22 options are there other than just poured
23 concrete? I mean, is there a way to gussy it
24 up, make it look a little nicer?

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1 MR. SEMINARA: The problem we had, we
2 labored over this for several months --

3 MR. TUDISCO: Can you just say your
4 name for the record.

5 MR. SEMINARA: John Seminara. It's
6 just that the wall is being built on
7 essentially a cliff. I mean, we're going to go
8 right up to the line. We're going to build a
9 wall with a footing and they have a place to
10 work. Once the footing goes in place, they're
11 going to stand on the footing and start
12 constructing this wall. When it comes time to
13 remove these forms, they're going to crane from
14 the top and they're going to pick them up. To
15 do that stamp process, you need to pull them
16 straight back and there is nowhere to stand and
17 nowhere to work.

18 MR. PULASKI: I understand that, but
19 when you came before us with an application,
20 you presented something. I'm in the
21 construction business, I know the difficulty
22 that you could have on that slope, but you want
23 to develop a property, you presented a certain
24 way, you presented it that way, and I'm asking

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1 you to give us something that looks like what
2 you presented. If it's a little bit difficult,
3 it's a little bit difficult. If that property
4 down below gets redeveloped differently, you
5 see this, in my impression, an ugly concrete
6 wall and the person down below then has to
7 address the look of it.

8 MR. SEMINARA: I understand, but when
9 we met with the concrete gentleman that we were
10 going to use, he told us it was impossible for
11 him to do it that way. We looked into doing
12 stamping of the same look. So that's how we
13 wound up here.

14 ACTING CHAIRMAN NEMECEK: Are there
15 any other options, anything, as I said, that
16 could make it a little more palatable other
17 than simply poured concrete, recognizing that
18 cost not -- cost is always an issue?

19 MR. SEMINARA: I don't know. The only
20 thing we thought we could possibly do is get
21 somebody down there to paint who would be able
22 to paint it to get it a little darker or
23 something, because outside that to actually
24 work we're talking like inches after the wall

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1 is up. It goes down another -- certain areas
2 it goes down like another 25 feet.

3 ACTING CHAIRMAN NEMECEK: It's a
4 challenging property.

5 MR. SEMINARA: Up and down.

6 MR. PULASKI: I know. I understand.

7 Sometimes they get poured and you get two
8 different mixes or you get a joint. I could
9 show you walls all over Eastchester that have
10 that problem.

11 MR. SEMINARA: We don't know what
12 else. When we presented this originally, we
13 thought we were going to use those blocks, but
14 engineering wise everybody was like, it's not
15 going to work.

16 MR. JACK SEMINARA: My name is Jack
17 Seminara. At this point, we're at a tremendous
18 impasse. We don't know -- I mean, if you guys
19 don't approve this, then I really don't know
20 what we're going to do. It's virtually
21 impossible to see -- if you see the site, it's
22 just a cliff behind us.

23 ACTING CHAIRMAN NEMECEK: I know what
24 the site looks like.

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1 MR. JACK SEMINARA: The first wall
2 that you see there, that's fine. We have a
3 shelf we could work on. We could make a shelf,
4 make it brick, it will look beautiful, but that
5 backside I'm working off a cliff. I mean, the
6 site is virtually impossible. The wall that we
7 thought about that we were going to do, it just
8 doesn't work on this site. I have grid
9 systems, and the minute I start putting in my
10 sewer lines, water lines, gas lines, I cut that
11 grid system, I mean, it will come down. It
12 won't come down right away, but in four or
13 five years that wall will come down. I mean, I
14 don't know what to say.

15 ACTING CHAIRMAN NEMECEK: I think one
16 of the concerns that Mr. Pulaski has and, quite
17 frankly, I share, is that this was an
18 application that was vetted quite
19 significantly, I know that the ARB was involved
20 as well in working meetings, and we did have a
21 robust discussion about these retaining walls.
22 You're basically coming before us now saying
23 it's quite a surprise to us that what we
24 promised you we were going to build we can't
25

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1 building.

2 MR. JACK SEMINARA: I don't think I
3 lied to you guys. I think I was -- I'm not
4 here --

5 ACTING CHAIRMAN NEMECEK: I'm not
6 suggesting there was any misrepresentation.

7 MR. JACK SEMINARA: You think I like
8 being here? I really don't.

9 MR. PULASKI: We're just looking for a
10 solution. I know it might be difficult, but if
11 there is some kind of a solution other than
12 just leaving it blank, that's what we're
13 searching for. We're asking you to assist in
14 this.

15 MR. JACK SEMINARA: Other than the
16 fact that I can do -- if you want me to paint
17 it, I'll paint it. I don't know how I'm going
18 to do it, but I'll paint it. Other than that,
19 I can't work off the cliff. It's impossible.
20 This wall is costing me more money than the
21 segmented wall. It's a substantial wall. I
22 don't want to build something that four or
23 five years from now is going to come down.

24 MR. PULASKI: No, no, no, we're just

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1 looking at the finish. We're aren't asking you
2 to change it from a reinforced concrete wall.
3 You need it, reinforced concrete, I realize
4 that. We're not trying to make that a less
5 strong wall. We're just trying to dress up the
6 face of it for the possible benefit of the
7 property down below.

8 MR. SEMINARA: The tree line that's
9 there, we do still own 20 feet of certain parts
10 that would remain. So even if there was
11 development down below, they wouldn't be
12 cutting our trees down, and we don't plan -- we
13 have no reason to cut down.

14 MR. PULASKI: There's a lot of
15 properties that you see around that they've
16 radically changed and removing trees and taking
17 soil away.

18 ACTING CHAIRMAN NEMECEK: Apart from
19 painting it, which is a non starter, I think,
20 are there any other viable options to make this
21 look a little better than simply poured
22 concrete, anything else?

23 MR. SEMINARA: The one thing I said to
24 Margaret when we talked about this wall was
25

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1 that from the distance that you would be seeing
 2 this wall, we're talking from the roadway it's
 3 a couple of hundred feet, that I don't think
 4 anybody unless you had what kind of eyesight or
 5 binoculars could say, oh, that's block wall or
 6 that's concrete. I could understand if you
 7 were 40 feet, 30 feet, but we're talking about
 8 a couple of hundred feet that right now is the
 9 trees, but even if the trees did come down,
 10 it's just a shadow in the background, in my
 11 opinion, from the distance that we're talking.
 12 Believe me, we spent a lot of time on this.
 13 Like my dad said, we don't want to come here.

14 ACTING CHAIRMAN NEMECEK: Understood.
 15 Understood. These things happen.

16 MR. SEMINARA: We would have been
 17 constructing already.

18 ACTING CHAIRMAN NEMECEK: This is not
 19 a public hearing?

20 MS. UHLE: It's not.

21 ACTING CHAIRMAN NEMECEK: We have a
 22 board of three, right, so it would have to be
 23 approved unanimously in order for it -- and if
 24 it somehow were not, it's simply rejection;

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1 right?

2 MS. UHLE: Well, then I think you
 3 would have to ask them to come back.

4 ACTING CHAIRMAN NEMECEK: Do you want
 5 to do this in two pieces or one? I think we're
 6 all in agreement -- I haven't heard any
 7 objection to retaining wall A, all right.
 8 That's fine. I don't know that there are any
 9 other options with respect to retaining wall B
 10 that are viable.

11 MR. SEMINARA: We could paint it to
 12 match the actual color of the brick. I mean --

13 ACTING CHAIRMAN NEMECEK: I think
 14 you're creating problems up the road. Paint
 15 doesn't stay forever.

16 MR. CORDONE: What about stucco?

17 MR. SEMINARA: All these finishes over
 18 years, they all become the same, you know.
 19 After 5, 10 years, it's all going to be dark,
 20 you know, moss, whatever growing on there.

21 ACTING CHAIRMAN NEMECEK: In the
 22 absence of alternatives and based on my belief
 23 that this retaining wall is ultimately largely
 24 invisible, I don't have a problem with

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1 approving this application. Are we ready to
 2 vote on it?

3 MR. PULASKI: What about the
 4 possibility of doing a sandblast on it after
 5 you pull the forms just to soften it a little
 6 bit? Not a deep sandblast.

7 MR. SEMINARA: I guess we could do it,
 8 but I don't know -- it's not that I don't want
 9 to -- I don't think anybody is going to see it.
 10 Even if you walk to the backyard and you looked
 11 up from the bottom where the stone comes down
 12 and it's still 50 feet up the hill outside of
 13 standing 10 feet from it saying, oh, is that
 14 sandblasted. I mean, if you see the site,
 15 you're like, oh, God.

16 ACTING CHAIRMAN NEMECEK: It's a
 17 cliff. And one of reasons, by the way, it was
 18 a very favorable site to build a development of
 19 this size is because of its remoteness and the
 20 fact that it doesn't affect as many people as,
 21 let's say, the one on Summerfield. So there
 22 was very little community opposition to this in
 23 large fashion because it's remote and on a
 24 property that's largely unusable for any other

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1 functions, and you guys came in with a creative
 2 plan to make very good use of this and that
 3 plan was approved.

4 MR. PULASKI: What was the
 5 complication of -- you said there's a double
 6 wall there?

7 MR. SEMINARA: The complication with
 8 the first retaining wall?

9 MR. PULASKI: This gentleman said
 10 there was a double wall.

11 MR. SEMINARA: There is an existing
 12 stone wall that's down there that's been there
 13 for a hundred years.

14 ACTING CHAIRMAN NEMECEK: The Druids
 15 built it; right?

16 MR. SEMINARA: Yes. Essentially that
 17 wall is staying there, and we actually brought
 18 it down to that level of the top of that, but
 19 we're sitting on rock. Essentially we're
 20 building it on rock and pinning it to the rock.
 21 This retaining wall is the heart of the
 22 project. This is where you drive in, drive
 23 out.

24 MR. PULASKI: I understand where it

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1 is. Where are you in the sequence of building
2 this thing?

3 MR. SEMINARA: Where?

4 MR. PULASKI: The sequence of building
5 it, what is your --

6 MR. SEMINARA: As far as starting? We
7 need to do this retaining wall as the first
8 step. Without this, we don't have access.

9 MS. UHLE: They submitted an
10 application for a building permit to construct
11 the wall so that they could get started, and
12 then we referred them to you because we
13 realized the change in materials. They also
14 just submitted the application for the building
15 permit for the building itself.

16 MR. PULASKI: So without this wall,
17 they can't build?

18 MR. JACK SEMINARA: Without this wall,
19 it's impossible to start that.

20 MR. PULASKI: Well, I'm not happy
21 about it, but I'll go along with it. Let's do
22 it and get it over with.

23 MR. WEST: It's all commercial
24 property below this?

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1 MR. SEMINARA: That's correct.

2 MR. WEST: It's not homes, people
3 driving through Marbledale, it's all lots, old
4 quarries.

5 MR. JACK SEMINARA: It's all
6 commercial industrial property behind it.

7 MR. PULASKI: I don't agree with that,
8 though, because, A, a town could decide to
9 re-zone --

10 ACTING CHAIRMAN NEMECEK: Or a village
11 in this case, Tuckahoe.

12 MR. PULASKI: Or a village. There
13 could be other uses to the property. I already
14 said as far as I'm concerned if there doesn't
15 seem to be another solution that's viable, they
16 need to do this to keep going, I understand the
17 predicament that they've gotten into. I wish
18 they presented this differently, maybe we
19 should review it differently when we see these
20 applications, but I just assume we move this
21 on.

22 ACTING CHAIRMAN NEMECEK: All right.
23 Under those circumstances, I move to approve I
24 guess the application to change the approved --

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1 MR. WEST: Amended site plan.

2 ACTING CHAIRMAN NEMECEK: Amended site
3 plan to reflect these two changes to the
4 retaining walls.

5 MR. PULASKI: Second.

6 ACTING CHAIRMAN NEMECEK: All in
7 favor.

8 (All aye.)

9 MR. JACK SEMINARA: Thank you very
10 much. Thank you.

11 ACTING CHAIRMAN NEMECEK: Thank you.

12 Next item of business, Country
13 Markets, which is Application 15-49, 344 to 356
14 White Plains Road.

15 So far we're falling short on my speed
16 round promise. So maybe Country Markets will
17 get a thorough but rapid progression through
18 this application.

19 MR. KLAIN: Hi. Marty Klain from
20 Tuller McNealus & Feld. We're representing the
21 owners of Country Market and the revitalization
22 of the actual shopping center. Up on the
23 screen right now we have the actual center
24 itself. The location is on White Plains Road.

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1 It basically is surrounded in the rear with
2 residential and commercial along the strip.

3 The project is to basically refresh
4 the look. We're going to be repaving -- not
5 repaving, resurfacing and re-striping all of
6 the parking. We're going to be doing a stucco
7 finish to the building. We are going to be
8 going to a stucco finish to the building with a
9 standing seam roof with a couple of small
10 towers and arched parapet. We will be hiding
11 all of the mechanical systems that are on the
12 roof at the moment. We also have a stone
13 veneer for the first 44 inches or 36 inches
14 that protects anything from carts hitting it
15 and continuing with the maintenance.

16 Part of this program also is cleaning
17 up the rear of the building. Currently -- I'll
18 go back to the photos for a moment -- in the
19 rear of the building there were some
20 complaints, violations having to do with how
21 the rear of the building was dealing with the
22 trash --

23 ACTING CHAIRMAN NEMECEK: How could
24 there possibly be a complaint about that?

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MR. KLAIN: I'm sorry.

ACTING CHAIRMAN NEMECEK: I'm being factitious.

MR. KLAIN: I couldn't hear. So what we've done is try to organize the rear of the building. As we can show you within this rendering at the moment, it used to be that everything was towards the entry, which was all the way over here. There are parking spots that occur for the first 40 feet. After that, what we're going to be doing is we're going to be enclosing -- so during the day this would be open. This is where the recycling bin or the machine is. The recycling machine actually causes more refuse and things than almost the garbage does because they have to open it up, they take it out. What we did is we're going to be placing that in an area that is actually behind this area here. Let me just pull up the plan. So we've created an area back -- I know you've seen all of these things before, that's why I'm concentrating on the back a little bit. We created an alleyway back here, an open area of alleyway so that they can take most of those

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products plus a lot of the skids and delivery carts, items like that, there will be a sliding door in this location so they can place it back here. We've also provided a dumpster location for five dumpsters, which in the -- just to review -- is basically for Country Market, the dry cleaner, the hair, and the bank. So two of them are for Country Market.

So within the system or how we're going with deliveries, what the trucks will be able to do, they'll be able to come in, front load, lift it up, and pull away. Go back to the -- we've also taken the walk-in cooler, which are now two, it's going to be a little bit wider, just about as deep, and it will just be a single unit. It will also be enclosed with a small roof. You'll be able to see the door, but it will be an enclosed area.

ACTING CHAIRMAN NEMECEK: That's for the deliveries?

MR. KLAIN: It's for deliveries.

Anything that's frozen, they have those items outside there. Same thing with the small storage shed, again, for some of the skids,

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they do have a lot of accessory use when things are being delivered.

This just gives a different view of the same side so you could see the sliding door, which basically goes into the back area, this is for the walk-in cooler, the recycling machine, and the front door being all the way over there where these people are happily leaving from shopping. This is, again, the area that we're looking to do.

So we also are planting. So this corner of the site was approved once by landscape and submitted. We're going to be -- the front photograph that we're showing does show a lot of the plants that are considered being planted in here. There is a single tree and a bunch of low -- obviously not trying to block anybody from seeing.

Last when we met, we had conversations having to do with signage. 75 feet, which all of these faces meet that criteria of being 75 feet from the street. We're allowed to have 18 inches of signage. All of the individual stores will be filing for individual signage

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permits with you. At this moment, HSBC shows an actual 18 inch sign. Same thing within any one of these, they can be 18, they kind of tried to keep some to 12, but this signage will all be applied for separately. These are the locations that we're looking to do, plus the banner signs.

Pretty much we're here to hopefully get approvals. I know that everybody has been kind of waiting as it's been going on for awhile. We're here to finally go through with this and they would love to be able to -- they've gone through and preliminarily filed for a building permit. We have some comments, very small ones, and we would hope to be able to start this first week of October so we could get a good three or four months in before snow and freeze and blizzards.

ACTING CHAIRMAN NEMECEK: It's going to happen this time?

MR. KLAIN: That's why we're here.

ACTING CHAIRMAN NEMECEK: Okay. This is the third attempt, I believe, and we've approved it twice.

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MR. KLAIN: I can only say to Margaret everything I said we kind of kept our word of starting and pushing and submitting.

ACTING CHAIRMAN NEMECEK: Anyone else have any questions on this?

MR. WEST: I like it.

ACTING CHAIRMAN NEMECEK: All right.

I'm going to make a motion then to open the public hearing on this.

MR. PULASKI: Second.

ACTING CHAIRMAN NEMECEK: All in favor.

(All aye.)

ACTING CHAIRMAN NEMECEK: Any members of the public here who want to comment on Application 15-49, Country Markets?

If you could state your name and address for the record.

MS. MCDONALD: Sure. My name is Megan McDonald. I live behind Country Market on Howard Avenue. I want to confirm nothing is going to affect the back wall of the building. I didn't hear anything, but I'm here so I figured I might as well check.

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ACTING CHAIRMAN NEMECEK: Step up to the microphone.

MR. PULASKI: Let's understand what you mean by "the back wall"; the back wall of the building or back wall like the fence line?

MS. MCDONALD: The fence of the parking lot behind the building.

MR. PULASKI: Why is that a concern of yours? What is your concern, that's what I mean?

MS. MCDONALD: My backyard is the back of this parking lot.

MS. UHLE: They're not proposing any changes to what's happening at the back.

MS. MCDONALD: I didn't think so.

MR. PULASKI: I just wanted to make sure we were addressing your concern.

MR. KLAIN: There are no changes.

MS. UHLE: I'm actually surprised there aren't a couple of people, because there were people who spoke at the Architectural Review Board meeting and they raised some concerns, which, unfortunately, I think some of them can't easily be addressed, but I did

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indicate to them that we would refer their concerns to you. So I may just bring them up and you can --

ACTING CHAIRMAN NEMECEK: Sure.

MS. UHLE: One of the concerns, one of the residents asked that there be some landscape buffer between the rear of the parking lot and the residences. Unfortunately, if you look at the site plan, there's just no room to do that. It's not feasible. I did mention that at the ARB meeting, but I just wanted to reiterate that.

There was another concern, a couple of residents said they felt that there were drainage issues on the site that were potentially causing problems on their properties. I did ask Mr. King to go look at existing drainage conditions. Of course, they're not increasing impervious surfaces, they're not making any changes, and they weren't proposing any changes to the existing storm water system. At the rear of the property adjacent to the residential homes, there is an 18 inch high curb or wall, and then

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I think Mr. King said actually the pavement is pitched to drain towards the building. So it does seem like the way that it's been designed there's protection for the residents with this 18 inch wall and the way that it's pitched.

Another concern was, and we actually received comments about this last year, snow is plowed to the rear of the property and in bad snow storms it can be 10, 12 feet high, and there was concern again about the placement of the snow and when it melted creating drainage problems, but I think because of the design of that 18 inch wall and the pitch, that that is probably something that looks more intimidating then in actuality it would be.

Then the last one maybe you can address was site lighting. There were some issues about when the lighting would be on in the back and if it was going to be on a timer.

MR. KLAIN: I mean, according to -- they went back and they did check. As soon as the stores are closed, within a half hour, which is about 10 to 10:30, the lights are timed to go off. We reviewed it. The timer

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1 seems to be working. There was a complaint
2 from the people right behind the site. We
3 don't have the luxury of being able to put a
4 stanchion unless we lose parking, any kind of
5 stanchion or pole to face the lights towards
6 the building. So right now if you notice -- it
7 probably easier to see from the rendering --
8 the lights are above the building almost angled
9 in shooting down, but of course they do project
10 out because they're not just projected to light
11 the building, they're to light when people are
12 walking out to their cars and everything. So
13 they're going to face outward and unless you
14 lose parking, we can't put any poles in.
15 There's no space for it.

16 MR. PULASKI: For our information, is
17 there a code or ordinance as to what hours that
18 facility can operate?

19 MS. UHLE: No, there is not.

20 MR. PULASKI: So it could become
21 extended at some time?

22 MS. UHLE: It could.

23 MR. PULASKI: The lights are where
24 they are.

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1 MR. KLAIN: The bank's lights, they go
2 off, but the actual parking until 10, 10:30 and
3 the last person leaves and it's timed out at
4 10:30. They had mentioned they had seen them
5 on at 11, 11:30 at night. We don't understand
6 why.

7 MR. TUDISCO: Margaret, I just had
8 some questions about last year there was also
9 an issue in terms of enforcement behind the
10 property, there was a stockade fence that was
11 in disrepair; is that going to be refurbished
12 as part of this project?

13 MS. UHLE: No. That sort of ties in,
14 I think, to what the other woman mentioned.
15 They have continuously repaired the stockade
16 fence as people have complained about it, so
17 they're not proposing any -- right now there's
18 a chain link fence at the rear of the property
19 and then a stockade fence behind that that
20 faces the neighbors. I think they periodically
21 replaced --

22 MR. KLAIN: In the past year, they've
23 replaced three different sections at three
24 different times. Any time anybody came to

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1 Country Market and asked, they had gotten it
2 done expeditiously.

3 MS. UHLE: That was something that was
4 raised at the ARB meeting in terms of a concern
5 when neighbors spoke.

6 MR. PULASKI: Bob was right, it was
7 something we spent a lot of time talking about
8 last go around on this.

9 ACTING CHAIRMAN NEMECEK: What
10 Margaret just explained, the findings that Mr.
11 King had made on his visit to the site and how,
12 for example, there is this 18 inch wall on the
13 back part of the property and how the parking
14 lot pitches away from that 18 inch wall; you
15 mentioned that you were going to repave --

16 MR. KLAIN: No, we're just re-coating.

17 ACTING CHAIRMAN NEMECEK: A
18 re-coating. All right.

19 MR. KLAIN: It's going to stay the
20 same grade, the same everything down to the
21 same catch basins and the same dry wells that
22 are there. There is no change of grade
23 proposed.

24 ACTING CHAIRMAN NEMECEK: Okay. I

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1 think we've addressed all of the issues. Is
2 there anyone else from the public who wants to
3 be heard?

4 MS. UHLE: I have one more question.
5 You had talked about using the EIFS and we were
6 concerned about that or I was concerned about
7 that; are you doing something else now?

8 MR. KLAIN: As I mentioned last time
9 we were under review, we're going with a Sto
10 Powerwall product. It's a stucco. It's a real
11 stucco. Basically there is no Styrofoam, as I
12 mentioned last time. Either way, whichever way
13 we were going, there wouldn't have been a
14 Styrofoam behind it at all. This is just
15 basically just details having to do with the
16 Sto finish. You have metal girths or studs
17 that are going to be -- first we're going to
18 repoint the entire brick surface because if you
19 go and put stucco on something that's moving
20 it's going to crack. So we're going to repoint
21 the entire surface first. That's one of the
22 reasons when we first came along we wanted to
23 have a good substantial base. Then run metal
24 studs and girths throughout and place Gold

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1 Board on that. That then gets the application
2 of the stucco. So it's like hitting the side
3 of a wall. It's not hitting Styrofoam that
4 you're going to dent. It's a real stucco
5 product.

6 MR. PULASKI: I think the last time we
7 discussed something on the order of a rub rail
8 where the carts are stacked, because the carts
9 can sometimes rub up against that finish and
10 mar the finish. I know we explored it. I
11 don't know if we ever put it to bed.

12 MR. KLAIN: I never heard or saw any
13 notes on that that I was able to go towards.

14 MR. PULASKI: But you understand what
15 I'm saying? If you have carts, you know, being
16 pushed all about the same area and you have
17 some finishes that can get marred over time, if
18 you have something like a wood rail -- at that
19 point those carts can rub against it.

20 MR. KLAIN: Obviously the stone does
21 protect it, but we don't want to get hit too
22 often as well. We'll take a look at that.

23 There are products out there.

24 MR. PULASKI: If you think the stone

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1 is fine, I know it's a hard product. If that's
2 the owner that's sitting there, it might
3 enhance your property over time to have
4 something that wears better.

5 MR. KLAIN: I like things that make
6 things last. They don't call me up as often.

7 ACTING CHAIRMAN NEMECEK: There being
8 no further comment from the public, I move to
9 close the public hearing on Application 15-49,
10 Country Markets.

11 MR. PULASKI: Second.

12 ACTING CHAIRMAN NEMECEK: All in
13 favor.

14 (All aye.)

15 ACTING CHAIRMAN NEMECEK: Any further
16 questions for the applicant?

17 (No questions.)

18 ACTING CHAIRMAN NEMECEK: All right.
19 That said --

20 MR. PULASKI: Before we wrap this up,
21 I don't see anything I could do about this, but
22 the site looks -- from a flow standpoint it
23 looks very tight, and I think one of the ways
24 it's able to function is by using Cypress Road

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1 as a bit of a turnaround and to access this ATM
2 drive through. I hope going forward it
3 functions well and it keeps people coming to
4 the market and enhances Eastchester, but it's
5 got traffic going in a lot of different
6 directions and you have some stoplights around
7 here that makes it difficult to get in and out.
8 Hopefully it works for.

9 ACTING CHAIRMAN NEMECEK: I've been a
10 lifelong resident of Eastchester, and I know
11 there was an A & P here before and the
12 configuration has worked for 50 years or more.

13 MR. PULASKI: Is there an ATM there
14 now?

15 ACTING CHAIRMAN NEMECEK: There was an
16 A & P there.

17 MR. PULASKI: But is there an ATM? Do
18 you have that drive through there now?

19 MS. UHLE: That's across the street.

20 ACTING CHAIRMAN NEMECEK: There is a
21 drive through. It's not a drive through ATM.

22 MR. WEST: It's a drive through bank.

23 ACTING CHAIRMAN NEMECEK: A drive
24 through bank. All right. I move to approve

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1 Application 15-49, Country Markets.

2 MR. PULASKI: Second.

3 ACTING CHAIRMAN NEMECEK: All in
4 favor.

5 (All aye.)

6 MR. KLAIN: Thank you very much.
7 Thank you for your time.

8 ACTING CHAIRMAN NEMECEK: Next up is
9 Application 15-08, 185 Summerfield Street.

10 MR. HAYNES: Good evening. My name is
11 Tom Haynes from Tom Haynes Architect, and we
12 are in front of you this evening to present 185
13 Summerfield Street, which is an existing two
14 story masonry building. It formally was --
15 both levels of the masonry building was
16 occupied as office space, and we're looking to
17 have a change of use on the ground floor of the
18 building into a proposed restaurant space.

19 The proposed restaurant space of the
20 ground floor is approximately 1,458 square
21 feet, and we recently obtained approval from
22 the Zoning Board for a variance for
23 insufficient parking. At that meeting, we had
24 presented comprehensive studies of parking in

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the area and traffic with both a third party consultant and the town's engineer, and they came to a conclusion that there was sufficient parking in the area, and thus, granted the variance for insufficient parking.

When we presented originally to your board, there was a few questions that were asked, which we had taken into consideration and planned accordingly, particularly the trash dumpster where the trash was going to be stored for the restaurant. As part of our parking, we do have four spaces, as I mentioned; two are exterior, two are inside an existing three bay garage. One of the bays of the three bay garage can't be used because it's actually infeasible to use that because of the parking conditions outside. So it is actually going to be located inside of that empty bay which won't have parking and the dumpster will be located within that space hidden from the exterior and that dumpster will approximately be seven foot by six foot in size. Inside of the garage, as well, which has previously been presented, we also have a bike rack in there for any

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employees that they anticipate may come by bicycles, and they could store their bicycles inside of garage area as well.

Inside of the restaurant is proposed 57 occupants including employees. It's going to be a bistro style Italian food, very light fare, should be open hours 11 to 11 and that's pretty much it. Again, the structure is existing. No work to the exterior except for striping the parking area on the exterior where one of them has to be handicapped space, which we're going to have striping adjacent to it with signage. With that said, we're really requesting permission to do the striping for site plan approval, as well as a special use permit for the restaurant.

ACTING CHAIRMAN NEMECEK: Take me through the procedural history. I know you were before us in the springtime; right?

MR. HAYNES: Yes, it's been some time now. So our initial proposal was, again, just to familiarize yourselves with this and get a referral over to the Zoning Board. Essentially, the presentation at that time was

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very similar to today, less, as I mentioned, the trash storage area or the bicycle. We had always proposed -- there are actually those parking spaces there, it's just a matter of how they're configured legally with dimensions and striped areas and handicapped spot. Essentially, it's just an existing structure, the first floor becomes the restaurant, and at that time we did need a variance for the parking.

ACTING CHAIRMAN NEMECEK: You obtained that variance from the Zoning Board; right?

MR. HAYNES: Correct.

MR. WEST: How many tables do you have or will you have?

MR. HAYNES: How many tables? Well, I think there's going to be 40 -- there was about 40 seats, I believe -- almost I think it was 50 -- it was 40 seats, and then there is also areas allocated for standing in case there was some people standing around waiting for seats and tables. I believe on the plan right now we have seven total tables. They're shown right now as either four tops or six tops. Again,

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we're going to have to really -- if they decide to change to more four tops, we're going to have to just make sure we have accessible aisles to comply with A.D.A. and also the building code. Right now the layout in front of you has seven total tables.

MR. PULASKI: I was listening to what you were saying about parking spaces and I'm not sure I fully understood. On the plan that I'm looking at, I see four spaces in the back of the building labeled as parking spaces; that's four spaces that are existing there?

MR. HAYNES: There are two exterior spaces and two interior spaces, as shown on the drawing here. Prior, it was a three bay garage. Again, it could have been done any number of ways, but the exterior didn't have striping on there and certainly there was no handicapped space as existing. So what we're doing is now we're complying to the actual parking space stall required and also providing handicapped universal signage on the one handicapped spot as well as the striped area adjacent to that. Inside of the garage bays,

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again, there's three bays, but the right two bays are going to be actual parking spaces in those bays. The bay to the left, which is obscured by the parking spaces on the exterior, you can't have a spot in there, otherwise we would have.

MR. PULASKI: I understand that.

MR. WEST: In the garage is customer parking?

MR. HAYNES: I'm sorry, I couldn't hear.

MR. WEST: The garage is customer parking?

MR. HAYNES: No. It's factored for employees.

MR. PULASKI: So three and four is for employees?

MR. HAYNES: Correct.

MR. PULASKI: Because I was going to ask the question: How does a potential customer know that they could park there? What invites them in? It looks like a difficult spot to park in, particularly if you have spaces one and two occupied, but if it's

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employees, they'll know how to do it. There's a parking lot over here, if you could figure out what I'm pointing to; was that area considered in the parking allowance, or does that lot belong to these buildings along White Plains Road?

MR. HAYNES: No. There's a municipal lot located to the right of our existing building. There is also one, you know, a couple of hundred feet down the hill on the corner there, and there is also the lot off of 22 by CVS, and all of those lots were taken into account with the parking study, and it was determined that there was ample parking for -- again the occupancy is fairly limited in our restaurant, unfortunately, due to the size.

ACTING CHAIRMAN NEMECEK: I think you can see from the photographs that were attached that parking is very much at a premium in this location, but because you've already obtained the variances you required and because I think Mr. Grealy commented on the traffic flow as well, it seems that those issues have been addressed.

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MR. HAYNES: Correct.

ACTING CHAIRMAN NEMECEK: So I view our role as moving forward to determine if there are any other considerations, because we are required to make a SEQRA declaration on this?

MS. UHLE: Yes.

ACTING CHAIRMAN NEMECEK: But first we will conduct the public hearing.

MS. UHLE: Yes. Maybe I could just bring up those comments. Again, I got a call from a neighbor who indicated he was --

ACTING CHAIRMAN NEMECEK: Let's open the public hearing first --

MS. UHLE: You want to do that first? Okay.

ACTING CHAIRMAN NEMECEK: In case those concerns are addressed by a member of the public.

MS. UHLE: Okay. Sure.

ACTING CHAIRMAN NEMECEK: I move to open the public hearing for Application 15-08, 185 Summerfield Street.

MR. PULASKI: Second.

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ACTING CHAIRMAN NEMECEK: All in favor.

(All aye.)

ACTING CHAIRMAN NEMECEK: Members of the public? Yes. Come on up. You saw Summerfield on the agenda.

MR. SWEENEY: Good evening. Frank Sweeney, 22 Lakeview Avenue, forty-five year resident of the north end.

We've all talked at length about Summerfield, but just put in perspective we needed -- he needed four parking spaces and he now needs 17. But to put it in perspective, at the bottom of the hill where the Summerfield Gardens are going to go, we have 92 new apartments. Approximately a hundred cars will be parked underground. During construction, we'll have another 40 or 50 cars for somewhere between 18 and 24 months, the time the building is being built. Recently, along Summerfield Street we changed a lot of the meters to permit parking. So the permit on the other side of the street where the commercial buildings are are now permanently spoken for up through 7

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1 p.m. So basically a store running from 11 a.m.
 2 to 11 p.m. if the cars across the street
 3 execute to 7:00 p.m., the only option this
 4 restaurant is going to have for their customers
 5 is to go down to the street where you have
 6 indicated, which is at the bottom of the hill,
 7 and on both sides of those streets, restaurant
 8 side and the other side of the street, there
 9 are no sidewalks. That hill in itself is a
 10 major catastrophe. There is no striping on
 11 that street coming over the hill going down
 12 Summerfield. There's been three accidents
 13 there in the last year or so because the vision
 14 coming down that hill you cannot see people
 15 crossing over the street.

16 I wish them no ill will in terms of
 17 the restaurant, but the idea is that maybe we
 18 should just make Summerfield a permanent
 19 parking lot because with the amount of traffic
 20 we're putting there, and it is a cut through
 21 street, which everybody knows about, and you
 22 know about the soccer, there's nothing left in
 23 the north end, folks. There's nothing left.
 24 At 5:00 in the afternoon Brook Street, Harney

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1 Road, Maple Avenue -- I know you're familiar
 2 with the Maple Avenue situation -- it's almost
 3 at a point of people wanting to give up.
 4 Almost to the point they want to give up. How
 5 much more can we stuff in to Summerfield? And
 6 coming on down later in the meeting we have
 7 another Summerfield issue.

8 All I'm asking you is to take into
 9 consideration the total effort, the total
 10 composition, what's going to go on with another
 11 40 or 50 cars knowing that they're going to
 12 have to find parking spaces because they're not
 13 going to find it in front of the restaurant.
 14 As I understand, the two spots that are in
 15 front of the restaurant are no parking, that's
 16 town property directly in front of it. So the
 17 only options that the patrons or really the
 18 restaurateurs are going to have is to go down
 19 the hill, go to the corner, go to CVS, or cross
 20 over Brook Street and use one of the other
 21 lots. I think it's a tough call. I'm asking
 22 for your opinions, but Summerfield is at the
 23 point of total saturation.

24 I know they've done traffic studies,

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1 but I'm talking about safety. Safety of people
 2 walking up the hill to park their car, walking
 3 back down the hill. The street is not very
 4 well lit, and all I'm asking is for your
 5 consideration. Thank you.

6 ACTING CHAIRMAN NEMECEK: Thank you,
 7 Mr. Sweeney. I do know there was a business
 8 here before. I think it was a law office; is
 9 that correct?

10 MR. HAYNES: Correct.

11 ACTING CHAIRMAN NEMECEK: That law
 12 office was non-conforming, I know, in terms of
 13 parking spaces. This is an increase in the
 14 level of non-conformity?

15 MR. HAYNES: Yes, by a few.

16 ACTING CHAIRMAN NEMECEK: By several
 17 spaces. Did any of the concerns that Mr.
 18 Sweeney just raised regarding safety -- were
 19 any of those concerns addressed by the traffic
 20 consultant; Mr. Grealy was it?

21 MR. HAYNES: No, I don't believe that
 22 anything pertaining to the safety was. It more
 23 or less had to do with the actual parking
 24 spaces.

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1 ACTING CHAIRMAN NEMECEK: Did he
 2 address traffic flow at all or just parking?

3 MR. HAYNES: No, I believe they mostly
 4 focused on parking.

5 MS. UHLE: First of all, Phil Grealy
 6 represented the Zoning Board, the town. So the
 7 applicant hired a traffic engineer who was with
 8 Tim Miller & Associates. That traffic engineer
 9 did a parking study, and then Phil Grealy
 10 reviewed that parking study on behalf of the
 11 town.

12 They also did, without doing a traffic
 13 study, they both came to the conclusion that
 14 just the volume generated wouldn't
 15 significantly impact traffic conditions in the
 16 area. So they did address that. The focus was
 17 primarily on available parking, and I think
 18 that Phil Grealy, on behalf of the town,
 19 basically concurred with the applicant's
 20 traffic engineer that there was sufficient
 21 parking in the area. It's not the most
 22 convenient parking because it's not all located
 23 in one designated area. So people may have to
 24 look for spaces or become familiar with where

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1 there's available parking. But they both
2 concluded that there was sufficient long and
3 short term available parking in the area to
4 accommodate the needs of the restaurant. They
5 looked at the traffic flow to the extent that
6 they didn't think it would have a significant
7 impact. They didn't really talk about
8 pedestrian safety issues, that kind of thing.

10 ACTING CHAIRMAN NEMECEK: You
11 mentioned earlier that the restaurant hours
12 were contemplated to be 11 to 11 roughly?

13 MR. HAYNES: Exactly.

14 ACTING CHAIRMAN NEMECEK: Do you also
15 contemplate being open seven days a week?

16 MR. HAYNES: I believe they are.

17 ACTING CHAIRMAN NEMECEK: Mr. Sweeney
18 commented on the need for spaces for
19 construction workers in the event that the
20 Summerfield Gardens application is approved,
21 but I don't think we're permitted to take that
22 into account because it's not approved. That
23 really is an issue for the Summerfield Gardens
24 application, not this one, but certainly we're
25 aware that there are challenges in terms of

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1 parking here and those were addressed by Mr.
2 Grealy on behalf of the town and by the traffic
3 consultant retained by the applicant, and it's
4 their informed view that this is an issue that
5 could be addressed and surmounted and that this
6 particular application isn't going to so
7 greatly affect the parking situation that it
8 should disqualify this application.

10 Do we have any other comments from the
11 public?

12 (No comments.)

13 ACTING CHAIRMAN NEMECEK: Margaret,
14 you had received some phone calls?

15 MS. UHLE: Yes. I had received a
16 phone call from a resident who, I guess, is
17 adjacent to the property, and who also said he
18 was speaking for another resident that was
19 adjacent to the property, who didn't seem to
20 object to the use itself but was very concerned
21 about potential issues related to trash, which
22 you addressed to an extent. Can you give us a
23 little more information in terms of how often
24 that it's picked up? I know it's in a
25 dumpster, but is it something that has a lid

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1 that's closed consistently and will it be
2 enclosed within the garage?

4 MR. HAYNES: Yes. It's actually going
5 to be in a fairly large, moveable dumpster. So
6 it's going to be stored in there within the
7 garage obviously screened from anyone's view.
8 Again, I don't know what the scheduling would
9 be for pickup, but it would be as necessary.

10 MS. UHLE: Okay. The dumpster has a
11 lid on it as well?

12 MR. HAYNES: Absolutely. It's one of
13 the large, blue, steel containers on wheels and
14 you can wheel them out.

15 MS. UHLE: Obviously the concern is
16 both odors but also potential for rodents and
17 things.

18 The other concern was --

19 ACTING CHAIRMAN NEMECEK: Exhaust?

20 MS. UHLE: The exhaust, yes. Maybe
21 the applicant could explain what kind of system
22 they're using in terms of mitigating any
23 potential odors that could be generated.

24 ACTING CHAIRMAN NEMECEK: They might
25 be very pleasant food odors but they're still

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1 odors.

3 MR. HAYNES: I'm sure it will. That's
4 more of a question for the consulting engineer
5 that we'll hire. I don't know if it goes
6 through a precipitator to minimize the smell or
7 something. I'm not sure what they had in mind
8 as far as the exhaust system, but it would be
9 compliant to codes. I can't say that you would
10 smell something in adjacent properties, I'm not
11 versed well enough to know about that, but
12 whatever the codes are we will comply with.

13 MS. UHLE: Unfortunately, again,
14 something I consulted with Mr. King on, other
15 than meeting those code requirements, Mr. King
16 was indicating the systems are good for
17 eliminating grease and that kind of thing, but
18 the odors to an extent, I'm not sure -- Is that
19 correct?

20 MR. KING: You're going to smell it.

21 MS. UHLE: You're going to smell it.

22 MR. HAYNES: We've proposed numerous
23 restaurants where they'll actually exhaust
24 right out the outside wall in city environments
25 and, you know, you don't have the smell. So

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1 there are precipitators that they could use
2 with the exhaust depending on how they're
3 designed that there would not be smell.

4 ACTING CHAIRMAN NEMECEK: Can we place
5 some qualification on this application that
6 they come back to someone in the building
7 department and demonstrate that they're going
8 to be using at least state of the art equipment
9 for that?

10 MS. UHLE: You can't hear?

11 ACTING CHAIRMAN NEMECEK: I'm sorry.
12 I tried to avoid the echo.

13 MS. UHLE: I know, it's complicated up
14 here. He was asking if there is some kind of
15 condition that we could impose where we could
16 work with the applicant to try to at least get
17 them to utilize the best system possible.

18 MR. KING: I'm not aware of something
19 that is possible, but maybe.

20 ACTING CHAIRMAN NEMECEK: Well,
21 whatever state of the art is.

22 MR. PULASKI: Maybe we could ask the
23 applicant to come back with some options or
24 what they feel will do the best job and with

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1 some data as to how it performs what it's
2 supposed to accomplish. I interpret that
3 comment being somewhat of the geography and the
4 height of that building. You go up to the
5 avenue where there are some restaurants and
6 they're higher up and they are away from
7 residential property. I believe the buildings
8 there are a little bit taller. This building
9 is lower down, not as tall and I believe right
10 behind it is residential, and I can understand
11 a concern. I don't know what kind of food is
12 going to be prepared, but I know that some food
13 when you prepare it you could smell it.

14 MS. UHLE: I mean, I think you could
15 make a condition that the applicant work with
16 us in good faith. We do have an architect as a
17 plan reviewer that maybe we could work with you
18 with regard to what the best options might be.

19 MR. HAYNES: Absolutely.

20 ACTING CHAIRMAN NEMECEK: That's, I
21 think, the way that I would prefer to handle
22 it.

23 MR. WEST: The kitchen will be in the
24 rear; right?

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1 MR. HAYNES: I'm sorry.

2 MR. WEST: The kitchen will be in the
3 rear of the building?

4 MR. HAYNES: Yes.

5 ACTING CHAIRMAN NEMECEK: I'm
6 skeptical that we can -- that by having this
7 applicant come back with an analysis of the way
8 that smells would move in the air is so
9 speculative at this point that I think it would
10 be for a limited value.

11 MR. WEST: I think the fumes of food
12 in the evening is better than the fumes of the
13 exhaust that go through there from the auto
14 body shops all day long.

15 ACTING CHAIRMAN NEMECEK: This was a
16 law office, so there are worse fumes coming
17 out. As a lawyer, I could make that joke.

18 MR. PULASKI: We are trying to get
19 away from some of the auto places.

20 ACTING CHAIRMAN NEMECEK: Yes.

21 MR. PULASKI: And they are having to
22 comply with clean air requirements that they
23 didn't have to years ago.

24 ACTING CHAIRMAN NEMECEK: Well, they
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1 will be complying with whatever the
2 requirements are for this. That's something
3 they will have to do. What I would suggest is
4 that we hold them even to a higher good faith
5 standard to work with our Building Department
6 and to demonstrate to the Building Department
7 that they are using the state of the art
8 equipment to mitigate to the greatest extent
9 possible the effect of food odors on the
10 adjacent properties. I think that's about the
11 best we're going to be able to do. I don't
12 think more experts coming in is going to get us
13 beyond the realm of largely speculative. So we
14 either approve the application or we don't as
15 it is, and as I said, the protection that I
16 would suggest that we build is that condition
17 requiring the applicant to work in good faith
18 with the Building Department to reduce to the
19 greatest extent possible within the
20 technologies that exist today the effect of the
21 smells.

22 MR. TUDISCO: Just as a thought as a
23 condition I really -- that doesn't seem to me
24 like it would something that would be

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enforceable in any way by the Building

Department. Best practices, I mean --

MS. UHLE: I think it would.

MR. TUDISCO: If you're comfortable with it, Margaret, because it's your department.

MS. UHLE: I am because we're saying we're working in good faith. I don't think there's going to be a whole lot of different options, but I do trust that the architect and the applicant will work with us. Again, Mr. King knows more about this than I do. It's not only the type of system but maybe how it's vented or whatever and how it's directed. So there may be some just simple modifications that can be made that aren't an additional cost but that might have an impact one way or the other. So I think we can do that.

MR. PULASKI: Is the venting shown on the plans at the moment?

ACTING CHAIRMAN NEMECEK: No.

MR. HAYNES: It's not.

MR. PULASKI: All right. When it becomes, it sits a certain height above the

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highest point of the building?

MR. HAYNES: Correct, yes. It has to be a certain distance from windows, it has to be a certain height above the roof.

MR. PULASKI: Is that about 10 feet?

MR. KING: It depends where the exhaust is relative to the property line and adjacent buildings.

MR. PULASKI: Right.

MR. KING: It's not as easy as just a number.

MR. PULASKI: Okay.

MS. UHLE: Ultimately, there may not be a lot of --

MR. PULASKI: I assume since we're looking at this application, it's because this building exists in ARB zone, which permits restaurants?

MS. UHLE: That's correct.

MR. PULASKI: I guess that's the best that we can try to achieve is spotted by making sure that it complies with code as far as windows and property lines and height. I would encourage it to go as high as you can

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practically make it.

I think as far as the parking is concerned there, I agree that the parking is difficult, but the parking has gone through zoning and it's what you said before. So that's kind of beyond us. I think at that location you also have a geography -- just the pitch of that road is very steep, that area has got a lot of dark spots, it's got some old trees that hang over. I'm surprised that people like to frequent that area but they do. There's a number of restaurants there that are popular, and I think with this restaurant it's going to become a north end niche kind of similar to what has happened at the south end of the town. I don't think that we're going to solve the difficulty with the pitch of the road or the darkness.

ACTING CHAIRMAN NEMECEK: It is a modest sized restaurant.

MR. PULASKI: Yes, it is, and I think that in many respects the applicant is taking a certain amount of risk that people will come there and deal with that. Sometimes those

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things balance out.

ACTING CHAIRMAN NEMECEK: Unless we have -- unless we intend on having further studies done and keeping this open, I would move to close the public hearing on application 15-08, 185 Summerfield Street.

MR. PULASKI: I'm ready to vote on it, so I'll second that.

ACTING CHAIRMAN NEMECEK: All in favor.

(All aye.)

ACTING CHAIRMAN NEMECEK: Any further questions from this board regarding this application?

(No questions.)

ACTING CHAIRMAN NEMECEK: I think you've been responsive to the concerns, some of which were obvious given the limited amount of space and the multiple challenges presented by this property. I don't know that there's too much -- you're going into this eyes wide open. There are challenges and those challenges aren't necessarily going to go away. Even the issue of, you know, how the exhaust is

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1 configured is an open issue and one that I
2 trust if we approve this you'll work with
3 diligently with our Building Department to find
4 the best solutions.

5 MR. HAYNES: Absolutely.

6 ACTING CHAIRMAN NEMECEK: So with all
7 of that said, I move to approve Application
8 15-08, 185 Summerfield Street subject to the
9 condition that the applicant work with our
10 Building Department in arriving at a solution
11 to the exhaust problem specifically related to
12 odors and to install -- to act in good faith in
13 an effort to install state of the art equipment
14 that will mitigate the effect of odors on the
15 adjacent properties. So subject to that
16 condition, I move to approve Application 15-08.

17 MR. PULASKI: Second.

18 ACTING CHAIRMAN NEMECEK: All in
19 favor.

20 (All aye.)

21 MR. HAYNES: Thank you all very much.

22 ACTING CHAIRMAN NEMECEK: We're going
23 to take just a very short break.

24 (A short recess was taken.)

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1 ACTING CHAIRMAN NEMECEK: Ready when
2 you are. The next application, the fourth out
3 of the seven on our agenda, is Application
4 15-50, 70 Lake Shore Drive.

5 MR. BENZING: Good evening. My name
6 is Andreas Benzing. I'm the architect for the
7 proposed building and representing the owner
8 for this project. The location is 70 Lake
9 Shore Drive in Eastchester. It's an R-15
10 district.

11 We would propose a single family
12 residence building, residential building, and
13 we propose to keep the existing basement floor,
14 reusing it, and extending the building towards
15 the rear yard by about 20 feet. We would
16 propose to raise the existing garage level to
17 the existing first floor level, therefore,
18 eliminating the existing building split level
19 system and making it -- eliminating the slope
20 five feet down towards the existing garage
21 currently.

22 The existing impervious area is
23 3,492 square feet, and we would propose an
24 increase for 4497. It's basically on extension

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1 on the back and the driveway is about the same.
2 It's a little bit larger driveway.

3 The drainage is designed by Hudson
4 Engineer. The existing building doesn't have
5 any drainage, and we propose a 13 CULTEC 330
6 system covering the entire building, including
7 the driveway, with the drainage.

8 The building will be designed as a
9 high performance building to pass for standard
10 or just probably below it and will probably be
11 a reduction in energy use by about 60 to 70
12 percent compared to a code compliant building.

13 MR. PULASKI: You have these elevation
14 sheets in big plans?

15 MR. BENZING: Yes.

16 MR. PULASKI: Can you walk us through
17 what's new and what's existing? It's a little
18 bit difficult to tell from the plans. Is the
19 darkened area the new?

20 MR. BENZING: So that's the west
21 elevation.

22 MR. PULASKI: Yes.

23 ACTING CHAIRMAN NEMECEK: Excuse me,
24 if you could grab the microphone.

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1 MR. BENZING: I'm not going to sing.

2 ACTING CHAIRMAN NEMECEK: Best Tony
3 Orlando impression.

4 MR. BENZING: That's the existing
5 building's footprint, so that's the existing
6 basement floor. So we're adding on top of it
7 almost the same height in the front as the
8 existing building and that's the part we add to
9 the building. We keep the basement floor but
10 on pillars so the garden could flow into the
11 existing basement floor.

12 MR. PULASKI: So you're adding a back
13 to the building?

14 MR. BENZING: Yes. We're adding to
15 the back of the building, yes.

16 MR. PULASKI: I see that on the
17 proposed addition. You also said you're
18 raising the garage?

19 MR. BENZING: The current garage is at
20 that level, so you have to drive down from the
21 street to get to that garage. In order to
22 avoid that steep slope, especially into the
23 garage, we propose to raise that garage to
24 about like six inches below the level of the

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1 first floor.

2 MR. PULASKI: So the new homeowner
3 wants it to be more level to come in?

4 MR. BENZING: Right.

5 MR. PULASKI: That's a nice way of
6 doing it, yes.

7 MR. BENZING: It also eliminates that
8 the split level.

9 MR. PULASKI: It also eliminates a lot
10 of the potential problems of water going down
11 the driveway and into the garage.

12 ACTING CHAIRMAN NEMECEK: But you're
13 also creating a steeper grade because you're
14 building up the area.

15 MR. BENZING: Right. The current
16 grade goes down here and slopes down toward
17 that side. Because we have drainage, we're
18 actually capturing more water now than before
19 because that slope is not there anymore.

20 ACTING CHAIRMAN NEMECEK: Where does
21 the garage door as proposed -- where does it
22 match up, the garage door, as it currently
23 exists?

24 MR. BENZING: The existing garage door
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1 would probably be here.

2 ACTING CHAIRMAN NEMECEK: Okay. So
3 you're not moving it up an entire floor?

4 MR. BENZING: No. It's a half floor.
5 It's the half level.

6 ACTING CHAIRMAN NEMECEK: So you're
7 really just leveling off the existing slope?

8 MR. BENZING: Yes.

9 ACTING CHAIRMAN NEMECEK: You're
10 filling it in basically.

11 MR. BENZING: Right.

12 MR. PULASKI: Now on this site plan
13 you have this one area looking like stone and
14 then this other area doesn't appear like stone.
15 Are you doing a quarter of the driveway?

16 MR. BENZING: So we have a stone apron
17 as a connection to the street. We have our
18 drainage on that switch to asphalt.

19 MS. UHLE: I think you might be
20 looking at the stabilized construction
21 entrance. Is that something that's shown on
22 the plan?

23 MR. BENZING: It's shown on Hudson
24 Engineer's plan.
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1 MR. WEST: How are you going to grade
2 the left side of the house? Once you go -- so
3 you're coming all the way across here so you
4 lose the front garage, the garage will be here;
5 how does it grade to the house to the left,
6 north?

7 MR. BENZING: It grades so we have a
8 slope down around the building.

9 MR. WEST: What's the distance between
10 the current edge of the house and the property
11 line?

12 MR. BENZING: What's the distance?

13 ACTING CHAIRMAN NEMECEK: Yes.

14 MR. BENZING: It's 14 feet. Because
15 we're building on the existing footprint, we
16 keep the exact same distance.

17 ACTING CHAIRMAN NEMECEK: Are you
18 changing the elevation in that 14 foot buffer
19 zone at all? I know you're filling in the
20 space that is now the cut out.

21 MR. BENZING: Right.

22 ACTING CHAIRMAN NEMECEK: And instead
23 of going down into a garage, you've bumped the
24 garage up half a floor.
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1 MR. BENZING: Right.

2 ACTING CHAIRMAN NEMECEK: So you're
3 filling that entire area.

4 MR. BENZING: That's correct.

5 ACTING CHAIRMAN NEMECEK: Is that all
6 you're doing, or are you also leveling off the
7 area in that 14 foot zone that runs up to the
8 adjacent property?

9 MR. BENZING: Between the building and
10 the property?

11 ACTING CHAIRMAN NEMECEK: Yes.

12 MR. BENZING: No. We are just sloping
13 down here toward --

14 ACTING CHAIRMAN NEMECEK: You're
15 pretty much keeping the existing grade except
16 for the fill in?

17 MR. BENZING: That's correct, yes.

18 ACTING CHAIRMAN NEMECEK: Okay.

19 MR. PULASKI: Did we go over this
20 sheet here? So can you walk us through this
21 landscaping; what's existing, what's new, why
22 are you doing what you're doing?

23 MS. UHLE: I can help you with that.

24 Actually, similar to Country Markets, the
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1 applicant was approved to build a new single
2 family home on this property or a redesigned
3 renovated home on this property a couple of
4 years ago, and as part of that original
5 approval the Planning Board required a
6 landscape buffer adjacent to the lake, which is
7 what we've been requiring for lakefront
8 properties recently. So this was part of the
9 original approval. It was reviewed by Alan
10 Pilch, our landscape architect and
11 environmental consultant. So they weren't
12 required to do a full landscape plan, but they
13 were required to do the plan adjacent to the
14 buffer.

15 MR. PULASKI: You've answered my
16 question. That's what I was concerned with,
17 that we had a buffer there.

18 MS. UHLE: They just simply used what
19 was previously approved by our landscape
20 architect.

21 MR. PULASKI: That's fine. That's
22 fine. Looks good.

23 ACTING CHAIRMAN NEMECEK: The notes
24 that were prepared for the Planning Board

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1 reflect that this application was before the
2 Architectural Review Board earlier this month,
3 and that the ARB made a recommendation to
4 approve this as proposed with a recommendation
5 that the two windows on the right side of the
6 front of the house be wider to appear more
7 appropriately scaled.

8 MR. BENZING: Right.

9 ACTING CHAIRMAN NEMECEK: The plan
10 that I'm looking at has a date of July 1st.
11 Have you done anything to address that
12 recommendation by the ARB?

13 MR. BENZING: We will fully comply
14 with that and make those two windows wider by
15 10 or 12 inches.

16 MS. UHLE: You said they will be
17 wider?

18 MR. BENZING: Yes, we'll make both
19 widows as recommended.

20 ACTING CHAIRMAN NEMECEK: But it's not
21 reflected on any of the --

22 MR. BENZING: No, because we submitted
23 the plans on Thursday and Monday was a holiday
24 and Tuesday was the next submission, so we had

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1 the same plans. We'll definitely comply.

2 MS. UHLE: Correct me if I'm wrong,
3 but I think it affected some of their energy
4 calculations, so they wanted to double check
5 some of those numbers?

6 MR. BENZING: Yes, but it's no
7 problem.

8 ACTING CHAIRMAN NEMECEK: Any
9 questions at this point?

10 (No questions.)

11 ACTING CHAIRMAN NEMECEK: I move to
12 open the public hearing for Application 15-50,
13 70 Lake Shore Drive.

14 MR. PULASKI: Second.

15 ACTING CHAIRMAN NEMECEK: All in
16 favor.

17 (All aye.)

18 ACTING CHAIRMAN NEMECEK: Members of
19 the public?

20 (No comments.)

21 ACTING CHAIRMAN NEMECEK: I don't
22 think we have any need to keep the public
23 hearing open, so I will move to close the
24 public hearing for Application 15-50, 70 Lake

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1 Shore Drive.

2 MR. PULASKI: Second.

3 ACTING CHAIRMAN NEMECEK: All in
4 favor.

5 (All aye.)

6 ACTING CHAIRMAN NEMECEK: Any further
7 questions for the applicant?

8 MR. PULASKI: I'm fine. I'm ready to
9 vote.

10 ACTING CHAIRMAN NEMECEK: Bill?

11 MR. WEST: No. I'm good. I like it.

12 ACTING CHAIRMAN NEMECEK: I do have a
13 further question regarding the sloping on this
14 portion, because it does appear from the
15 photograph that this isn't just a -- where the
16 driveway was dug out it appears, as you look at
17 the house, the grassy area immediately to the
18 left of the driveway is also at the same level
19 as the driveway. So if you're going to raise
20 the driveway by a half a floor and have the
21 garage at that higher level, it looks like
22 you're also going to have to raise that grassy
23 area as well; how much of an increase is the
24 grassy area that's right over here -- I don't

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2 know if you could see it -- just to the left of
3 the driveway.

4 MR. BENZING: The driveway will be
5 about four feet higher than the existing one,
6 so that area grades down and back around the
7 building.

8 ACTING CHAIRMAN NEMECEK: Okay. But
9 will that four foot slope then become -- go
10 gradually downward as you approach the
11 neighbor's property?

12 MR. BENZING: Like it's lined out in
13 our --

14 ACTING CHAIRMAN NEMECEK: Which --
15 L-2?

16 MR. BENZING: L-2, yes.

17 ACTING CHAIRMAN NEMECEK: Here it is.
18 Okay, I see it.

19 MR. PULASKI: I think C-1
20 actually makes it a little more --

21 MS. UHLE: C-1 is easier to see the
22 grading.

23 MR. BENZING: On the engineer's
24 plan -- on this grade plan, the engineer helped
25 us, and it slopes down from the driveway and

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2 goes around the building.

3 ACTING CHAIRMAN NEMECEK: Okay. I
4 see.

5 MR. BENZING: We provide drainage to
6 direct the water on the property.

7 ACTING CHAIRMAN NEMECEK: I see the
8 elevation of the corner of the house is 205.86
9 and everything kind of gradually slopes
10 downward from that.

11 MR. PULASKI: I'm actually following
12 what you're saying, Phil. After you get down
13 past a lot of those new contours, you don't
14 really see that gully keeping that water
15 staying on the applicant's property. It kind
16 of gets a little flat. You could get some
17 runoff into your neighbor's property if you
18 don't try to create some kind of a berm going
19 there so the water stays on your property.

20 MR. BENZING: Well, we have that
21 trench on our property.

22 MR. PULASKI: I see it there, but as
23 you get more towards the lake as you get
24 towards the side of the building the contours
25 start to flatten out a little bit.

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2 MR. BENZING: But those are the
3 existing contours.

4 MR. PULASKI: I understand that, but
5 you might want to build a berm a little bit
6 kind of like along the property line so the
7 water stays on your property.

8 MR. BENZING: We could do that
9 along the --

10 MR. PULASKI: Just to make a positive
11 effort.

12 MR. BENZING: Yes, definitely.

13 ACTING CHAIRMAN NEMECEK: Do we want
14 to make that a condition?

15 MR. PULASKI: I think I would, because
16 you're going to have a little built of a steep
17 slope there and the water could get some
18 velocity, and we don't want any complaint from
19 a neighbor.

20 MS. UHLE: I think what you would do
21 is probably not do a berm but just kind of
22 continue the swale a little bit.

23 MR. BENZING: That swale we can
24 extend.

25 MS. UHLE: I think that's what it
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2 would be, extending the swale.

3 MR. PULASKI: If you like the word
4 swale, I'll take that.

5 ACTING CHAIRMAN NEMECEK: All right.
6 So subject to the modification of the two
7 windows, as recommended by the ARB, and subject
8 to creating the swale on the -- what part of
9 the property is that -- to the left of the
10 driveway as you look at the house, subject to
11 those two conditions, I move to approve
12 Application 15-50, 70 Lake Shore Drive.

13 MR. PULASKI: Second.

14 ACTING CHAIRMAN NEMECEK: All in
15 favor.

16 (All aye.)

17 MR. BENZING: Thank you so much.

18 ACTING CHAIRMAN NEMECEK: Next up is
19 Application 15-48, which is 86 Waverly Avenue.

20 MR. MAIORANO: Good evening, Board
21 members. My name is Adamo Maiorano from
22 Community Designs. I'm here on behalf of the
23 homeowner, Antonio Marola.

24 Basically what we're proposing is a
25 one and a half story addition to an existing

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1 residence. What's going to be inside the
2 addition is a one car garage, an extension to
3 the existing family room, and a small mudroom.
4 The actual footprint where the addition is
5 going there is an existing driveway there.
6 What we're actually doing is decreasing the
7 impervious surface, because we're taking away a
8 portion of the driveway behind and to the left
9 of the addition and then adding a small portion
10 to the front in order to get the car to go into
11 the garage.

12 Basically the materials of the house
13 is going to be consistent with what is existing
14 now. We're going to match the existing roof,
15 small portion of the vinyl siding over the
16 garage. We're going to also match the existing
17 stucco of the house. It has a kind of funny
18 texture to it and then it was painted white, so
19 we're going to try to mimic that same exact
20 style as well with the addition.

21 I'm going to move to the elevation.
22 As far as the street-scape, it also kind of
23 ties into the neighborhood. The house to the
24 right and left has a single car garage.

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1 ACTING CHAIRMAN NEMECEK: You had a
2 very nice street-scape I saw.

3 MR. MAIORANO: It is an oversized lot,
4 so that kind of allows us to play with the left
5 of the site.

6 ACTING CHAIRMAN NEMECEK: If I heard
7 you correctly, you said you're actually going
8 to be decreasing the amount of impervious
9 surface?

10 MR. MAIORANO: Exactly, yes. There's
11 a large parking area basically where the
12 addition is going, but behind it there's a
13 portion we're removing, and to the left we're
14 removing.

15 As far as the landscaping, it is very
16 beautifully landscaped, the existing site. The
17 only thing we're actually doing, the Dogwood
18 tree they're going to replace with a new one a
19 few feet over because it's in the way of the
20 small portion we're adding to the driveway to
21 get into that garage. There are two shrubs
22 that they have to remove as well because of
23 where the garage door is going. That's about
24 it as far as the landscaping.

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1 ACTING CHAIRMAN NEMECEK: Is the new
2 portion of the building, which includes the --
3 I guess it's principally garage, right, the
4 biggest portion that's being built -- the
5 biggest consumer of space, of the new space is
6 the garage; right?

7 MR. MAIORANO: It's like an oversized
8 one car garage.

9 ACTING CHAIRMAN NEMECEK: But some
10 portion of it also is being used, I think you
11 said, as a mudroom and extension of the family
12 room?

13 MR. MAIORANO: Exactly, yes.

14 ACTING CHAIRMAN NEMECEK: How much of
15 the new addition is -- is all of the new
16 addition being built on what is now driveway?

17 MR. MAIORANO: Exactly. We're taking
18 away a portion as well.

19 ACTING CHAIRMAN NEMECEK: But you're
20 not extending beyond what is currently
21 driveway?

22 MR. MAIORANO: Exactly, yes. There's
23 a dotted line on the site plan. This dotted
24 line is showing and this dotted line here is

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1 the existing garage.

2 ACTING CHAIRMAN NEMECEK: I know when
3 I looked at this, I think it looks like a
4 terrific improvement. Given the fact that
5 you're actually decreasing impervious surface,
6 it does -- I really like the street-scape -- it
7 does show that this is absolutely consistent
8 with the house to the right and the house to
9 the left of it. I really have very -- I really
10 have no further comment on it. I'm perfectly
11 okay with this, but I think we do have to open
12 a public hearing. I don't know if before we do
13 so if either of my colleagues have any
14 questions for the applicant?

15 MR. PULASKI: I think it makes nice
16 use of the property. The property is there.
17 It gives you a garage. I think garages are
18 nice. I think it enhances the value of the
19 property by adding a garage.

20 ACTING CHAIRMAN NEMECEK: It's nicely
21 executed too.

22 MR. MAIORANO: What they're doing now
23 is parking the cars kind of perpendicular to
24 the house. When you see it, it kind of looks

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1 like a parking lot.

2 MR. PULASKI: And the houses to the
3 right and left of you have garages and they're
4 longer, and this will blend better with those
5 houses.

6 ACTING CHAIRMAN NEMECEK: All right.

7 I move to open the public hearing on

8 Application 15-48, 86 Waverly Avenue.

9 MR. PULASKI: Second.

10 ACTING CHAIRMAN NEMECEK: All in
11 favor.

12 (All aye.)

13 ACTING CHAIRMAN NEMECEK: Anyone for
14 86 Waverly? Going once, going twice.

15 (No comments.)

16 ACTING CHAIRMAN NEMECEK: I move to
17 close the public hearing for Application 15-48,
18 86 Waverly Avenue.

19 MR. PULASKI: Second.

20 ACTING CHAIRMAN NEMECEK: All in
21 favor.

22 (All aye.)

23 ACTING CHAIRMAN NEMECEK: I don't have
24 any further issues with this application. I

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1 move to approve Application 15-48, 86 Waverly
2 Avenue.

3 MR. PULASKI: Second.

4 ACTING CHAIRMAN NEMECEK: All in
5 favor.

6 (All aye.)

7 ACTING CHAIRMAN NEMECEK: Thank you.

8 Next up is our sixth out of seven applications,
9 Application 15-59, which is 95 (97) Montgomery
10 Avenue.

11 MR. MEYER: Good evening. My name is
12 Michael Meyer. I'm here on behalf of Robert
13 Meyer, my brother, who is the owner of the
14 building. He recently purchased it.

15 Our company is a Sabin Meyer
16 Corporation. It's been around for -- it
17 started 62 years ago by my father, a food
18 brokerage business, institutional wholesale
19 representing different lines of mostly frozen
20 foods sold to distributors and such.

21 So we recently purchased the building
22 and it's being built out, but we are building a
23 test kitchen, which is what we use about twice
24 a month to prepare foods for clients and so

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1 forth and demonstrate and so forth to win
2 accounts and to sell accounts. It's really
3 more for business development.

4 Our understanding is that we require a
5 special use to put this in, mostly to assure
6 the town that it will not be used for
7 commercial purposes for a restaurant or such.
8 That's essentially it.

9 ACTING CHAIRMAN NEMECEK: So what is
10 the -- you said you plan on using the kitchen
11 area twice a month, roughly?

12 MR. MEYER: It's a handful of times a
13 month.

14 ACTING CHAIRMAN NEMECEK: And it's for
15 demonstrating the equipment?

16 MR. MEYER: No, no, no. It's to
17 prepare the food. It's frozen food. So a
18 client comes in or they have a meeting with a
19 packer and they want to show what they're going
20 to sell at a food show or the packer wants to
21 show our salesman how to best prepare and
22 present when they're on the road and so forth.

23 ACTING CHAIRMAN NEMECEK: Identify
24 yourself for the record.

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1 MS. O'NEILL: Grace O'Neill. I'm
2 sorry.

3 ACTING CHAIRMAN NEMECEK: Grace
4 O'Neill. And what is your interest?

5 MS. O'NEILL: I'm one of the officers
6 of the company for Sabin Meyer.

7 What we do is it's competitive cutting
8 as well is really what it's used for. We bring
9 client in, show them what they're buying, show
10 them what they could buy from us, and then we
11 have chefs show them how to cook it so they
12 understand what to do with it. That's really
13 what's it's used for. It's not a public
14 facility.

15 MR. PULASKI: And, Margaret, the
16 reason why we have to review it at the Planning
17 Board is?

18 MS. UHLE: Because when we revised the
19 zoning law to clarify the different types of
20 restaurants or food service establishments,
21 anything that requires a Type 1 hood now
22 requires approval by the Planning Board. The
23 Type 1 hoods are the types that are typically
24 used in restaurants. We didn't anticipate

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1 something like that, but the law is very clear
2 if you are proposing a Type 1 hood, you need a
3 special permit from the Planning Board.

4 MR. PULASKI: Okay. We agree this is
5 not a restaurant, but it is a Type 1 hood.

6 MS. O'NEILL: It's the wow factor.

7 MR. PULASKI: You couldn't try a Type
8 2 hood?

9 MS. O'NEILL: It's the wow factor.

10 MR. PULASKI: Did you know about this
11 before you bought the hood?

12 MS. O'NEILL: No. Actually, we found
13 it out after we purchased the hood.

14 ACTING CHAIRMAN NEMECEK: How long
15 have you been at this location?

16 MS. O'NEILL: We just moved in this
17 location in July. We've been down this end of
18 White Plains Road for maybe 10 years --
19 actually 15 years. 15 years. We just moved
20 there in July.

21 MS. UHLE: They were in the process of
22 trying to obtain a building permit, and during
23 that review is when we discovered the kitchen.
24 So unfortunately for them we informed them they

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1 needed to come to the Planning Board.

2 ACTING CHAIRMAN NEMECEK: Have you
3 used this type of display at your prior
4 location?

5 MS. O'NEILL: We didn't have a
6 kitchen. We would have to go out. We would
7 have to, you know, rent out a space.

8 ACTING CHAIRMAN NEMECEK: Was this one
9 of the reasons that you moved?

10 MS. O'NEILL: That's exactly the
11 reason we moved. We needed to get a working
12 test kitchen. Chefs aren't impressed in the
13 back of a room.

14 ACTING CHAIRMAN NEMECEK: How often --

15 MS. O'NEILL: It really depends. We
16 like to solicit clients, like, you know, to get
17 business. So there could be times where we
18 solicit clients and they come in and we don't
19 cook anything, we just show them our kitchen
20 and what we could do for them, we don't cook.
21 Then there are times we have competitive
22 cuttings with our sales people, and we let them
23 know what we're doing so when they're on the
24 road they know what to do. So it's really --

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1 MR. MEYER: A handful.

2 ACTING CHAIRMAN NEMECEK: And what are
3 your hours of operation?

4 MS. O'NEILL: The office?

5 MR. MEYER: 9 to 5 or 6.

6 MS. O'NEILL: 8 to 6, yes.

7 ACTING CHAIRMAN NEMECEK: And would
8 any of these demonstrations occur after hours?

9 MS. O'NEILL: No.

10 MR. MEYER: Not usually.

11 ACTING CHAIRMAN NEMECEK: Let's open
12 the public hearing. I move to open the public
13 hearing for Application 15-59, which is, I
14 guess, 97 Montgomery Avenue.

15 MR. PULASKI: Second.

16 ACTING CHAIRMAN NEMECEK: All in
17 favor.

18 (All aye.)

19 ACTING CHAIRMAN NEMECEK: Come on up,
20 Mr. Sweeney.

21 MR. SWEENEY: Good evening again.
22 Frank Sweeney, 22 Lakeview.

23 I just had a few questions as it
24 relates to the position of where the kitchen is

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1 going to be in the building, and I also have
2 possibly additional questions. Is the kitchen
3 going to have a smoke stack that's going to be
4 required from the building? This particular

5 building sits right behind three homes that sit
6 on top of that building. So I'm somewhat
7 concerned that if they're going to have a test
8 kitchen that eliminates food odor, these are

9 very, very close homes that sit on top of this
10 building. So, one, I would like to know where
11 in the building it's going to be; is it going

12 to require a stack on the building; and the
13 third is if we're having a test kitchen, does
14 that require people to come in, 10, 20, 30

15 people to test the food at any given point in
16 time? Montgomery is almost the same as
17 Summerfield. It's directly across from the

18 park. We're out of space. There is no space
19 left in that area. The space in front of the

20 building is on the right of way of the town, so
21 I'm assuming at some point in time those spaces

22 are going to be taken by either permit parking,
23 and I'm just trying to determine whether those

24 three items are going to be covered in your

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1 meeting. Thank you.

2 ACTING CHAIRMAN NEMECEK: Okay. Thank
3 you.

4 MR. PULASKI: Can you answer any of
5 those questions?

6 ACTING CHAIRMAN NEMECEK: Take one at
7 a time. How about the exhaust?

8 MR. MEYER: The exhaust goes through
9 the roof.

10 ACTING CHAIRMAN NEMECEK: What floor
11 are you on?

12 MR. MEYER: There are only two floors.
13 It's on the second floor. So it goes straight
14 out to the roof.

15 In terms of -- if I could recall in
16 order -- the concern about odors and such, this
17 is such limited time, as we were explaining,
18 and often times it doesn't involve a lot of
19 cooking. The quantity of food is really quite
20 small. It's for people like yourself to make a
21 presentation or demonstration. So really the
22 odors and so forth will be minimal.

23 ACTING CHAIRMAN NEMECEK: Typically
24 what is the range of individuals who would be
25

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1 present at one of these demonstrations?

2 MR. MEYER: From three to -- no more
3 than, including our own staff and clients or
4 possible customers, 8, 10 the most.

5 ACTING CHAIRMAN NEMECEK: What is
6 your -- would your clients or customers or
7 whatever terminology you use -- do they
8 typically frequent your offices other than for
9 these types of demonstrations?

10 MR. MEYER: No, not -- there may be
11 sales meetings periodically, quarterly, but
12 it's infrequent.

13 ACTING CHAIRMAN NEMECEK: How long
14 does a demonstration typically last?

15 MS. O'NEILL: It can go anywhere from
16 ten minutes to an hour and a half. I mean, it
17 depends on how long the cooking time is and
18 what we're doing.

19 To address the parking, we have plenty
20 of parking on our property to cover it. We
21 have a complete parking lot in the back and
22 parking in the front as well that's our own
23 parking, not street or meter.

24 ACTING CHAIRMAN NEMECEK: How many
25

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1 employees are working at this office? How many
2 of your employees are working at this office?

3 MS. O'NEILL: He's saying in the
4 office not at Sabin Meyer, because we have some
5 on the road. In the office, we have four
6 people. The rest of our staff is on the road.

7 ACTING CHAIRMAN NEMECEK: But is this
8 their home base?

9 MS. O'NEILL: This is our home office,
10 yes. This is going to be our home base. There
11 are only 10 people in the whole company. So if
12 everybody was to come at one time, which is
13 very rare.

14 ACTING CHAIRMAN NEMECEK: How many
15 total parking spaces are there allotted to --

16 MS. O'NEILL: That we have?

17 ACTING CHAIRMAN NEMECEK: Yes.

18 MS. O'NEILL: 6, 7, 8, 9, 10, 11, 12,
19 I think the back is -- I just did this the
20 other day. We didn't put the lines in yet.
21 There's like 8 or 9 in the back of the
22 building, and then we have in front of the
23 building -- we have 10 spots in front. 4 are
24 for tenants that pay for parking, so we have 6
25

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1 for Sabin Meyer Corporation.

2 MR. PULASKI: There is an existing
3 building there. We didn't create a building.
4 There's a building. People were employed
5 there. They parked there.

6 MS. O'NEILL: Yes.

7 MR. PULASKI: Parking is a problem in
8 this town. It's a problem in a lot of towns.
9 At the same time, we need to maintain a viable
10 town with businesses and tax base and places of
11 employment for some of its residents. I think
12 similar to the prior application in which we
13 discussed odors, if we have a zoning code that
14 lists this as RB and allows it to have
15 restaurants -- and this is not a restaurant but
16 it allows it -- then I think we, as a Planning
17 Board, need to try to make it as nice of a
18 facility and as integrating with the community
19 a facility as it can. I think this facility,
20 from the way I read the application, is a lot
21 less of a degree, but talking about that
22 neighborhood not too distant away on the corner
23 of Maple and Brook there's an Italian pizza
24 restaurant, Mezza Luna, that came and relocated
25

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from Scarsdale Road, and further down going west you have a great bakery that I don't think anybody would complain about it's odors, other than they can increase the size of your waistline. So we need to assess all of these things in reviewing an application.

ACTING CHAIRMAN NEMECEK: What business was there beforehand?

MS. O'NEILL: Borg Kreisler. They were contractors.

MR. PULASKI: General contractor, architect, engineer.

MS. O'NEILL: And the other businesses are still there. The renters are still the same.

MR. MEYER: We actually have, as Grace had indicated, far future employees than they had. So we really have surplus parking.

MR. PULASKI: I'm not trying to do counts.

ACTING CHAIRMAN NEMECEK: I'm just trying to get a sense that you didn't dramatically increase the need for parking. It doesn't sound like that's the case, and it

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doesn't sound like you're putting on large scale demonstrations for all comers. So I'm a little less concerned -- and the frequency and duration of the demonstrations sounds like it's going to make this a pretty minor problem, if it's a problem at all. That's the sense I get. The parking issue seems to be largely addressed as well.

Did that address -- whether you agree or not, Mr. Sweeney, does that at least address the concerns? If you could come up.

MR. PULASKI: We love to hear you. We just want you to be on the record. You got a lot of people from your community, I'm sure they're watching you.

MR. SWEENEY: I think the plan is fine. The only issue that we may have is the stack on the top of the roof. It sits right behind three homes at the same level that the roof level is at. So maybe you could work out something in terms of exhaust or whatever they do. I wouldn't want to have the three people directly behind the building having sushi every night.

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MS. O'NEILL: Just so you know, actually the roof is here, the roof line is here, because on top of the roof is all of our air conditioning and that stuff. So there's a blockage. There's like a three foot perimeter at the top of the building so that anything any stack that would be --

ACTING CHAIRMAN NEMECEK: A parapet.

MS. O'NEILL: It's covered.

MR. PULASKI: That's good to know.

MR. SWEENEY: I don't have a problem with where it's going to be. The idea is that the homes directly behind the building could be at the stack level, and that's what my concern would be and the residents would have some concern. But if it's aerated in some fashion, I don't think it's going to be a problem. We like new neighbors. The idea is there are a couple of people on that street that basically expressed some concern about aroma, if you will.

MR. PULASKI: Thank you.

MS. O'NEILL: Thank you.

ACTING CHAIRMAN NEMECEK: Any other

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comments from the public?

(No comments.)

ACTING CHAIRMAN NEMECEK: I move to close the public hearing on Application 15-59, 95 or 97 Montgomery Avenue.

MR. PULASKI: Second.

ACTING CHAIRMAN NEMECEK: All in favor.

(All aye.)

MS. O'NEILL: Thank you.

ACTING CHAIRMAN NEMECEK: Not so quick. We haven't approved your application yet. No, we just closed --

MS. O'NEILL: The acoustics.

ACTING CHAIRMAN NEMECEK: Does the Board have any further questions?

MR. PULASKI: No.

ACTING CHAIRMAN NEMECEK: All right. I move to approve the application, 15-59, which is 95 or 97 Montgomery Avenue.

MR. PULASKI: Second.

ACTING CHAIRMAN NEMECEK: All in favor.

(All aye.)

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MS. O'NEILL: Thank you.

ACTING CHAIRMAN NEMECEK: Just try to work with the neighbors to reduce the possibility of the aromas.

All right. Finally, application seven of the evening, which is 15-47, 549 White Plains Road.

MR. FINELLI: Good evening, Mr. Chairman, members of the Board, Mike Finelli, the architect representing the owner. Thanks for seeing me tonight. Sorry we're here so late. We'll make it quick.

ACTING CHAIRMAN NEMECEK: I'm actually a Jets fan, so I'm a happy guy right now.

MR. FINELLI: I would like to make it home for some Giant game, but we'll see what happens.

Thank you again very much for seeing me. So we were at the ARB earlier this month, and we proposed the project that is before you. Just to, I guess, orient you as to where the project is, this is an empty parcel of land that sits immediately to the right-hand side of the Audi dealership right on Route 22 across

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from Eastchester High School. The current owner owns the property immediately to the right of this piece of property, which is 551 White Plains Road. This parcel is 549 White Plains Road.

This is an awkward shaped parcel, more trapezoid with a little flag that sits off the back right-hand corner. It is legally conforming in every way. We designed a home, a single family home just under 2,500 square feet, which is very much in keeping with the neighborhood. As a matter of fact, we took our cues for the design for the home architecturally as well as for the site from Apple Court, which is just a couple of hundred feet forward of this property. So again, our styling as far as the architecture goes from how the garage is designed sloping down under the house to the box bays to the material that we're using on the house to the roof pitches, we took a lot of those cues from the Apple Court houses. I took it a step further and took some of the material, the brick on the chimneys, for example, which I come to find

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were actually used on the renovation to the house immediately to the right by the owner/builder. So he had a big stock pile, they're actually hand molded brick, which I have samples of, so they're very nice brick. We have a bunch of them, and I want to use them on the chimney, both chimneys, that we're proposing to tie in to the house to the right. Being that the Audi Dealership is so modern, there is really nothing I could pull from the other side, but I don't want to turn my back on them, it is our neighbor.

That being said, the house itself is going to take more of a trapezoidal type shape. If you look at it from three sides, it looks completely like a normal colonial. I'll put the elevations up so I could point that out. Where it gets a little funky is from the rear elevation. Basically you've got -- it's almost like a triangle, so you have that one long side, and how we're handling the long side is we're going to continue the eve line completely around the entire project to kind of settle the roof on the house, but this portion of the roof

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will slope at a consistent five pitch, but where it intersects the main body of the house will be on a slight angle. We actually got this idea from Stewart Avenue, which is right behind us. As you're coming around, two of the houses that sit right on the corner are trapezoids themselves and they have a similar roof setup to this. So I stole that idea from that and tried to incorporate some of that.

Just, again, quickly from an architectural point of view, when you are coming up Stewart Avenue, which is the street directly behind this property, you do have views through the neighbors from behind and you are going to see portions of the back of the house. So I did layer gables and I extended some dormers off the rear of the house because this is the main view you're going to see, if anything, as you're coming through, you know, shooting up through the property because you're kind of coming up towards the property. So I didn't want it to be just a flat facade from the back. I wanted to give it a little character from the back as well.

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1 The material that we're using, we're
2 just trying to stay with a very simple pallet.
3 I have some samples here. Would you like me to
4 take them out and show them to you?

5 ACTING CHAIRMAN NEMECEK: Yes, please.

6 MR. FINELLI: So our brick, as I said,
7 is a hand molded brick and it's got a lot of
8 variation in it. As you can see, there's some
9 reds, purples, I think it's called burgundy if
10 I remember correctly. The stucco that we're
11 using is called bamboo in the beige family.
12 The roof sample, this is called slate. Our
13 stone, this is actually Tuckahoe granite, from
14 what I have been made to understand. So it's
15 locally sourced. It has grays, speckles of
16 oranges, tans. I think once you put these all
17 together, it forms a really nice color
18 combination. Like I said, being that we know
19 the brick was used in the adjacent house, we
20 just want to keep tying it all together. So we
21 don't want to just have the architecture stand
22 out and the views and the dormers and the
23 layered gables and we feel the materials will
24 be keeping with the neighborhood as well and

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1 what's going on in town.

2 I'm the only one here. Our landscape
3 architect did not make it nor did our civil
4 engineer, but I'm happy to walk you through
5 their drawings. I have them with us. If you
6 could just give me a second, I'll put them up.

7 ACTING CHAIRMAN NEMECEK: Go ahead.

8 MR. FINELLI: The top drawing is our
9 landscape architect's drawings, Anthony Zaino.
10 Basically he came in and did a very nice plan
11 for us. We're removing, I believe, five or six
12 existing trees which are just in the footprint
13 in the vicinity of the house. Everything else
14 is going to remain. So any large, mature trees
15 we're keeping. I have reasons for that, which
16 I'll go into in a minute. It's actually
17 specifically to address one of our neighbors
18 who sits right behind us. So I kept some of
19 the more mature trees. We're doing a lot of
20 planting at the foundation of the building,
21 again, just to help with not only the look of
22 the house but also with drainage, keeping the
23 water on site, large mulch beds and things of
24 that nature.

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1 As far as landscaping, I guess the
2 major thing I see, again as an architect, is
3 where the AC condenser is going to be placed.
4 I show them in the back right-hand corner of
5 the property, which is actually still part of
6 the setback. I try my best to keep it within
7 the setback whenever I can. So I created like
8 a little niche there where they can sit. They
9 too have been landscaped around, so that will
10 help with noise mitigation and also the look,
11 as well as keeping it away from the neighbors
12 on all three sides.

13 As far as our engineering
14 drawings go -- I'm sorry, I'm just glazing over
15 everything, but I'm happy to go into more
16 depth. We actually had test pits done for the
17 engineering documents. So these don't come out
18 of the storm water management base book that
19 everyone, I guess, uses to design with. We had
20 two deep hole pits dug, a couple of other pits,
21 again, from what I was told. Based on what I,
22 again, was told, that this system meets and
23 exceeds everything that's required by I think
24 it's 75 percent. So we have a bunch of

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1 additional space if we need it for additional
2 retention of water. I believe it does
3 everything we need. I'm pretty sure the town's
4 engineer has also looked at it. I haven't
5 heard anything back, so I'm assuming everything
6 is okay with the design as proposed. I'm
7 sure if there is anything else, we will hear
8 about it.

9 MS. UHLE: I think it still needs to
10 be reviewed by Alan Pilch.

11 MR. FINELLI: Okay. Excellent. As of
12 right now, I believe everything seems to work.
13 I guess, just to take it one step further, at
14 the ARB meeting we did have a neighbor come
15 out, Mr. Anthony Lauriello. He's here as well
16 tonight. He sits directly behind us. Right
17 after the ARB meeting, I went over to his
18 house, we walked his property, we looked at
19 some of his concerns and discussed his
20 concerns. I also had the builder, who's the
21 owner, come out as well. Since he lives right
22 next door, it made it pretty easy for me to get
23 him, and we went through his concerns, which
24 were mainly making sure that we don't have any

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1 runoff or any water issues. Being that our
2 property only slopes two feet front to back, at
3 his property line it takes off. So basically
4 at the property line to the front of his house
5 it drops about eight feet. So he was afraid
6 that we would actually be pitching water onto
7 his property. We are promising him that our
8 engineer designed system here will accommodate
9 a hundred percent of all increase in storm
10 water and will maintain it all on our property.
11 Anything we can do beyond that, we're happy to,
12 you know, speak to him and hopefully talk
13 about.

14 We went through the landscape plan.
15 One of his concerns also was the view from the
16 rear of the house, and I explained how I
17 designed the layered gables and how we're also
18 keeping the mature trees and a lot of the
19 plantings that are on the property line in
20 order to not change his view of what he's going
21 to see, you know, dramatically.

22 That being said, I also e-mailed the
23 drawings to him to let him actually look at the
24 house and how it was going to be laid out, and

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1 if they were any concerns, we would try to
2 address them. I hope we have. If there is
3 anything else we could do and any other
4 neighbor, we're always interested in helping
5 out and doing our part.

6 So beyond that, if there are any
7 questions, I'm happy to answer anything you
8 guys have.

9 **ACTING CHAIRMAN NEMECEK:** I have a
10 question about the garage. Is this a sunken
11 garage?

12 **MR. FINELLI:** It is. It's in the
13 basement, yes.

14 **ACTING CHAIRMAN NEMECEK:** On the storm
15 water plan I believe the proposed -- the
16 listing of the elevations for the proposed
17 dwelling I guess that first floor is 105?

18 **MR. FINELLI:** I see exactly what
19 you're talking about. I think it might be a
20 typo on the engineer's drawings.

21 **MS. UHLE:** This still does require
22 review by Alan Pilch. Also, our criteria is
23 for a 50 year storm event. This says 25 year
24 storm event. So that's very significant to

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1 point out.

2 **MR. FINELLI:** I will make it a point
3 to speak to Eliot Senor and have him fix not
4 only the elevation, the 50 year storm versus a
5 25. Yes, it does drop. I'm sorry that his
6 numbers were incorrect.

7 **ACTING CHAIRMAN NEMECEK:** So that's
8 going to be a number that's going to be lower
9 than 99 for the garage?

10 **MR. FINELLI:** Yes. I'm sorry, I'm
11 just trying to find that number on my drawings.

12 **ACTING CHAIRMAN NEMECEK:** It looks
13 like the highest elevation on the property is
14 on the lower right-hand corner where it's about
15 a hundred feet, I guess, and the first floor is
16 105. So if it's sunken, it's got to be --

17 **MR. FINELLI:** It's actually 8 foot 6
18 will be our garage height, so I add another
19 foot for floor systems, so about another nine
20 and a half feet down from the first floor.
21 Again, that was a typo on the engineer's
22 drawings. I'll point that out to him to fix
23 that.

24 **ACTING CHAIRMAN NEMECEK:** Okay.

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1 Margaret's comments on the need to do the 50
2 year storm as opposed to 25 is certainly
3 significant.

4 **MR. PULASKI:** Margaret, I'm trying to
5 understand the relationship between the
6 effective square rule and a house that has come
7 out trapezoidal.

8 **MS. UHLE:** The effective square is
9 simply a hypothetical or invisible square that
10 has to fit within the front portion of the lot.
11 In this case, you're in an R-5 zone or --
12 you're in an R-6, so it has to be 60 by
13 60 feet. The effective square just has to fit
14 in the front of the lot. So as long as it
15 could fit in the front, you could have an odd
16 shaped lot. What page are you on?

17 **MR. PULASKI:** It's this one here.

18 **ACTING CHAIRMAN NEMECEK:** The last
19 page.

20 **MR. PULASKI:** I thought one of the
21 purposes of that was to try to avoid houses
22 that weren't rectangular or square and you get
23 into these very thin, narrow houses that kind
24 of fit between things or this trapezoidal

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1 shape.

2 MS. UHLE: Yeah. I think it is to try
3 to have more regular shaped lots. Although, if
4 you look at this, the front portion of the lot
5 is a regular shaped lot and then it kind of
6 gets a little weird towards the back. I think
7 that, you know, it's to ensure that at least
8 within that 50 by 50 foot area or 60 by 60 foot
9 area you have a rectangular shape. Nothing in
10 the zoning law really addresses the shapes of
11 the homes themselves. The effective square,
12 that's always been my understanding that the
13 intent was to ensure more regularly shaped
14 lots, but that's not even clearly specified in
15 the zoning law.

16 ACTING CHAIRMAN NEMECEK: We have
17 dealt with some -- even recently -- some
18 somewhat unconditionally shaped buildings.

19 MS. UHLE: If you think about this,
20 this would appear conventional from the street,
21 and that's why I think there's that provision
22 that the effective square has to fit within the
23 front portion of the lot.

24 MR. PULASKI: I just think that if we
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1 did a lot of houses this way, it would start to
2 have an effect; one house here, one house
3 there. I think you've done a superb job in
4 trying to blend it. You have the back of the
5 parallel with that road and the front parallel
6 with the front road.

7 The other item is, apparently you're
8 taking a one story part of a house from the
9 neighboring property, you're taking that down?

10 MR. FINELLI: Yes. From what I
11 understand, they were before the Zoning Board,
12 they had approval to remove that, and I believe
13 that was part of the entire subdivision of the
14 lot and getting approval for this. But yes,
15 that has to be done before anything else
16 happens.

17 MR. PULASKI: Okay.

18 ACTING CHAIRMAN NEMECEK: When was
19 that done, Margaret?

20 MS. UHLE: Say that again. You lost
21 me there.

22 MR. FINELLI: If I remember correctly,
23 based on what I was told, part of the approval
24 for this lot was them having to go to zoning
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1 and getting approval to remove that portion --
2 I believe a sun room -- to remove that portion
3 of the house.

4 MS. UHLE: Yes, I understand what
5 you're saying, for the adjacent house to the
6 right. That was part of a re-division.

7 MR. FINELLI: I don't know if it was a
8 reapportionment. I'm not sure of the technical
9 term.

10 MS. UHLE: This is before we had in
11 our zoning law something called a merger clause
12 where you were permitted to, as long you
13 demolished a portion of the house to meet
14 certain setback and things -- I can't really
15 recall it, but --

16 ACTING CHAIRMAN NEMECEK: Was it some
17 time ago this was done?

18 MR. KING: Six or seven years ago.

19 MS. UHLE: At least that. At least
20 that.

21 MR. PULASKI: Is there anything that
22 we, as a Planning Board, have to review
23 relative to the house on the other property?

24 MS. UHLE: No, because they're not
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1 proposing a subdivision. This is a legal
2 building lot already. So that's --

3 MR. PULASKI: So it just comes before
4 the department of buildings --

5 MS. UHLE: Just for the new single
6 family home.

7 MR. PULASKI: -- as to how that
8 construction is going to take place?

9 MS. UHLE: That's correct.

10 MR. PULASKI: Okay.

11 ACTING CHAIRMAN NEMECEK: I move to
12 open the public hearing for Application 15-47,
13 549 White Plains Road.

14 MR. PULASKI: Second.

15 ACTING CHAIRMAN NEMECEK: All in
16 favor.

17 (All aye.)

18 MR. LAURIELLO: Good evening. I'm
19 Anthony Lauriello. I live at 83 Stewart
20 Avenue, which is directly behind the property.
21 Mr. Finelli has been very forthcoming and did
22 provide me with the plans after the last
23 meeting. We did go over some of the issues
24 with the drainage, which is my concern, because
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1 my property does sit significantly lower, and
 2 my understanding, and I assume that it's going
 3 to be reviewed, is that there is an area in the
 4 back that's going to have tanks put in for
 5 drainage and that that water will not -- he's
 6 guaranteed me that will not move towards my
 7 property, because my basement will be below
 8 those tanks. So he says that the water
 9 wouldn't travel that distance and I'm going by
 10 that.

11 MS. UHLE: You know, I think I had
 12 mentioned at the last meeting, we will have our
 13 civil engineer review the plans, and I'm happy
 14 to have you speak with him directly too so that
 15 he could understand -- his civil engineer is
 16 designing it hopefully with your concerns in
 17 mind, and then our engineer that's reviewing
 18 his work can review it with your concerns in
 19 mind too, and I'm happy to have you speak with
 20 him directly or meet him out at the site just
 21 to give you a little more --

22 MR. LAURIELLO: How would I get in
 23 touch with that person?

24 MS. UHLE: You could just give me a
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1 call in the office if you would like. I'm in
 2 the Building and Planning Department.

3 MR. LAURIELLO: Otherwise, I have no
 4 issues with the house, I have no issues with my
 5 neighbor.

6 MR. PULASKI: Where is your property
 7 relative to this house; is it on the other side
 8 of Stewart?

9 MR. LAURIELLO: No. My backyard is
 10 this area here. There is a neighbor right here
 11 where the garage is, my house, and then the
 12 next house.

13 MR. PULASKI: Okay. And from your
 14 property to the applicant's property, it's
 15 level or it slopes?

16 MR. LAURIELLO: My backyard is
 17 terraced a little bit and his sits above mine.
 18 As he said, from my backyard to the front has a
 19 significant drop, whereas his is much more
 20 level. So From his area he's above me and then
 21 it sort of drops significantly.

22 ACTING CHAIRMAN NEMECEK: Is there a
 23 retaining wall?

24 MR. LAURIELLO: I believe there's a
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1 retaining wall on the map that's semi buried.
 2 That may be an old retaining wall. That's one
 3 of the things that we had talked about just
 4 now, whether it's on my property, the retaining
 5 wall, whether it's on their property. I think
 6 it's on both depending on where you are in the
 7 distance of the retaining wall. So if you look
 8 at the garage where it says "frame of garage,"
 9 that area is lower and you could see actually
 10 more of the wall. When you come into my area,
 11 that wall I think was buried, so you only see
 12 maybe the top foot or so. So I'm not sure
 13 what's there.

14 ACTING CHAIRMAN NEMECEK: You're at a
 15 lower elevation, so --

16 MR. LAURIELLO: Yes. It basically
 17 drops down. I think we did a calculation when
 18 we were in the hallway just looking at the plan
 19 even with the tank being six feet down my
 20 basement would still be below it. So assuming
 21 that the water doesn't travel in that
 22 direction, I wouldn't have an issue.

23 ACTING CHAIRMAN NEMECEK: Mr. Pilch,
 24 he's the town's consultant, or for purposes at
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1 least of this assignment he will be
 2 representing the interest of the town, which
 3 includes you. So if you get in touch with
 4 Margaret, she will be able to put you in touch
 5 with him, and I'm sure he'll be able to answer
 6 whatever question you might have, because given
 7 the slope of the property you are the
 8 individual probably most directly affected by
 9 any storm water management issues.

10 MR. LAURIELLO: Right. I appreciate
 11 the extra effort my neighbor is making to deal
 12 with it.

13 MR. PULASKI: From the looks of the
 14 applicant's property, it doesn't look like his
 15 property has a significant pitch, and if the
 16 water goes into these units and they are
 17 calculated right, the water should stay
 18 underground and not come back out.

19 ACTING CHAIRMAN NEMECEK: That's what
 20 Alan Pilch will be able to tell you.

21 MR. LAURIELLO: That's what my
 22 understanding of how the system is supposed to
 23 work. The way I look at it as a lay person is
 24 that you now have a big drainage area that's
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1 becoming a small drainage area and the catch
2 basin for that is now being put to the back
3 closer to my property. So I sort of see it as
4 removing, moving it closer to me, and pooling
5 the water in that area to be drained down, and
6 I understand that they've done some tests,
7 which I really appreciate, and I assume that it
8 will be verified that I could feel a hundred
9 percent sure that I won't have a swimming pool,
10 you know, after the house is built.

12 I'm perfectly fine with the house, and
13 I appreciate what they've done and I appreciate
14 the shaping of it so people on Stewart Avenue
15 could have something that is not a box. So I'm
16 glad that that's being done. Mr. Finelli has
17 been great about it.

18 ACTING CHAIRMAN NEMECEK: Okay. Thank
19 you.

20 MR. LAURIELLO: Thank you.

21 ACTING CHAIRMAN NEMECEK: Should we
22 leave open the public hearing?

23 MS. UHLE: I think you're fine to just
24 as a condition of approval to say as a
25 condition of the building permit is final

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2 review and approval by the town's engineer.

3 ACTING CHAIRMAN NEMECEK: Including
4 updating the storm water management plan.

5 MS. UHLE: That's definitely part of
6 Alan's review and approval.

7 ACTING CHAIRMAN NEMECEK: Okay. All
8 right, that's fine. Then I am comfortable and
9 move to close the public hearing on Application
10 15-47, 549 White Plains Road.

11 MR. PULASKI: Second.

12 ACTING CHAIRMAN NEMECEK: All in
13 favor.

14 (All aye.)

15 ACTING CHAIRMAN NEMECEK: I will also
16 move to approve Application 15-47, 549 White
17 Plains Road subject to approval by the town's
18 consultant, Mr. Pilch or -- is Alan Pilch
19 officially the -- I could put that condition?

20 MS. UHLE: On this particular project,
21 yes.

22 ACTING CHAIRMAN NEMECEK: On this
23 project.

24 MS. UHLE: On storm water management.

25 ACTING CHAIRMAN NEMECEK: On storm

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2 water management. So subject to the town's
3 storm water management consultant's approval of
4 the updated storm water management plan, which
5 will include corrected 50 year storm
6 calculations, subject to that approval I move
7 to -- subject to the consultant's approval, I
8 move to approve application --

9 MR. PULASKI: I think we should add
10 one further condition to that: That they
11 become cognizant of this neighbor's concern
12 and, if necessary, go over there and look at
13 the property so he understands it so that we
14 don't have any problems going forward.

15 MS. UHLE: Okay.

16 MR. PULASKI: I second that.

17 ACTING CHAIRMAN NEMECEK: All in
18 favor.

19 (All aye.)

20 MR. FINELLI: Thank you.

21 ACTING CHAIRMAN NEMECEK: Thank you.

22 With that done, I move to close the town of
23 Eastchester Planning Board meeting of
24 September 24, 2015.

25 MR. PULASKI: Second.

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2 ACTING CHAIRMAN NEMECEK: All in
3 favor.

4 (All aye.)

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7 (Meeting Adjourned.)

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EASTCHESTER PLANNING BOARD - 9/24/15

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

STATE OF NEW YORK)
) ss.

COUNTY OF WESTCHESTER)

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

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

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

IN WITNESS WHEREOF, I have hereunto set
 my hand this 13th day of October, 2015.



DINA M. MORGAN
 Court Reporter

DINA M. MORGAN, REPORTER

EASTCHESTER PLANNING BOARD - 9/24/15

CORRECTION SHEET

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