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TRANSCRIPT OF
TOWN OF EASTCHESTER PLANNING BOARD MEETING
MARCH 22, 2018

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

BOARD MEMBERS IN ATTENDANCE:

CHAIRMAN JAMES BONANNO

ROBERT PULASKI, MEMBER

PHILIP NEMECEK, MEMBER

EASTCHESTER EMPLOYEES IN ATTENDANCE:

ROBERT TUDISCO, DEPUTY TOWN ATTORNEY

JAY KING, BUILDING INSPECTOR

MICHAEL VERNON, ASSISTANT PLANNER

Dina M. Morgan, Reporter

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THE CHAIRMAN: Good evening. This is the town of Eastchester Planning Board meeting of March 22, 2018. Please rise for the Pledge of Allegiance.

(Whereupon the Pledge of Allegiance was said.)

THE CHAIRMAN: I'm going to do attendance. Mr. Robert Pulaski.

MR. PULASKI: Present.

THE CHAIRMAN: Jim Bonanno is here.

Phil Nemecek.

MR. NEMECEK: Present.

THE CHAIRMAN: Bill West and Mark Cunningham could not join us tonight.

There's only three of us, so just a matter of pointing out since there's only three of us up here, any vote we do tonight has to be unanimous, all three of us have to agree, as opposed to if there was five, in which case I think it's a simple majority governs but now it has to be unanimous.

There's one, two, three, four -- four applications on the agenda tonight, and that is 330 White Plains Road, 19 Stebbins, 10 Morgan,

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With that, the first application is 17-55, 330 White Plains Road.

MR. IANNACITO: Good evening. My name is John Iannacito, I'm an architect, and I'm representing Cos-Jon, LLC, the owners of the subject property. We are proposing a one story addition and a change of use to the existing Type 1 food service establishment located at

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330 White Plains Road.

This application was presented to the Planning Board on November 30th, 2017 for preliminary review, and then it was referred to the Zoning Board for variances.

The proposed scope of work will include the removal of a non-compliant structure at the rear of the existing property, which is highlighted here on the existing survey. We are proposing a one story addition at the rear of the existing structure, which is highlighted here on the proposed site plan. We are proposing a change of use from a deli to a

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pizzeria. We are proposing exterior facade alterations and we are proposing site alterations, which will include a new parking layout and new landscaping.

The existing parking lot has a large, long continuous curb cut, and the vehicles need to back out over the sidewalk and over the right-of-way out into the street. We've made revisions to the parking layout and we've reduced the size of the curb cut and created a safer access for both pedestrians and for vehicles.

We are proposing to remove and replace the existing fencing along the rear property line, and the new fencing will be a 6 foot vinyl fence, and we are proposing new landscaping both on the site and along the front property line in order to continue the existing street-scape that happens along White Plains Road.

Here we have the landscape plan, which was part of the packet, and it shows the new landscaping here in this back corner and a couple of lilac trees along the front.

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The existing structure is currently 1,236 square feet and it's used as a deli. Here is the existing floor plan with the deli space, a small walk-in refrigerator, and a small kitchen. The lower floor of the structure is currently used as a prep area and storage. The proposed addition will add 294 square feet and it will create additional space for a new walk-in box, walk-in refrigeration, and new handicapped accessible toilet rooms, which are shown here at the back of the structure. We are proposing interior dining area and we are proposing an exterior season dining area. The change in use will require an amendment to the existing special permits for a Type 1 food establishment service and the outdoor dining will require a new special permit. So we have an amended special permit and a new special permit.

This application was presented to the

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Zoning Board on February 13th, 2018, and area variances were granted for the following:

The first was for a rear yard setback to the addition; a second was for a side yard
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setback to the addition; third was for the number of off-street parking spaces; and the fourth was for a backup aisle width in the new parking area.

On the facade, the front facade we are proposing a larger opening, new folding glass doors and a new awning. On the side of the building facing the parking lot, we are proposing new windows and a new awning, and then this is the addition at the rear, a one story addition which will be lower than the rest of the structure and will not really be visible from the street.

Here we have a rendering of the new facade. The existing brick and stone veneer will remain on the wall surfaces. The new surfaces for the addition at the rear will be a HardiePlank siding in an autumn tan finish. The new windows will be aluminum in a black finish. The trim at the addition at the rear will be AZEK painted to match the siding. The new coping along the top of the building will be aluminum in a black finish, and the new awnings will be a Sunbrella fabric in a black
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finish.

This application was presented to the Architectural Review Board, and it was approved with two recommendations on March 1st, 2018. The first was to review the height and the style of the two sconces here at the front of the building. We did raise the sconces up. They didn't get raised on the rendering but they were raised on the elevation, and the new height will be seven and a half feet above the pavement. We did look at different styles of lighting for the front, but we've decided to stay with the vintage arm fixture. We felt it worked better with this facade. I do have some sample photographs of other applications where they used a similar light fixture for restaurants, and I could show you that.

The second recommendation was to review the lighting for the parking lot. So in the parking lot we are proposing new bollards, and the bollards will have lights on top. We are proposing one bollard at each parking space. So the bollards will be along this side of the parking lot, along here on the building,
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and then also on the adjacent property. We feel that that will allow enough lighting for

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the parking lot. I did include a cut sheet of the bollards with the application packet.

Thank you for your time, and I'm happy to answer any questions you have.

THE CHAIRMAN: Since you're talking about lighting, you said there's one at each parking, I see those; are there any others?

MR. IANNACITO: No, just at each parking space we're going to have one bollard with a light at the top. On the building, there's the two fixtures on either side of the opening and the lighting for the side.

MR. NEMECEK: What are the intended hours of operation for the pizzeria?

MR. IANNACITO: The hours of operation will be 11 in the morning to 11 at night seven days a week.

MR. NEMECEK: What are the operations of the delicatessen that's there right now?

MR. IANNACITO: The deli?

MR. NEMECEK: Yes.

MR. IANNACITO: I think they were

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probably -- they were probably earlier in the morning and then they closed probably around 6.

MR. NEMECEK: Okay. Has there been any arrangement made with the neighboring parking lot, the adjacent parking lot just to the south?

MR. IANNACITO: We gave the owner the contact information. I'm not sure if they've reached out. They haven't reached out to them yet. They will at some point try to reach out and see if they could use that later at night in the evenings. That's for the building across the street, which in the evenings the lot is pretty much empty. The variance for the parking was granted without any conditions of trying to get any parking from neighboring properties.

MR. NEMECEK: Okay. I'm just concerned about it with the additional seating area; for example, people are going to be presumably staying there a little longer than they were at the deli. Even if you -- you would know that in this town we occasionally have issues with parking and with people

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parking in lots that perhaps customers are not technically permitted to park in, and it's for that reason that I ask whether there's been any reach out to -- because we, by the way, just addressed an issue -- I don't recall the precise address -- the parking lot just to the south of this application, and they're doing substantial renovations to that parking lot in part because the employees who work across the street wanted lighting, they wanted just a better parking lot.

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MR. IANNACITO: Right.

MR. NEMECEK: So it would be nice if you could all work together, and particularly if, as you say, the hours of your operation -- maybe even some of the peak hours -- may be later in the evening when there's less usage of the parking lot from the building across the street. But that's, you know, pure speculation at this point.

MR. IANNACITO: They are planning to reach out to them, so hopefully they can come to some kind of an agreement.

MR. NEMECEK: They have reached out to
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them; right?

MR. IANNACITO: They have not.

MR. NEMECEK: Okay. All right.

THE CHAIRMAN: So the brick finish on the street face is existing?

MR. IANNACITO: It's existing, yes.

So the only thing we're doing in the front is we're making this opening wider.

THE CHAIRMAN: And both sides --

MR. IANNACITO: Have the stone veneer on it.

THE CHAIRMAN: Oh, they have a stone veneer not the same brick. Which is existing?

MR. IANNACITO: Yes. Then the rear will have HardiePlank siding.

MR. NEMECEK: John, I know you do us a big favor by -- I think you farm these out and you have somebody present what the structure is going to look like, and it really does help us conceptualize it, but I have to have a little bit of fun here and ask whether the forest that's to the right of the building is --

MR. IANNACITO: I think if you look at the photos, there is a lot of plantings on this

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neighboring property. There is a big, open lot right behind this property. I'm not sure if it's this thick, but it looks good.

MR. NEMECEK: There are actually quite -- you could see it from some of the illustrations that are actual as opposed to --

MR. IANNACITO: I think I have picture right here of the existing.

MR. NEMECEK: There are actually trees back there, but just to the right there it does look like it's a nature preserve right next door.

MR. IANNACITO: These are samples of the lighting.

MR. NEMECEK: I agree that they have to come up from where they were depicted.

THE CHAIRMAN: Is there a separate landscape or we're just using the site plan for landscape?

MR. IANNACITO: There's a separate

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landscape plan. It's not a tremendous amount of new landscaping, it's that one corner, and then along the front here we're going to do some grass and a couple of trees. So we have
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some plantings along this corner and then on the front. I think she has everything labeled there in her schedule.

MR. NEMECEK: There's not a lot of pervious surface.

MR. IANNACITO: We had a different -- the first scheme that we had, we were leaving the parking lot almost similar to what was existing today and we had a lot more landscaping. Then after sitting down with Margaret and reviewing different options, we came up with this new parking layout, which is a much better layout, but it limited the amount of landscaping.

MR. PULASKI: I agree. It also means that people will use the cut as opposed to the other way, which would have had them driving over the sidewalk again.

MR. IANNACITO: Yes.

MR. NEMECEK: There are quite a number of plants on the adjacent properties that sort of defuse that otherwise stark look.

MR. IANNACITO: I mean, we have Country Market is a big parking lot, and then
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you have the open parking lot on the other side also.

THE CHAIRMAN: So to the two permits, one is the special permit --

MR. IANNACITO: One is an amendment to the existing --

THE CHAIRMAN: Right.

MR. IANNACITO: -- For the Type 1 food establishment, and then the second is for the outdoor dining.

THE CHAIRMAN: Outdoor dining. Does that have to be reviewed every year, the outdoor dining?

MR. IANNACITO: I'm not sure.

MR. NEMECEK: Are there restrictions on the months in which the outdoor dining is permitted?

MR. IANNACITO: I'm not sure if there's restrictions, but obviously the weather will restrict it. I guess it's really during the summer months, a little bit in the spring, and a little bit in the fall. Maybe it will end up being six months maximum of outdoor dining.

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THE CHAIRMAN: I don't have any other questions. I think it looks very nice. Thank

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you.

This is an open public hearing, so let's see if the public has any comments.

(No comments.)

THE CHAIRMAN: Since there are no comments --

MR. TUDISCO: Did you make a motion to open it?

MR. PULASKI: I think we had it open.

MR. IANNACITO: It was open from previously.

THE CHAIRMAN: Okay, good. So then I make a motion to close the public hearing on Application 17-55, 330 White Plains Road.

MR. PULASKI: Second.

THE CHAIRMAN: All in favor.

(All aye.)

MR. NEMECEK: One other question: Where is the entrance?

MR. IANNACITO: In the center one panel will be an operable door.

MR. NEMECEK: One or two?

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MR. IANNACITO: We could make two of them that are operable.

MR. NEMECEK: That will be the logical place for it, underneath the sign right in dead center. Whether you want it one or two, whether you want to have --

MR. IANNACITO: I think on the floor plan it shows it. So this one here, this one would be the operable and the rest would fold over.

MR. NEMECEK: Okay. I'm sure you'll make it obvious which one is the door.

MR. IANNACITO: Yes, we'll get to that point.

THE CHAIRMAN: Our consultant look at all the Cultec calculations and all that?

MR. IANNACITO: Because it's an existing structure, I don't think the consultant has to look at it. Most of the lot is paved already, but we are going to add dry wells when we re-pave the parking lot. So we'll add some new drains and some new dry wells.

THE CHAIRMAN: Oh, you increased

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the --

MR. IANNACITO: No, it's no increase in impervious surface.

THE CHAIRMAN: But you're going to add them nevertheless?

MR. IANNACITO: Yes, we'll have to do something out there. We don't want to have the water fill up the parking lot.

THE CHAIRMAN: So then we'll go through the special permit approvals or we'll make motions for those and then we'll do the

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application. I'll do them together. I make a motion to grant an amended special permit approval -- let's do that, amended special permit approval for this application, 17-55, 330 White Plains Road.

MR. PULASKI: Second.

THE CHAIRMAN: All in favor.

(All aye.)

THE CHAIRMAN: Then I make another motion to grant the special permit application for outdoor dining for the same application.

MR. PULASKI: Second.

THE CHAIRMAN: All in favor.

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(All aye.)

THE CHAIRMAN: Then I think as far as the application goes, just subject to the standard qualification that the landscaping is reviewed upon completion by the Building Department.

MR. IANNACITO: Right, and we need a sign off from the landscape architect.

THE CHAIRMAN: Right. So with that, I'll make a motion to approve Application 17-55, 330 White Plains Road.

MR. PULASKI: Second.

THE CHAIRMAN: All in favor.

(All aye.)

MR. IANNACITO: Thank you.

THE CHAIRMAN: Thank you very much.

Very nice. It's going to be my new favorite deli.

MR. NEMECEK: The pizza better be good.

THE CHAIRMAN: The next application is 17-67, 19 Stebbins Avenue.

MR. IANNACITO: Good evening, again. John Iannacito, I'm an architect, and I'm

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representing Mr. and Mrs. DeBietto this evening, the owners of the subject property. We are proposing an addition and alterations to the existing single family residence located at 19 Stebbins Avenue.

The proposed scope of work will include a one story addition at the front and side of the existing residence, which is highlighted here on the proposed site plan, and we're also proposing site alterations, which will include the relocation of the curb cut from Everett Street to Stebbins Avenue. So we're removing the curb cut here, the large curb cut on Everett Street, and we're going to create a new curb cut on Stebbins Avenue to enter the new garage in the addition.

This application was presented to the Zoning Board and the following area variances were granted on February 13th, 2018:

The first was for a front yard

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setback. On this particular lot, Everett Street is the front of the house even though the actual front entry is on Stebbins, so we needed a front yard setback from Everett
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Street. The second variance was for the total gross floor area, and then the third was for the total impervious coverage.

I'll quickly go through the plans. Here we have the foundation plan or basement plan showing the proposed addition highlighted, and that will consist of a new two car garage. On the first floor, here's the addition highlighted, and that will consist of a new family room. Then up on the second floor, we're proposing alterations to an existing dormer, an addition of a second dormer, and then a new window up in the attic area.

We have the facade, the front facade, showing the two story addition, the expanded dormer and the new dormer, and the new window up in the attic. Then the rear elevation, the addition, and then the side addition as viewed from Everett Street.

I have a rendering showing the finished materials. The wall surfaces will be cedar shakes to match existing, the existing stone veneer at this end of the house will remain, and the new retaining walls along the
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driveway will match that stone veneer. The roof surfaces will asphalt to match existing. The windows will be vinyl clad in a white finish, the trim boards will be painted AZEK in a white finish, the gutters and leaders will be aluminum in a white finish, and the overhead door will be fiberglass in a white finish.

The application was presented to the Architectural Review Board, and it was approved with three recommendations on March 1st, 2018. The first was to show the locations of the proposed and existing air conditioning units on the site plan. Here's the site plan. The existing air conditioning units, two of them are located right here adjacent to the pool equipment, and then a third smaller condenser will be added at the rear of the property. The second recommendation was to provide some landscaping for the existing condensers at the front of the house here, so we're going to provide some planting to screen those condenser units. The third comment was to show the attic window on the floor plan. On the previous set, it wasn't shown on the second floor plan so I
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added that onto the plan.

That's basically it. Thank you for
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your time. I have samples of the cedar shakes and a catalog cut of the garage door.

MR. NEMECEK: What's being done -- can you explain the storm water management, because this is a significant increase in the impervious surface.

MR. IANNACITO: We're adding new dry wells off to the side, and we'll have a new drain in the driveway that connects back to those dry wells.

THE CHAIRMAN: I do have to ask -- can you go back to the rendering, please. It's beautiful, but are there gutters and where are the leaders?

MR. IANNACITO: There are no gutters or leaders on the renderings.

THE CHAIRMAN: I know but where are they going to end up?

MR. IANNACITO: We'll have them on the corners here.

THE CHAIRMAN: Yes, one there, one there.

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MR. IANNACITO: And then the rest of it is existing.

THE CHAIRMAN: Got it. So it will just be --

MR. IANNACITO: The gutters don't look so great on the rendering.

THE CHAIRMAN: As long as we know that they're going to be --

MR. IANNACITO: They'll be there at some point.

THE CHAIRMAN: Sometimes you see them like in the strangest thing and it ruins the whole look.

MR. IANNACITO: We'll try not to cut across anywhere.

MR. NEMECEK: The Chairman always brings that up, his mind is constantly --

THE CHAIRMAN: In the gutter. You set me up for that.

MR. IANNACITO: Here's a sample of the overhead door and the cedar shakes.

MR. PULASKI: We base approval on what's on the plan, not what's in his rendering.

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MR. NEMECEK: That's true.

THE CHAIRMAN: It's going to be blue; right?

MR. IANNACITO: It will be exactly the same color of the existing house.

THE CHAIRMAN: Was there landscaping shown?

MR. IANNACITO: No. This is an addition, so landscape plans are not required but there will be some landscaping. I'm not sure if it will be like what's on the

rendering.

THE CHAIRMAN: Okay, got it.

MR. NEMECEK: I do like the renderings because they really do help us conceptualize it. I think they're pretty representative because I've looked at a number of them and the as-builts look pretty close. You get a very good sense of what it is. I know they're not perfect and sometimes we have a little fun with it, but they are helpful so thank you.

THE CHAIRMAN: So then let's do the public hearing for this. Hang on a second, please. So I make a motion to open the public

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hearing on this application, 17-67, 19 Stebbins Avenue.

MR. PULASKI: Second.

THE CHAIRMAN: All in favor.

(All aye.)

(No comments.)

THE CHAIRMAN: I make a motion to close the public hearing on the same application, 17-67, 19 Stebbins Avenue.

MR. PULASKI: Second.

THE CHAIRMAN: All in favor.

(All aye.)

THE CHAIRMAN: I don't think we have any more comments. Another fine job. Thank you. Nice addition to the neighborhood.

MR. NEMECEK: It really is quite a nice enhancement and I like the aesthetics of it.

THE CHAIRMAN: I'm definitely going to swing by and take a look and hold up the rendering and see what Phil said.

I make a motion to approve Application 17-67, 19 Stebbins Avenue.

MR. PULASKI: Second.

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THE CHAIRMAN: All in favor.

(All aye.)

MR. IANNACITO: Thank you.

THE CHAIRMAN: Thank you very much.

Grab all your stuff before you go.

The next application is 17-17, 10 Morgan Street.

MR. COTUGNO: Good evening. My name is John Cotugno, I'm the architect. The homeowner, Joe Nannariello, is with me tonight. This is for a new two family house at 10 Morgan Street.

We started this process I believe in June of 2017. We went before the Architectural Review Board and they had some comments, one of which was we should ask for a variance and move the house forward, which we did. So rather than the 30 foot required, we now have it at 20 feet, which was a great idea; 1, because the owner got a partial excavation permit and he

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started chipping away at the rock and it is solid rock there, so the more you go back, the more rock you have to remove. It also made sense to pull it forward so it's in more direct

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alignment with the houses next door, which one was 20 feet, the other one is a corner house it's only 14 feet. So this is much more in keeping with the neighborhood. So that was a great idea they had. I usually don't like to ask for variances, but the pluses outweighed the minuses environmentally and visually as well.

So we went for the variance I believe in November, and then we went back to the Architectural Review Board last month and they approved it. They told me to make sure I locate the air conditioning units and bring samples of the garage doors, which I have all that with me tonight.

So just to describe the house a little, it's somewhat -- it's definitely symmetrical. The property slopes steeply from rear to front, so we tried to work with the house with the property so the garage is at the basement level.

In order to keep the house more of a low profile, we have nice overhangs, deep overhangs that bring down the roof line, and we

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just have dormers. So the second floor has that dormered look rather than a full two story with a roof up above. We did put the air conditioner -- which shows on your plans -- the compressors on the terraces in the back -- the patios I should say. The patios are slightly submerged because of the way the property goes up. So the back wall of the terrace will be a retaining wall. The property is terraced now. There's stone walls starting at the front, and our new driveway will be in the same opening that the stone wall is now, and then there are several other walls across the back. We're keeping all of those walls, and again, we're trying to just fit the house into that environmental slope that's there now.

We hired a landscape architect, Rob Sherwood, and he has two large 8 foot flowering trees in the front. Again, his landscaping plan is symmetrical, just like my elevation and floor plan, and we have various shrubs, arborvitaes along the retaining walls in the back and along the sides and the front.

Eliot Senor went over the design. He

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did a test pit and the property had zero percolation, it doesn't perc out at all. So

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all the water from the terraces, the driveway and gutters and leaders will go into first a manhole catch basin, and then there's a 36 inch pipe that's 64 feet long called a row pipe, so it will go to a detention basin, and then from that detention basin there's another clean out, and then it eventually goes out to the storm sewer system, which was approved by Hector, because that's the only method to drain this property since it has zero percolation.

So the house will have a Timberline charcoal gray roof, it will have gray HardiePlank, white trim. I brought samples. This is the gray HardiePlank with white trim. Being that the garage doors play a big role as well as the front doors, it will all be mahogany, a designer series door. This is a picture of it. There's a matching front door with the same delineation, mahogany with the same panel as the garage doors. They also asked that I bring the sconces, which will be by the front doors on either side in the front,

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and by the sliding doors in the rear it will be a bronze lantern like that. They asked that I bring a sample of the eave trim, which we picked out a Dyke's trim 7 and a half inches on the sides around the gables. What else? I think that's all I have in my bag of tricks for tonight.

MR. PULASKI: John, have they been successful in getting enough depth in that stone or are they still working to achieve that?

MR. COTUGNO: Depth in what?

MR. PULASKI: Well, the house is --

MR. COTUGNO: It's built into the rock, into the hill.

MR. PULASKI: So have they gotten enough depth or is there --

MR. COTUGNO: Yes. By the test that he did, and again, by moving the house forward I think it's going to work out fine. As best as it could work out. It's not an ideal situation, but we made it work by making the house smaller, which we did, and a little wider, and so again not biting into that,

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because the more you go back, the more those patios will be submerged, you know, below ground. Right now the wall, as you could see on the elevation, I think it's only like 2 and a half feet. As we had it before, it would have been like a 6 foot high wall, the patio. The yard space is not all that useful, that's why I didn't even want to put the air conditioners in the yard because it's just too vulnerable due to the rock and the hill.

MR. PULASKI: I know, it's a tough

site.

THE CHAIRMAN: Where is the pipe you were talking about shown on the plan?

MR. COTUGNO: What's that?

THE CHAIRMAN: The pipe, the detention tank, is it on one of these plans? Which one? On that one?

MR. COTUGNO: This is the engineer's plan. Like I said, there's drains on the patio, drains through the driveway, and on all four corners. It goes to a manhole, a clean out, and then there's a 6 foot pipe that goes across the front, across the driveway, it goes

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into another clean out, and then goes into the storm drainage. It trickles out slowly.

THE CHAIRMAN: What are you looking at? Which drawing is that on?

MR. COTUGNO: What's that?

THE CHAIRMAN: Which drawing is that on?

MR. COTUGNO: Which what?

MR. NEMECEK: Sheet. Sheet. Does the sheet have a number?

MR. COTUGNO: Sheet one of two.

MR. NEMECEK: Does it have an alphanumeric? We have A101, A102, A103.

MR. COTUGNO: Those are the architect's plans.

THE CHAIRMAN: This is Gabriel Senor's sheet.

MR. COTUGNO: I have two sheets from him, so a detail of that pipe?

THE CHAIRMAN: We have the same drawings, I just don't see that pipe on the drawing we have.

MR. PULASKI: I don't think we see the detention pipe.

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MR. COTUGNO: You could have this one.

THE CHAIRMAN: It's not on this one is the point.

MR. PULASKI: You see the proposed water, the proposed sewer, it goes straight out.

THE CHAIRMAN: Oh, there it is. Yes, it's on yours, it's not on ours.

MR. COTUGNO: I'm sorry, I don't know why.

THE CHAIRMAN: So is there anything else on yours that's not on ours?

MR. COTUGNO: What's that?

THE CHAIRMAN: Is there anything else on this street that's not on ours?

MR. COTUGNO: No, it's just that.

MR. NEMECEK: What's the date on that sheet?

THE CHAIRMAN: August 21st, 2017.

MR. PULASKI: We have one architect

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that doesn't put the gutters on, another architect that doesn't put the sewer on, and Margaret's not here.

MR. COTUGNO: It's the computers.
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It's probably on a different layout. He went over it also with the consultant, Joe Cermele.

MR. NEMECEK: Also, this engineering plan depicts the building set back further, right, it hasn't moved it up? It looks like it's in the center of the property.

MR. COTUGNO: It should be in the same place.

MR. NEMECEK: It's in the same place?

MR. COTUGNO: Yes.

MR. PULASKI: It says 20 feet.

MR. COTUGNO: 20 feet. He had changed it because originally when we were going with the 30 foot, we had hired him, and again, the building was slightly different size and shape, and then he just revised it when we went before the Architectural Review Board. Now that we knew that's what we were definitely going with, he revised it.

MR. NEMECEK: I visited the site just briefly, I didn't go onto it because it's just a dug out excavation there, but there is a fence in the back part of the property; is that the back end of the property or is that sort of

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the midway?

MR. COTUGNO: I think it shows on the survey that fence is -- there's two fences I think; one is way back and one is on his property.

THE CHAIRMAN: Right. So there's a fence on what you just handed me?

MR. COTUGNO: What's that?

THE CHAIRMAN: There's a fence on this sheet?

MR. COTUGNO: It should show on the survey. One of the surveys shows both the fences. It's not on that sheet. We submitted a separate survey that shows both fences and the locations. I know one is way up on the next property, but it definitely shows on the survey. I don't have a copy with me but you definitely have it.

MR. NEMECEK: I know it's a very challenging property because you could see what looks like bedrock not too far in.

MR. COTUGNO: Right.

MR. NEMECEK: So the garage is going to be sort of right off of the street?

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MR. COTUGNO: That's the beauty of it, you pretty much go straight in the garage.

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MR. NEMECEK: And there's enough clearance there to fit the garage in before you hit the rock?

MR. COTUGNO: Correct, yes.

MR. PULASKI: It sounds to me like they're already hitting the rock, you just got less.

MR. COTUGNO: Less, less, less.

THE CHAIRMAN: Back to the survey with the fence, I don't have it. Do you guys have it?

MR. COTUGNO: There's a separate survey I submitted.

MR. NEMECEK: I see it, yes. It's this one.

MR. COTUGNO: The 11 by 17 shows the fence.

MR. NEMECEK: Stockade fence.

MR. COTUGNO: The survey shows all the walls. The stone walls are kind of good looking and we are keeping the walls. We're working with the walls and keeping everything

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that's there.

THE CHAIRMAN: The only other question I guess is on this plan that you gave me showing the pipe, where are all the inverts and who did all the calculations on where it needs to be and where the inverts on the street are; are they on here? That's this one. I mean, how far down does this have to go to hit the street when it drains to the street?

MR. COTUGNO: The number is over there.

THE CHAIRMAN: That's the number on the street?

MR. COTUGNO: I can't see it from here but that's it.

THE CHAIRMAN: I can. 203.9.

MR. COTUGNO: Yes. So that gives you an idea in relationship to the other numbers.

MR. PULASKI: Jay, is there anything that they have to provide that a consulting engineer has to review relative to this?

MR. COTUGNO: We sent it up to him.

MR. PULASKI: You did?

MR. COTUGNO: Yes.

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MR. PULASKI: Okay.

THE CHAIRMAN: So he reviews?

MR. COTUGNO: Yes.

MR. PULASKI: Have we gotten a response back from him yet?

MR. KING: I don't believe so.

MR. COTUGNO: No.

MR. PULASKI: So whatever decision we make will be conditional on his response.

MR. COTUGNO: Yes.

THE CHAIRMAN: The one he submitted is

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the one you gave me, not the one -- the one that he submitted is not the one without the pipe?

MR. COTUGNO: Yes. Like I said, I believe it's a layer of yours doesn't have it. You know computers, they do it in layers. I don't know about that, I still work by hand. I guess that layer with the drainage didn't come out on your copies. It's the same date.

THE CHAIRMAN: Do this again. So Mr. Iannaci to gave us a great elevation, we praised him profusely. Do you have anything other than -- you have that and the color?

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MR. COTUGNO: The color of the --

THE CHAIRMAN: Yes. Can we see that and we'll try and visualize it? Do you have a roof sample?

MR. COTUGNO: Yes. Timberline but it's not this light gray, it's the darker gray.

THE CHAIRMAN: So I think I read it in some of Margaret's notes, since the site is not flat, how do they do the calculations to get to the ridge height?

MR. COTUGNO: You take the average of the four corners. You do have calculations on the first sheet. That's how we arrived that.

THE CHAIRMAN: The four corners of the --

MR. COTUGNO: Of the building.

THE CHAIRMAN: Right. What's that compared to, like what's the -- oh, that's the street height.

MR. COTUGNO: Yes.

THE CHAIRMAN: That's the street height. Got you.

MR. COTUGNO: There's calculations on
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the first sheet of my plans.

MR. NEMECEK: I just want to go back to the ground floor again, the garage. I guess it's sheet A103 depicts the site plan for the two garages, garage one and garage two, and in back of it is storage.

MR. COTUGNO: Right, and that may turn out to be low storage. The less rock we want to take out, the more of a crawl space that will become.

MR. NEMECEK: That was going to be my next question. Having seen the site -- again, I didn't take measurements -- but it looks like you hit rock, you're not going to be able to me put in a full size storage.

MR. COTUGNO: Whenever he feels like stop paying money for the chipping, that's the height it will be at. 36 inches I would say would be the minimum. 7 feet would be great, but I doubt if that's going to happen.

MR. NEMECEK: But the garage is going

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to be full depth?

MR. COTUGNO: Yes. We're good with the garage. We're not good with the space
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behind the garage, that's why I called it storage.

MR. NEMECEK: You measured it from whatever the --

MR. COTUGNO: From the street.

MR. NEMECEK: From the street. And you have enough room to get this garage in with the full --

MR. COTUGNO: Yes. That's why I said it was great that the VAR encouraged us to get a variance, because the house probably wouldn't have worked at 30 feet, you couldn't get the whole garage in. The storage, I don't really care -- I care about it, but if we don't have it, we don't have it.

THE CHAIRMAN: Let's just quickly go through the public hearing. So I make a motion to open the public hearing on Application 17-17, 10 Morgan Street.

MR. PULASKI: Second.

THE CHAIRMAN: All in favor.

(All aye.)

THE CHAIRMAN: Please come forward. Please come forward, state your name.

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MR. JEANNOTTE: Hi, how are you? My name is Dylan Jeannotte. I live at 1 Morgan Street, which is basically across from 10 Morgan Street, and I have some comments and questions based on what I know so far.

In speaking with a lot of the neighbors both on Morgan Street and on Hall, we're all kind of very concerned about the effect on parking that it's going to have. As you may know, Waverly is up the street from -- you know, the school, the elementary school is up the street on Hall, and so what happens is when school is in, any time there's a concert, any type of special event, when people are dropping off in the morning or picking up in the afternoon, there's a lot of traffic that comes down Hall and turns onto Morgan. Parking can be very congested whenever there's a special event. During the winter on Morgan Street, parking is very, very hard to get, so much so that people come down from New Street, they come over from Bellew, it's very difficult to park. One observation I have is that the current house, which is 20 Morgan Street, which

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I don't see here, that would be next to it, they currently have -- it's a two family and any given night they might have five or six

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cars parked either in the driveway or in the garage or on the lot. If they're considering putting in a two family house now, I mean, how many more cars are going to be on the street when you take into effect that there's just not a lot of depth, and I don't know if this garage -- looking at it just from what I've seen so far it seems very tight. So it seems like there's not a lot of room more than one car in that garage or anything, you know, before you get to the garage, especially if it's two family. That would be my concern that we had in the neighborhood about how many more cars are we going to have on Morgan Street or Hall? We're already at like a saturation point. Like I said, here in the winter it's impossible to get parking. Like I said, people come from, you know, other areas, New Street, Bellew. So that's one comment that I have, and it's one thing that we've spoken about with some of my neighbors.

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The parking as well as getting in and out is very tight. I mean, just this morning someone was, you know, plowing out the snow where 10 Morgan is going to be, and they came out and bumped one of my neighbors. It's very tight there. There's not a lot of room. It seems like a 2600 square foot house there is just going to put a lot of further pressure on the neighborhood. So that's a concern we have. Not to mention that there's no sidewalk on Hall. You know, you got to basically walk up the street any time anyone is parking there for any event at Waverly, it's very tight there, no sidewalk on Hall. There's just a lot of kind of congestion.

It's very difficult to tell from what has been here, but one other comment we have amongst the neighbors in the neighborhood is that there probably hasn't been a new house built on that stretch of Morgan Street since the Twenties. So I guess the concern is making sure that the aesthetic matches kind of what we have in the neighborhood, because it really is kind of a historic neighborhood. I don't even

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know when the last house was built on that stretch of Morgan Street. One thing that I have a comment on is, I don't know -- again, it's almost impossible for me to tell as a lay person -- how much taller the new house would be than this house right here. They haven't shown a picture of 20. This is the house -- 20 is here and 10 would be over here. I guess the question is, is it going to be much higher or is it going to be in line with it? You know, that's kind of a concern.

One thing, just when I was -- one of

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my neighbors that's not in great health, one comment she had is, you know, where are all the construction workers going to park when the house is being built. Again, it's something that we as neighbors have to take into consideration. This seems like it's going to be a long project because it sounds like they have more chipping of rock to do and so on and so forth. One thing that piqued my interest when the architect was presenting is he said there was no percolation. I don't know what that refers to, but I noticed last week the
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driveway -- the parking area where they have existing was flooded, there was a lot of water there. It didn't seem like it was just snow melt. There's also a pipe that kind of comes down towards the sidewalk where water will sometimes drain from. I don't know if that's from the parking area or if that's from the hill behind, I'm not really sure.

One other thing -- again, it was kind of hard to tell from what was presented -- but there are two existing trees on Morgan Street, it looks like one would be here and maybe one would be over here, and, you know, again, one is a nice Oak tree, one is I think some kind of Locust. It gives character to the neighborhood, and I just wanted to make sure that nothing is going to be done to those trees. Those are trees that are between the street and sidewalk.

MR. TUDISCO: If I may ask, are they in the town of right-of-way?

MR. JEANNOTTE: I believe so. It's between the sidewalk and the street. I guess that's the town right-of-way.

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THE CHAIRMAN: They're shown on the plan.

MR. JEANNOTTE: I guess that's these.

THE CHAIRMAN: They're shown and they're to remain, but it's a good point, they should be protected during construction.

MR. JEANNOTTE: I think that's all I have for now.

THE CHAIRMAN: Great. Let's talk about those issues. Let's do the trees first. They're on the survey; what's the plan for those? To stay; right?

MR. COTUGNO: I'm sorry.

THE CHAIRMAN: Let's start with the two trees. They're on the street in between. As you said, they remain; right?

MR. COTUGNO: Yes, they remain.

THE CHAIRMAN: There's a symbol over here. Okay, good, so trees remain.

MR. COTUGNO: I just want to show this drawing which show the height of our house with

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regard to the heights of the houses on either side. You could see it's definitely in the ballpark. It's the same as this house, and
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it's even lower than the house on the corner. So each unit will have two parking spaces, in the garage and the space in front of the garage. The previous application people didn't like it when I had what's called like a hammerhead or turnaround area for each, they thought that was too much paving. So we eliminated that. That really got eliminated anyway because that was when the house was 30 feet back, so we couldn't have done that anyway. That was one of their comments, that was too much paving, when we came in June.

MR. PULASKI: You're showing just under a 14 foot curb cut; if that were 16 foot, would that --

MR. COTUGNO: It's --

MR. PULASKI: It's showing 13 foot 10 on the plan I'm looking at all.

MR. COTUGNO: The walls are there now. Again, once you get in, then you'll have the full 20 feet width of the driveway. There are stone walls that are there now.

MR. PULASKI: Right, but if that were 16 at that point, then you could put four cars
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in that driveway; right?

MR. COTUGNO: It's only 20 foot setback.

MR. PULASKI: No, you can't. That's right, you can't.

MR. COTUGNO: Only one no matter what. This just looks nicer to keep it lower and then once you go in you have your spot on either side. Ideally we should go back the full 20 feet because then the cars --

MR. PULASKI: The proportions just look different on paper. It still looks difficult that you're going to have -- because those cars are going to be at an angle when they go into that driveway because the way the driveway necks down at the entrance/exit.

MR. COTUGNO: I think once you're in, you'll be okay. You're right, the wider it is the less interference you'll have between the two cars that are always going to be parked in the driveway.

MR. PULASKI: So they want to retain that and that. Those are retaining walls?

THE CHAIRMAN: Walls remain.

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MR. COTUGNO: Yes, they're stone walls.

THE CHAIRMAN: On each side of the

dri veway?

MR. COTUGNO: What's that?

THE CHAIRMAN: Each side of the
dri veway is a wall?

MR. COTUGNO: Yes.

THE CHAIRMAN: Do you have any
pictures of that?

MR. COTUGNO: We could make those a
little bigger, I mean cut down. We were using
the exact same curb cut and walls that are
there now and that's what determined that. It
also looks nice to have a smaller mouth into
the driveway.

MR. PULASKI: Oh, it does, it does.
The neighbors brought up and we're looking if
we could find a solution that helps mediate it.

MR. COTUGNO: Some happy medium
between 13 foot 10 and 20 feet sounds like a
good solution. Right in the middle.

MR. NEMECEK: Is there anywhere in our
packet where we have a photograph of the
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application site? I know I visited it, but
like Mr. Bonanno, the Chairman, I'm having a
tough time remembering exactly what the wall
feature was.

MR. COTUGNO: The best place to view
the wall is on that survey. It's not a
picture. No, I do not have a picture.

MR. NEMECEK: For future reference, it
really does help to provide us with a photo or
two just for our own edification.

MR. COTUGNO: Yes, I agree.

THE CHAIRMAN: I would like to see it.
I visited the site and I don't recall what it
looks like. I would like to see what they look
like and what condition they're in.

MR. COTUGNO: They're nice walls in
the front. They're decent walls. Like I said,
I was trying to work with what's there.

THE CHAIRMAN: The other I was going
to ask and I didn't get a chance to is the
ridge heights, do have a picture of the
adjacent? Do you have heights of them, like
numbers, elevations?

MR. COTUGNO: Not of the adjoining
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houses. We have our ridge height, 247. It
looks about the same as this house, and again,
it's definitely lower than this house on the
corner which has like a full three stories and
half a basement sticking out.

THE CHAIRMAN: Well, I mean, sounds
good, but how do I know that the ones on the
left and the right are drawn correctly? When
you draw that on the adjacent homes, how do you
get the height of the adjacent?

MR. COTUGNO: Again, by pictures, by
old drawings, by figuring 8 foot ceiling

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heights and 6 foot 8 window heights, that's how we figured it out. We can't go on people's properties so-to-speak, so we take pictures and we do interpolations of what's there.

THE CHAIRMAN: So interpolate us ridge heights of the adjacent buildings and bring it back on the drawings.

MR. COTUGNO: I would say it's within a foot of this one, and it's at the same height, at the same horizontal elevation.

THE CHAIRMAN: So I think in order to answer the gentleman's question appropriately,
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we need a drawing that shows that.

MR. COTUGNO: What?

THE CHAIRMAN: I said I think in order to answer this gentleman's question, I think we need a drawing that shows the heights, the real elevations based on what you think is there. In other words, I would like you to take that drawing and modify it and bring it back next time with the heights.

MR. COTUGNO: I'm not sure how I could get the heights as an architect, but I will try.

THE CHAIRMAN: I need something. It's a legitimate question and I'm concerned also that this isn't much larger than what's on the other side.

MR. COTUGNO: If you remember when I went over my plan, I said I tried to lower the roof as much as possible, that's why we have overhangs, that's why we have dormers, and make it a real house, which answers his question it fits in in the neighbor, yes, because there are hardly any new houses in the neighborhood.

THE CHAIRMAN: At the same time, could
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you get like a street-scape with this rendered correctly with some colors?

MR. COTUGNO: I'm sorry, I'm having trouble hearing.

THE CHAIRMAN: So at the same time, can you get us a street-scape that actually shows your -- something a little bit bigger than that, that shows the nature of the colors on it so we could actually see what it looks like?

MR. COTUGNO: The colors of the other houses as well?

THE CHAIRMAN: Well, that would be nice too, but certainly just your house. Certainly just the house that you're putting in front of us I would like to see what it looks like in something a little bit larger than that. If you can render the houses on either side too, that would certainly help your case.

MR. COTUGNO: Okay, I think it could be done.

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MR. NEMECEK: With respect to the storm water management, you said that the plan was submitted to the town's engineer; is that
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correct, Jay?

MR. KING: Yes.

MR. NEMECEK: Do you know the status of that?

MR. KING: It's still under review.

MR. NEMECEK: It's still under review, okay. When was that submitted; do you know?

MR. KING: I would say within the last two weeks. Somebody from Eliot Senor's office called me and I said you had to take it up there. They had to take it up there. We're not taking it up there.

MR. NEMECEK: Mr. Cotugno, you represented that Hector -- who I assume is Hector Di Leo -- he's with the town --

MR. KING: He's the Highway Superintendent.

MR. NEMECEK: Highway Superintendent, yes. That he approved of the storm water -- the proposal to feed the water ultimately into the town sewer.

MR. KING: I didn't talk to him, but I would assume from --

MR. NEMECEK: Yes, yes.

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THE CHAIRMAN: Is that on the record somewhere other than just here in this discussion?

MR. KING: I think it will probably come back from the engineer. They're going to probably check with Highway to make sure that that's appropriate.

MR. NEMECEK: I think that's a significant enough issue, though, as well, it would be helpful to get that resolved.

MR. KING: Before they can get a permit, of course.

MR. NEMECEK: Sometimes we leave that to, you know -- if it's far enough along and there aren't any issues, but here in particular with the challenges that the property presents in particular, and we just heard one of the neighbors talking about, you know, water being present on the property, and you recognize it, you've been up front about it, this is a tough property and that's why you're taking these measures to move the water off, but I would certainly feel more comfortable having the town's engineer look at it and sign off on it

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in advance of our vote.

THE CHAIRMAN: Mr. Cotugno, the only other thing I was going to ask is typically

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when applications come in front of us, there's like a construction plan that shows how they're going to retain soil, fencing, and things such as that; is there something like that in this application?

MR. COTUGNO: I believe that's in Eliot Senor's plan, that was part of his task to do. It's called like a soil erosion control plan.

THE CHAIRMAN: So is there something -- I'm sure there's something he could put on the plan that shows some sort of protection for those trees. I don't see it, that's why I'm asking.

MR. COTUGNO: Tree protection.

THE CHAIRMAN: Yes. Just something to make sure they don't get hurt during construction because they are, as we've been told, part of the landscaping and nothing can happen to them.

So another point is sort of true, it's
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a very narrow street. So I guess as far as what's done on the street -- so also on the same plan -- it's a good point -- where does everyone park? I guess during construction there's enough where the grass can be on either side, people could pull in there and park on the site, that could be shown on the plan somewhere just to make sure during construction no one is parking up and down the street. Then as far as trucks coming in and out, I guess that's just part of building; right?

MR. COTUGNO: I'll make sure the engineer shows temporary on-site parking for construction vehicles.

THE CHAIRMAN: It seems like there's enough space.

MR. NEMECEK: Is this a street that permits parking only on one side of the street and that's the opposite side of street that 10 Morgan is on?

MR. COTUGNO: To be honest, I don't know. Joe, you must know, are you allowed to park on both sides of the street?

MALE SPEAKER: No.

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MR. NEMECEK: It's just the side opposite; right?

MALE SPEAKER: Right.

MR. NEMECEK: Okay. So we're not removing any street parking, you're not increasing the size of the curb cut.

MR. COTUGNO: That's what I was just saying, we're not really increasing the size of the curb cut. What's there now has no drainage. The garage and the driveway has zero drainage.

MR. NEMECEK: If you come before us

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and ask us for permission to build, that's something that we would be derelict in our duties if we didn't address that.

MR. COTUGNO: Of course. Of course. From the neighbors' point of view, it should hopefully be better than what's there now.

MR. NEMECEK: That's right.

MR. COTUGNO: Even though it's an old building with a garage and a driveway, it should be better than what's there now. Again, when it rains, that property has no percolation so it all runs off into the street. Now it's

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going to go into the sewer.

THE CHAIRMAN: Right. It's going to be detained on site. How is it controlled -- how does it get out of the detention pipe into the sewer? I know there's a pipe.

MR. COTUGNO: Yes, that's what you asked about, that pipe.

THE CHAIRMAN: So it has a certain diameter and --

MR. COTUGNO: Yes. He said it's like a straw that goes through, because the town wouldn't want the water pouring into their sewer, so it trickles in. That's why they calculated pipes 66 feet long with a 3 foot diameter to hold it.

MR. PULASKI: It's detention.

THE CHAIRMAN: Right, but there's no valve on that pipe, it just fills and then goes; right?

MR. COTUGNO: I think it's a special pipe that allows the water to go through slowly.

THE CHAIRMAN: At a certain rate.

MR. COTUGNO: Yes, at a certain pace
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not to overtax the sewer system.

MR. NEMECEK: I assume that Hector Di Leo wouldn't have approved it unless the town's own sewage system had the capacity for this, but that will be no doubt addressed.

MR. COTUGNO: Right.

THE CHAIRMAN: The only other question I think, Jay, when they build something like this on such a tight street and trucks coming in and out and parking right across the street, how do they make sure that -- I mean, because there's a car probably right across the curb cut.

MR. KING: I guess during construction if they find that there's not enough parking, they're going to have to go to another site and bus these people in.

THE CHAIRMAN: Right. Well, I was thinking more about trucks coming in and out. If everyone is parked on the other side of street and there's trucks coming in, there's

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really no access, what do they do?

MR. KING: I guess they're going to have to make enough access to get the trucks
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in; no?

THE CHAIRMAN: I don't know. It sounds like there's retaining walls on either side. I mean, just think about it, there's a car across the street, you have a big truck that's got to get in, there's a retaining wall, how does he back in?

MR. KING: John, how far are the retaining walls from the curb cut right now, from the curb back?

MR. COTUGNO: About 15 feet.

MR. KING: In that 15 feet, they're going to have to maneuver back and forth a few of times.

MR. COTUGNO: It's like in New York City, you get it done.

THE CHAIRMAN: With a car parked on the other side of the street.

MR. KING: Maybe they got to use smaller trucks.

MR. COTUGNO: A lot of back and forth.

MR. NEMECEK: Are we talking about the stone walls in the front of the property?

MR. COTUGNO: Yes.

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MR. NEMECEK: Because that doesn't look like 15 feet, just looking at it on Google maps in front of me.

THE CHAIRMAN: It looks like it's right there.

MR. NEMECEK: Do you want to take a look?

MR. COTUGNO: What does it show on the survey?

MR. NEMECEK: This is a photo. It's a photo.

MR. TUDISCO: Mr. Chairman, could I just make a suggestion? If the application is going to have to return, I would suggest that whatever photos of the site that they're referring to, just for the public that's watching at home, there be something that could be posted so that everyone could see.

THE CHAIRMAN: Absolutely. All right, guys, we'll continue this at the next meeting.

MR. PULASKI: Not everybody at home has Google maps.

MR. NEMECEK: It's just a Google map street view.

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THE CHAIRMAN: So I think when you come back, also if you could have adequate photos for us to understand what's there, maybe

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dimensioned photos so we could understand what's there.

MR. COTUGNO: Dimensioned photos?

THE CHAIRMAN: Yes. You have a survey?

MR. COTUGNO: Yes, I'll make sure he puts a dimension on the survey.

MR. NEMECEK: Superimpose it from the photo?

THE CHAIRMAN: So if it's 15 feet back, so we actually have it so we can see it so we're not flipping back and forth. Then just what I would ask Jay about, I don't know how you address that on your sheet, but about truck traffic and provisions for construction. Somehow we have to be convinced that this could be built considering the constraints on the site.

MR. KING: John, is there a chance that if you find out that that opening is too narrow to facilitate getting in there, that you

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may have to take a portion of that stone wall down temporarily, stockpile it somewhere until you get done, and put it back?

MR. COTUGNO: Yes.

MR. KING: It's a dry wall; is it not?

MR. COTUGNO: Yes.

MR. KING: It's dry.

MR. COTUGNO: There's no cement in the joints. It's a loose stone wall.

MR. KING: So they could take a portion of it down if they have to get in there, if that was the only way to get in.

MR. PULASKI: I think, John, you need to seriously look at that driveway width from a perspective that you got a two family house, both people are going to want to independently be able to get in and out, and right now you have a necking situation in which the back end of the cars are going to always be -- I understand fully why you want to preserve those walls, but I just think that you're going to have to --

MR. NEMECEK: You may want to take a little bit off the -- I agree with Mr. Pulaski,

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take a little off of each one, make it straight.

MR. PULASKI: I also think that your surveyor can take a couple of shots and he could tell what the -- establish what the height of the roofs are.

MR. COTUGNO: On the other two, yes. I can't to that but he could.

MR. PULASKI: He could put an angle to his transit and --

MR. COTUGNO: Yes, yes, they can do that.

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THE CHAIRMAN: Okay, so we'll do that then?

MR. COTUGNO: Yes, they can do that. Okay, I'll take care of it.

MR. TUDISCO: So, Mr. Chairman, you'll leave the public hearing open?

THE CHAIRMAN: Yes. I think there was a list of things. I'm not going to go through them. Thank you, Mr. Cotugno.

MR. NEMECEK: Thank you.

MR. PULASKI: Thank you, John.

MR. COTUGNO: You're welcome. Nice

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seeing you.

MR. PULASKI: Look forward to seeing you at the next meeting.

MR. COTUGNO: Did I leave that gray sample up there?

THE CHAIRMAN: Yes. If you could render that when you do the elevation.

The next application is 18-06, 91 Stewart Avenue. You're up.

MS. CHI OCCHIO: Good evening, Chairman, members of the Planning Board. My name is Lucia Chiocchio, I'm with Cuddy & Feder. I'm joined by John Iannacito, the architect for the project, and we represent the property owners, Weinberg Brothers, with respect to this proposal to add 21 parking spaces mostly in southern section of the property, which is the side of the classic Audi auto dealership.

The proposal is fairly straightforward. The parking will be screened by landscaping. The three spaces you see all together would be dedicated for employee parking.

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The premises is located in an R-6 one family residential zoning district. In 1998, the Zoning Board of Appeals issued a use variance to permit the car dealership use of the premises. My understand is that this piece of property has been a car dealership since 1922, so it's been historically used as a car dealership.

In 2007, an application was made to add parking to this area, and at that time the building inspector determined that a use variance would be required for that parking because the 1998 use variance included a condition that limited that area to remain as a grassy area.

MR. NEMECEK: Limited to what? I'm sorry.

MS. CHI OCCHIO: I'm sorry.

MR. NEMECEK: I missed the last thing you said; it's limited to what?

MS. CHI OCCHIO: In 1997, the ZBA

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determined that the 1998 use variance was conditioned requiring this section of the premises to remain a grassy area, no parking.
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We understand in 1998 and back in 2006 and 2007 the concerns about the character of the neighborhood and so forth if you allowed parking in that area. The plan back in 2006 was much more extensive than what we're proposing here. What we're trying to do is keep the parking close to White Plains Road, the much busier road. That section of the premises borders three streets, it doesn't border a home or another adjacent property, quite a bit of landscaping around it to screen it as much as we can and kind of turn that -- if you look at the aerial photo, it's kind of a dead space, just the grassy area, so we're going to try to enhance it as much as we can with the landscaping.

One of the other things that's changed quite a bit over the last 20 years and the last 10, 11 years, across the street at the middle school there was quite a bit of work done with the expansion of the middle school and now there is parking at the middle school that fronts right on White Plains Road. There are some photos in the application materials that
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we provided that shows that there's parking there now. So that wasn't something that was there 20 years ago, it wasn't even there back in 2006, so the character of the neighborhood is changing a little bit.

So we'll be seeking an interpretation from the Zoning Board of Appeals that a use variance is not required for this plan, but rather we would be seeking relief from the condition with respect to this area of the premises, or in the alternative we would seek the use variance. So if the Zoning Board of Appeals doesn't agree and says, no, you have to move forward with a use variance, we would be seeking that. We would also have to seek an area variance for impervious surface. In 2008, the zoning law was updated with impervious surface requirements for residential zones. Since this is a residential zone, we don't meet those requirements.

So we're here seeking referral to the Zoning Board of Appeals. We're happy to discuss any feedback you have on the plan. Like I said, it's fairly straightforward. More
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details about the landscaping will be provided and developed as we move forward through the process.

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MR. NEMECEK: I have a couple of comments. First of all -- maybe Jay you have an answer to this -- with respect to the illustration of the parking, plenty of cars parked at the middle school across the street, that's not a fully paved area, and it's my understanding, based on nothing more than observation, that that's temporary, that that's during the construction phase. They're doing substantial construction in the back part of the building, and the fact that it's not paved over, it's basically gravel, suggests to me that this is something of a temporary nature. If that's not the case, I would certainly like to know because I think it's an eyesore right now. So I'm not quite as convinced that that's evidence of a change in the character. My belief -- again if I'm wrong I would like to know -- is that this is a temporary arrangement while work is being done, substantial work is being done on the back part of the building.

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The one other point I would make is that I wouldn't quite describe the grassy area as dead space, some would view it as live space.

MS. CHI OCCHIO: I'm sorry, live space, okay. Well, the grass is alive.

MR. NEMECEK: Yes, the grassy knoll.

MS. CHI OCCHIO: I think with respect to the middle school, there may be a section that's temporary, but there were definitely some additional paved parking areas that were part of that addition and renovation.

MR. NEMECEK: I think it's true, up near like on the northern part of the property there are some permanent spaces.

MS. CHI OCCHIO: It's more across from the Audi building.

MR. NEMECEK: Yes, that's correct.

THE CHAIRMAN: How would we find out?

MR. NEMECEK: Margaret would know; right?

MR. KING: We have nothing to do with the school property. We have nothing to do with the building of it or anything that goes on there. That's State Ed. The applicant can

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go to the school and probably find out what their intentions are for that area.

THE CHAIRMAN: Would you, please?

MS. CHI OCCHIO: Sure, sure, we could find out more about that.

THE CHAIRMAN: I know that we have nothing to do with the school, and it's absolutely horrible what they did there. We spend here on this Planning Board -- and I said it to Margaret yesterday, Mr. Iannaci to -- we harp on every line you draw to make it beautiful and to make the character of our town

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better and better and better and you've done a great job, and in one swoop they've ruined a whole stretch of 22. It's unforgivable.

MR. NEMECEK: I have very fond recollections of this was always the gathering spot for the Ragamuffin Parade where you had all these little kids on this big lawn and now it's a gravel parking lot. I very much hope that's temporary. As the Chairman said, that doesn't come before us.

THE CHAIRMAN: Even more reason we want this to be beautiful, what you're doing.

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There were a couple of concerns, because I like the grassy knoll. Maybe you could just walk me through the different use permits, because you're saying in '98 it had a condition that it remain grass, in 2007 that was upheld or it was changed?

MS. CHI OCCHIO: Right. So in 2006 and 7, the applicant made the argument that a use variance wasn't required for parking in this area because the 1998 use variance didn't restrict this area. It wasn't a specific condition of the use variance. The Zoning Board of Appeals had looked back at the record from 1998, looked at the drawings that were submitted in 1998 and said, no, it really was a condition of that use variance because the application actually changed in 1998 to keep that a grassy area.

THE CHAIRMAN: So, as you said, the next step is to go to zoning. Would they consider this as a new use or --

MR. TUDISCO: Well, first of all, the legal issues are going to be addressed at the Zoning Board. I think it's a twofold

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application, if I understand correctly, that they're seeking a determination or they are challenging the Building Department's determination about that condition, and in the alternative if they are not successful with that argument, they are seeking a use variance anew.

THE CHAIRMAN: Okay. So it's all up for grabs.

MS. CHI OCCHIO: That's correct.

THE CHAIRMAN: So it's all up to be determined one more time.

MS. CHI OCCHIO: Right. If they don't agree with our position on the use variance and the condition, then we would be seeking the use variance.

MR. NEMECEK: Rob, it's my understanding that the SEQRA agency is going to be the Zoning Board of Appeals on this?

MR. TUDISCO: That is my understanding.

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MR. NEMECEK: So what is it that we are voting on today?

MR. TUDISCO: Well, tonight --
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MR. NEMECEK: I know eventually it's going to get to Zoning Board; right?

MR. TUDISCO: Tonight I believe it's on for preliminary site review and for you to send them to the Zoning Board for the determination of these issues.

MR. NEMECEK: My understanding is that most of these issues really are appropriate for determination by the Zoning Board, not this board.

MR. TUDISCO: Correct.

MR. NEMECEK: But we could weigh in with our feelings, our recommendations?

MR. TUDISCO: Certainly to the extent that you have opinions about the character and what the site is going to look like, but in terms of legal determination on the variances, that is not before this board, it's inappropriate, there's no basis in the law for you to rule on that.

MR. KING: Eventually this is going to come back here.

THE CHAIRMAN: Right.

MR. NEMECEK: But if it comes back
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here, it's going to come back here with determinations already having been made by the Zoning Board of Appeals, which will to a large extent govern what direction we go.

MR. TUDISCO: Well, a determination will be made on the use variance issues, and, you know, based upon the variances, you still have ultimate site plan approval on how the project --

MR. NEMECEK: That's right. But even the SEQRA review is Zoning Board?

MR. TUDISCO: That is my understanding in this particular case.

THE CHAIRMAN: If Zoning were to grant all of that parking, it's pretty much moot what we have to say here, the grassy knoll is gone and it's just about landscaping?

MR. TUDISCO: It's about landscaping, it may have to do with the configuration of, you know, the parking there, whatever issues remain. Essentially, the issue is going to be determined outside of this body whether or not that area can be used.

THE CHAIRMAN: Right, for those
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purposes, for Audi's purposes, or they may go with the grassy knoll determination.

So I don't know what we're going to do

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as a board, but I definitely like what's there now and I'm not too keen on taking up more space for parking, but, as you said, that's up to the Zoning Board to determine.

MR. NEMECEK: My own view is that I think this looks like a very efficient use of the space, it's well executed, but it comes down to, you know, do we want to permit this or does the town want to permit this at the expense of losing that, you know, little piece of green, which is not a spectacular piece but it's an open space. That ultimately is the determination.

MR. TUDISCO: In addition to the use of that section of the property, legally there is also a secondary variance that's going to be necessary for impervious surface. So there's going to be an area variance that's going to be requested. Again, my understanding of it, and it may sound complicated, and I hope the people that are watching at home can follow --

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MR. NEMECEK: Substantial viewing audience.

MR. TUDISCO: Right. There will be a threshold issue in terms of the condition issue on the use variance back in 1998, and then if they do not prevail that way, there is going to be a secondary argument on the new use variance proposal, and then assuming that they prevail at that point, the third level would be the area variance because of the impervious surface in addition to the SEQRA determination.

THE CHAIRMAN: So I understand, Rob, back in 1998, Zoning did the use permit and included the grass condition in that permit; is that correct?

MR. TUDISCO: I haven't seen it. I've read Ms. Uhle's notes and I've seen Cuddy & Feder's submission. There appears to be -- I have not reviewed the actual minutes from the 1998 use variance proceeding that was before the Zoning Board, but there was a determination, my understanding is, by the Zoning Board in 2007 when the application was made prior to this by the applicant that -- a

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determination was made in 2007 that there was a condition in 1998. I don't know if it was based upon the way the plan was drawn or it was a specific condition that was listed in the record. I'm going to have to review that myself.

THE CHAIRMAN: Is it unusual for a Zoning Board to make a recommendation such as that? It seems like more of an objective, it's more based on their opinion than what they --

MR. TUDISCO: I think they can impose conditions. What you may be referring to is

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the fact that conditions are usually imposed by the Planning Board in terms of the site plan, but it certainly can be done.

MR. PULASKI: My recollection on the last time I saw an application regarding this auto dealership, had a lot to do with how the building would look. There were some extensive changes to the style of the building, and maybe the parking and the use of this end of the property was also discussed at the same time.

MR. NEMECEK: I actually recall that, because I think that was my second meeting on
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this Planning Board, it was in February of 2010, and I specifically recall Mr. Iannacito was here and I remember --

MR. IANNACITO: I think when we applied for the facade alterations, the parking didn't come up at all. We weren't proposing additional parking.

MR. NEMECEK: I remember we wanted to make sure that the hedges, the bushes, whatever they were -- the vegetation in the southern end was maintained as a screen.

MR. PULASKI: But still through that application, I think that we all as a board looked at it and saw that you needed to evolve with changes. Things go out of style, you want to put a new style, you want to remain a attractive, and the board supported that. I think that the use of this corner could also be done in a context of what you see in 2007 can be different from the perspective of what business is trying to require in 2018. I think the position that -- I think as a board we should support business because it's good for the town, it's good for the tax base, but at
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the same time we want to stay as lovely and as aesthetic as possible. So when I see a corner represented the way it is on plan, I see a representation that says, we'll enclose it, we'll kind of it hide it with trees, but I don't see it squared off like you have it drawn. I see something far more decorative, far more appealing than just a squared off corner of trees.

MR. IANNACITO: I mean, we can do better planning.

MR. PULASKI: It would also be nice if somehow we could take those back trees, which of course are very mature, and somehow extend them all the way to the -- fill in the back with them rather than change tree types.

MR. NEMECEK: I actually agree with the concept of having pushed most of the parking along White Plains Road. I understand that that's what you were trying to do and, you know, you appear to have succeeded in doing

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that. Most of the new parking is right
alongside Route 22.

MR. IANNACITO: This request is coming
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from the corporate offices of Audi. They just
need more parking on this site for this
facility.

MR. PULASKI: I think sometimes if we
don't accommodate something like that, then we
lose an establishment.

MR. IANNACITO: I think that might be
the case, and that's why Bill Weinberg, the
owner, approached us to try to get this
approved because if Audi can't get the parking,
they may not be here much longer.

MR. PULASKI: I also think that even
though there probably are a lot of people that
would rather see no car dealership there, to
see an Audi dealership is an upscale as opposed
to --

MR. NEMECEK: Don't mention whatever
you were going to say, we don't want to be
accused of disparaging --

MR. PULASKI: I'm just trying to put a
certain perspective on this.

THE CHAIRMAN: I think saying that if
they don't get this parking, they'll be no
dealership is pure speculation, and I don't

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think we should use that in our determination
what to do here. I do think -- and I feel
somewhat strongly about this because I like
this because I'm here every morning going to
the train station and it's -- actually, I sit
on the corner because I go down to the train
station so I have to cross, and this is my
little story, there's kids everywhere, there's
the crossing guard, and it's as pretty as Route
22 can be, there's the feeling of community,
that everyone is being taken care of, kids are
crossing the street, and in the background
straight across that you see the church in the
background, and it's sort of picturesque as
much as could be. I think putting up shrubs --
of what height?

MR. IANNACITO: Well, we would try to
keep them at least as high as the cars.

THE CHAIRMAN: That's 5 feet.

MR. IANNACITO: 5 feet.

THE CHAIRMAN: It's going to block out
the church and that little corner is going to
have a different character. It's going to look
like it's a retail corner.

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MR. IANNACITO: I think the church had
a big input originally way back when they
decided to leave this as green space. The

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church wanted it to be left as a green space. We're reaching out to the church also to see if we could get some feedback from them and maybe that could help us out.

THE CHAIRMAN: That's not what I heard. I heard they like the idea because they get more parking off the street.

MS. CHI OCCHIO: That was the other thing I was going to mention, it will help alleviate some of the demands for the street parking.

MR. IANNACITO: There are neighbors on the adjacent blocks who always complain about parking, so this will help.

MR. NEMECEK: The main purpose of this is for employee parking?

THE CHAIRMAN: No.

MS. CHI OCCHIO: The employee parking are the three spaces. The spaces up front will be display parking.

MR. IANNACITO: We have customer
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parking here and here and employee parking here and more inventory parking here. Right now they have inventory parking back here and customer parking here. We're trying to move things around a little bit and make it work for everything.

MR. TUDISCO: Mr. Chairman, just one other issue. You had mentioned assuming the Zoning Board is going to address all of these issues, what, if anything, is there left for us. Depending on what comes back from the Zoning Board, I guess the use itself of the parking lot may be something that you would be addressing. Right now I believe it's being proposed as tandem parking for the inventory spots. That may be subject to a parking engineer in terms of flow of traffic and where those cars go if they come in and out, I don't know, but there are issues that you're going to be dealing with as a Planning Board assuming the application comes back to you in some form.

THE CHAIRMAN: Nonetheless, the view of the church is going to be obstructed by whatever goes there and the grass will be gone;
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right?

MR. NEMECEK: If it's approved, yes.

THE CHAIRMAN: Right, if it's approved.

MS. CHI OCCHIO: Yes. Keeping in mind the alternative is if it's not a car dealership, it's one family zoning, and there potentially could be a house right there.

THE CHAIRMAN: It is one family right now?

MS. CHI OCCHIO: Yes.

MR. IANNACITO: As far as the use

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variance goes, we're going to try to show that if this property was sold off, it could be subdivided into four lots and somebody could build four one family houses.

THE CHAIRMAN: They could put a big mega mansion.

MR. NEMECEK: Nobody would try to squeeze a house into a small property in that area.

THE CHAIRMAN: We can't make our determination on that, but thank you for pointing it out. I'll keep that in mind.

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So that being said, I guess I'm going to make a recommendation to send this application to the Zoning Board of Appeals. So I make a motion to refer Application --

MR. NEMECEK: Before we do so, could I just ask Rob one question?

THE CHAIRMAN: Yes.

MR. NEMECEK: The notes indicate that the SEQRA agency is going to be the Zoning Board of Appeals; is that something that we vote to recommend that they assume that duty; is it something they have already?

MR. TUDISCO: My understanding is based upon the issues that are going to be addressed at the Zoning Board level, that they were going to also make or declare themselves as lead agency for SEQRA determination. I think really what you're here for tonight is to take a quick look at this and to refer it to Zoning.

MR. NEMECEK: Yes, because the notes here say the ZBA will serve as the lead agency. Do we move to declare them or do they have to declare themselves?

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MR. TUDISCO: That is a good question.

MS. CHI OCCHIO: They have to declare themselves lead agency and circulate notice to the Planning Board.

MR. NEMECEK: Okay. We will simply decline to declare ourselves lead agency.

MS. CHI OCCHIO: It's a good question.

MR. TUDISCO: I would make the referral, when it gets there, they will make the determination and notify you.

MR. NEMECEK: Okay. And if they won't take it up, then we will assume --

THE CHAIRMAN: I think they are on top of their game over there, as is the Architectural Review Board.

MR. NEMECEK: Yes, our stellar Architectural Review Board.

THE CHAIRMAN: Enough fooling around. So I make a motion to refer Application 18-06, 91 Stewart Avenue, Classic Audi, to the Zoning Board of Appeals.

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