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ACTING CHAIRMAN NEMECEK: All right.

Everyone, we're going to get started. Please.

I'm calling to order the Town of Eastchester Planning Board meeting of May 23, 2019. Let's do the Pledge of Allegiance.

(Whereupon the Pledge of Allegiance was said.)

ACTING CHAIRMAN NEMECEK: All right.

We're going to do the roll call. I'm Phil Nemecek. I'm the Acting Chairman today in the absence of James Bonanno, whose daughter is graduating from college tomorrow. So congratulations to our Chairman and his family.

The rest of the crew here; Bob Pulaski.

MR. PULASKI: Present.

ACTING CHAIRMAN NEMECEK: Mark Cunningham.

MR. CUNNINGHAM: Present.

ACTING CHAIRMAN NEMECEK: Bill West is not going to be with us today.

Do we have any minutes to approve?

M.S. UHLE: You're correct, you cannot.

ACTING CHAIRMAN NEMECEK: We have a

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We had some landscaping comments that came through. I'm going to let Rob go through those landscaping comments right now and walk you through that. As far as we're concerned, I think we've addressed all the comments the board and the public has had on this project.

Thank you.

ACTING CHAIRMAN NEMECEK: Thank you.

MR. SHERWOOD: Good evening. Robert Sherwood, landscape architect. After the last meeting and the public's comments and the comments from Joe's office, we did revise the landscape plan. I did switch out some of the plant material to be different varieties. I did locate all the existing trees on the plan, what their conditions were, and if we were removing them or taking them down. I put those on the latest plans as well. So there is a tree chart, what they are, their conditions.

Some are in poor conditions out there.

The comment letter that came through yesterday from Joe's office, Killard Sessions, there were still a few inaccuracies on my plan, and I've addressed them. They were pretty simple. A plant count wasn't there. There was a graphic symbol that wasn't showing up. I revised the plan to kind of highlight the existing condition of the steep slope on what we're trying to do and how we're going to stabilize the other areas where we're planting.

So in essence, on this plan --

MS. UHLE: If you could bring the microphone with you. Thank you.

MR. SHERWOOD: So in essence, the plan that you see here, the area in red on the slope where it has the existing vines; it has some existing shrubs, what we intend to do is take out any debris or, let's say, nuisance that might have been dumped there, anything like that, but the intention is to leave that and not disturb the soil itself. So if there are vines there that are growing that are stabilizing the slope, we're going to leave it.

The other areas where we planted a mix of shrubs and trees, in that area we're not going to mulch it, we're going to seed it with a conservation seed mix, which will grow up and also stabilize that area.

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In essence, that's pretty much all I did to achieve hopefully compliance with Joe's comments.

ACTING CHAIRMAN NEMECEK: I think there were comments from certain of the neighbors at the last hearing about the choice of flowering tree as sort of a center piece tree, if you will, on the property.

MR. SHERWOOD: Yes.

ACTING CHAIRMAN NEMECEK: Has that been addressed in any way?

MR. SHERWOOD: I did take that into consideration. I did use a different tree. I used a flowering tree that's a little bit more hardy and native to the environment. I did keep some of the more ornamental trees up near the building, and then in the backside the last three trees going down I guess to the west side of the property, I changed those to a flowering Shadshow Service Berry. It's got a white flower, multi-stemmed. It's a little more durable let's say.

ACTING CHAIRMAN NEMECEK: A harder

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MR. SHERWOOD: Yes.

MR. PULASKI: You're saying that the top of that slope or embankment is basically not going to be disturbed, it's going to be cleaned up a bit and then kept intact?

MR. SHERWOOD: The top of the slope?

MR. PULASKI: Right.

MR. SHERWOOD: No. The top of the slope is going to be -- the construction limits when we put in the storm water drainage and stuff, that will be disturbed, that top of the slope. But going down farther, I tried to highlight it in the red striped area, where we're not doing any disturbance, leaving that ground cover, the existing shrubs, anything that is growing there is going to stay. What we disturb and where we're planting, I'm going to under seed that with a conservation seed mix.

MR. PULASKI: But where you're hatched, that's -- when I walked the site, I had the sense that that is pretty much the top of that slope, the crest of that slope.

MS. UHLE: It's where there's actually

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the slope, and then where it levels off is
where they're disturbing it more for the
planting.

MR. PULASKI: What my ultimate concern
is, while you are constructing, your temporary
condition of maintaining the water on your side
of the property. That is a steep slope.

Usually this is the contractor's obligation and
his means and methods, but it's a steep slope
and it has to be focused on. To the comments
of the public, they are concerned with anything
that starts to rush down to their property, and
during construction when you don't have all
that vegetation in place, it can become muddy
and problematic if it isn't focused on and
dealt with properly.

MR. SHERWOOD: Certainly, and I'll
have Tim, the project engineer, discuss what
they've done for sediment and erosion control.

That's more towards what he is doing.

MR. ALLEN: You're absolutely correct.
Certainly part of our plan is an erosion
control plan as part of that. During temporary
construction, generally I believe the sequence

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necessarily the contractor that's going to be
doing the work, but certainly overseeing all
this. We've worked with Mr. Kelly on many
other projects, and he's going to be the one
that's going to be, number 1, letting us know
if there's a problem, and, number 2, solving
that problem immediately if it becomes a
problem.

MR. PULASKI: I know in your design
you've gone to a great extent to take care of
water on that long term basis.

MR. ALLEN: Correct.

MR. PULASKI: Just reiterating what
I'm addressed is, it started with a public's
concern about water, and we'll get off to the
wrong foot if the construction portion isn't
addressed.

MR. CUNNINGHAM: Does the site plan
call for a limit of disturbance on it?

MR. ALLEN: We have it on the erosion
correct.

MR. PULASKI: Okay.

MR. ALLEN: Thank you.

ACTING CHAIRMAN NEMECHEK: Anything

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else from the applicants at this point?

(No comments.)

ACTING CHAIRMAN NEMECHEK: Then I want
to hear from Mr. Cermele, who is here on behalf
of the -- I guess he's the town's consultant on
the water management, storm water.

MR. CERMELE: Good evening. As you
probably know, our office worked in conjunction
with Bibbo's office on the engineering side of
things. We went back and forth a few times on
iterations of the plan. We've met with the two
neighboring property owners on the downhill
side of the property, heard their concerns for
storm water, erosion, vegetation. I think
collectively we've all worked towards the plan
you have before you tonight.

They've addressed all of our comments
and concerns regarding the storm water. The
systems that they've designed are based
100 percent on infiltration. All the water
from the columbarium, from the existing
upstream drainage area or upgrade drainage area
will all be collected and it will be controlled
on site in various forms of infiltration

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systems before it's allowed to discharge, as
opposed to what it does today, which is to just
in off the site uncontrolled.

With regard to the landscaping plan,
this is my first time seeing that plan tonight,
so obviously we'll want to take a quick look at
it. Our comments with regard to the
landscaping had become fairly minimal, so I
assume that they've been addressed.

Just to your point with erosion
control, the plan also in addition to silt
fence and temporary protection on drainage
structures, there is also a detail for erosion
blankets, which as soon as an area is disturbed
what the contractor would be required to do is
to immediately seed it, stabilize it, and then
there's an erosion control blanket, it's a
coconut fiber biodegradable mat that gets laid
over the seed, allows it time to germinate
while protecting the soils from erosion.

MR. PULASKI: I appreciate you
pointing those out.

ACTING CHAIRMAN NEMECEK: Joe, one
other question, just a comprehensive view. It

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up by the neighbors because there was too much
debris overflowing from the cemetery. So we're
hoping that that's not going to be a problem.
Right now they've set up waste baskets and we
hope that they regularly will actually empty
them so that the animals don't have a lunch
counter. But I don't know who's going to make
sure that the cemetery is kept clean.

Water runoff and the trees. Water
runoff, I'm not a water engineer, so I don't
know if it's actually going to work, but I do
know that we will be living with the
consequences, so I really hope that the water
runoff planning has been done properly. We're
glad they replaced the trees with a harder
kind of tree. The Hornbeam I guess can live
for like a hundred years -- which would be
good -- with no care.

The height of the building. We didn't
hear anything about them lowering it further,
but if it could be lowered even like 6 inches,
that would be great. I think it was mentioned
that it was possible to do.

Upkeep of the cemetery. Again, I

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don't know if there's anything you could do
between the town and the parish to actually
make sure the cemetery is up kept, but it's
really important because we found ourselves in
this situation because it hadn't been kept up.

I was going to stay something about
stabilizing the slopes, but you've taken care
of that. The English ivy that's there now is
very happy, it's very well established, and I'm
glad it's going to be left there because it
does a good job.

Thank you for hearing us out, and I
hope this all works out well.

ACTING CHAIRMAN NEMECEK: Great. I
think we all do.

One of the concerns that Mrs.
Leibowitz mentioned was the upkeep. I'm
satisfied with the answer that Father Sorgie
gave at the last meeting about the requirement.
We're not going to enter into a contract. We
don't have the enforcement powers to do that.
As I understand it, this is a requirement
that's imposed upon the parish by the Arch
Diocese of New York. The parish has been a

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good citizen of the Tuckahoe/Eastchester border. I think half of the church property is in Eastchester and the other half in Tuckahoe. The cemetery is wholly within the Town of Eastchester. I know the parish has been cooperative in the past. I was on this board when we were responsible for approving the gymnasium construction and that went very well. Minimal complaints that I'm aware of. In that instance, the gymnasium has been of use to the entire community. So there is a certain level of trust. What I've heard from the applicant's representatives, that they are required through their internal controls to dedicate a certain portion of the revenue that comes in from the sale of these niches to the upkeep, I'm satisfied that that's been addressed or will be addressed. It certainly will be addressed I would think in the near future, because I don't think you're going to be able to sell very many of these niches if you have a poorly maintained site. So I think that concern has been addressed.

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With respect to the landscape plan, since it's not been finally reviewed by Mr. Cermele and perhaps not by Margaret's office, I'm satisfied that progress has been made, and maybe this is a satisfactory final plan, but to the extent there may need to be minor adjustments, I have the full confidence that Margaret, who is a licensed landscape architect, knows what she's doing in this area, and that working with Joe and working with her department, any changes to this that are made are going to be for good reason and are going to ultimately inure to the benefit of the entire Town of Eastchester, and, in particular, take into account the considerations of the nearby neighbors.

In terms of further adjustments to the height, I don't really know that 6 inches is going to make much of a difference. I'm satisfied that the applicant has already scaled down its original vision, and I believe the contemplated edifices is the same size as the one that's in place right now. I think the process has worked well. I think there's been a good give and take. Certainly, the applicant here has been very cooperative, and all of its representatives have been professional. We do appreciate very much the input of the public, the neighbors who are most directly affected, and we appreciate your bringing some of these issues to our attention and to the applicant's attention, and, thankfully, we have had a responsive applicant here.

Subject, I guess, to the normal conditions that we have --

MS. UHLE: I have a quick question.

Did you close the public hearing or see if anyone else wanted to comment?

ACTING CHAIRMAN NEMECEK: Anyone else want to comment? This is the difference between an acting chairman and the real chairman. The acting chairman sometimes makes mistakes like this. Go ahead. First introduce yourself.

MS. SALERNO: Good evening. Anna Salerno, 15 Lake Shore Drive. I just have a couple of quick questions.

They've addressed how they are going to maintain the property up top. What about the front when you first enter the area, has anybody spoken about what's going to be done on the roadway going up to the cemetery, any maintenance there? It looks like a dried up old delipitated forest, especially when you first enter. Aesthetically wise, you're going to build this beautiful columbarium and you're not even focusing on the focal point when you first enter.

Aside from that, another one of my concerns is heavy machinery and things like that going in the road up to the cemetery. I'm the first house on the right. Is there going to be anything disrupted? I had to put trees there for privacy. Is anything going to be disrupted in that effect because of the heavy machinery or whatever that goes up there?

These are a few of my concerns.

Another concern, which I think I brought to light awhile ago, but I'm just going to mention it again because I think it's important for our town, in the winter everybody knows everybody goes sledding at Lake Isle.
That's the thing. You have little kids, this is what they grow up on.

ACTING CHAIRMAN NEMECEK: I used to .n I was a kid.

MS. SALERNO: Did you?

ACTING CHAIRMAN NEMECEK: Yes. In the 1970's.

MS. SALERNO: My kids are older now, they don't need to go sledding.

ACTING CHAIRMAN NEMECEK: I don't do it anymore, by the way.

MS. SALERNO: You still go?

ACTING CHAIRMAN NEMECEK: No, I don't.

MS. SALERNO: So what they do now, people park outside my house, cut through my yard, I don't have a problem with that, they're going sledding. Then a lot of people do go up Cemetery Lane, flip it around at the top, make the u-turn, come down, park on the side. Is that going to even be allowed anymore? Is that's going to be something that's going to be off premises? This is what our town is known for, Lake Isle sledding in the winter. It's a big deal. Just another concern. Just another

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thought that you don't want to ruin our foundation of what this town is all about.

Again, the aesthetics is a big deal, and I'm concerned with how are they going to brush that up and make that look better and clean that up. We did speak about maintenance a couple of weeks ago, so we'll see how that goes. All right. Thank you.

ACTING CHAIRMAN NEMECEK: Thank you.

I would think with respect to the sledding thing, that's really an enforcement issue. I don't know what the restrictions are.

MR. TUDISCO: Again, it depends on whether or not the road is a private road or if it is a road that was deeded over to the town or if there's an easement. I don't honestly see that anything is going to change. I don't know if that's a legal issue.

Again, I just want to address in general there's difference between what gets approved and conditions, and ultimately to the extent that the community has concerns about upkeep, there are certain things that the town can enforce, and it is really incumbent on the

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community to reach out to either the land owner preferably, or certainly my office or the Building and Planning Department. There are certain statutes in terms of the height of the grass, the maintenance of the property. There were some complaints or concerns raised about the fencing around the area. I think we've come to learn that the fences are the property of adjoining landowners and not the cemetery, and it is the responsibility of the owners of the fencing to keep it in good repair.

To the extent that anyone has questions from the community about enforcement issues, please feel free to contact my office an I will certainly address them.

ACTING CHAIRMAN NEMECEK: In terms of the roadway and the state of the trees leading up to the cemetery proper, there's only so much I think we can do in this application. We're fairly far along here. I don't recall that issue being raised at the last meeting, and, you know, quite frankly, if the application were to be denied, there would be no change at all in that. I don't recall being affected one

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way or the other when I visited, and it didn't strike me as anything that required immediate attention. Again, I would suppose that it would be very much in the interest of the applicant here to do whatever, to make whatever aesthetic changes might need to be made or upkeep that would have to be done in order to make the cemetery, including the entranceway to it, as attractive as possible because if this application is approved, the plan is to be selling a commodity, in this case the niches for the burial or the placement of the remains. So I would think it would be very much in the interest of the applicant upon approval of the application, to do everything within its reasonable power to make this look as nice as possible, even if we're not addressing that particular issue at this point.

You also had a concern about the heavy machinery.

MS. UHLE: Maybe the applicant can address that.

ACTING CHAIRMAN NEMECEK: Is there going to be heavy machinery?
MR. CUNNINGHAM: It's a valid concern because basically, as Bob was saying before, what we have, you know, an erosion problem, any machinery coming in, any dirt that would get on the road is there a plan to get that all clean and keep the place pristine while the construction is going on down by the road?

MR. KELLY: During construction --

ACTING CHAIRMAN NEMECEK: If you could identify yourself again.

MR. KELLY: Sure. Bill Kelly, project manager with the parish. During construction, all efforts will be made to keep the project safe and clean. As far as heavy equipment or construction equipment, nothing any larger than what's already been up to the site already, and they would be on the paved entrance roads, there wouldn't be anything off road. The only disturbed area would be the location up where the construction is. There would not be a lot of activity before that, specifically with adjacent properties entering the facility or entering the cemetery.

ACTING CHAIRMAN NEMECEK: What is the approximate duration of the construction from start to finish; how long is it going to take?

MR. KELLY: That is to be reviewed.

ACTING CHAIRMAN NEMECEK: Can you ballpark it?

MR. KELLY: It could be a six month project, but primarily the foundations will go in relatively quickly, and then it will be a matter of the niches themselves, which are custom made and require a longer lead time. So there will be coordination between putting the foundations in and then accepting the niches themselves, but the niches and the ground disturbance should be relatively quickly.

MR. CUNNINGHAM: So after this is set up, foundations are poured, when the monuments come in, is that on a tractor trailer? Does is come off with a crane, does it come off with a forklift? I think it's a valid concern about machinery in and out.

MR. KELLY: It's a tight site. There's not going to be large equipment to begin with. There is going to be great concern and respect for the trees that are there not to disturb things. It's going to be a careful thing.

As far as excavation for where the long walkways are, it's going to go relatively quickly. It will be planned out where the excavation will be. They'll work from the back out, taking the material off site immediately so we're not storing things or making things worse, and immediately putting the foundations in, the drainage. It's going to go relatively quickly and I'll say clean.

MR. CUNNINGHAM: That's very important that that entranceway stays clean during the whole operation, you know, being that it's in such a high visibility area and the homes in that area.

MR. KELLY: Without question. We run a clean site, period, and safe.

ACTING CHAIRMAN NEMECEK: We still have open the public hearing. Gentleman over here.

MR. APUZZO: Hi. Jared Apuzzo, 17 Lake Shore Drive. My question is slightly off topic. It doesn't have to be answered here.
directly relative to your question but it's
kind of related, I did check with the Police
Department to see whether they've ever had
calls or concerns about activity on the site.
They checked the records for the past five
years and really did not have any record of
anything. They did say that they drive up into
the site periodically as part of their patrols,
but I think if there were security concerns or
if there were some reason that the Planning
Board and the applicant thought those gates
should be closed, that's something you could
discuss with the applicant.

MR. APUZZO: Is that town property or
is that the church's property?

MS. UHLE: It's the church property.

MR. APUZZO: Thank you.

ACTING CHAIRMAN NEMECKE: Is there a
policy?

MS. UHLE: Maybe Father Sorgie could
address that.

ACTING CHAIRMAN NEMECKE: Whoever.

Father Sorgie, it would be inappropriate if you
didn't at least have some comment today.

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FATHER SORCIE: Apparently, over the
many, many years -- it's a 120 year old
cemetery -- there have been signs and rules, I
found them, and they change constantly. Until
sunset back in the 1920's. Most recently, a
sign, I believe, fell down during part of the --
I always have to mention who the Pastor was --
during Father Oliverio's time, which is around
1999 to 2005, and there was a time from dawn to
dusk.

Our parish council took a vote with
the whole parish, and we are going to be
announcing that it will be open from 8 a.m. to
4 p.m. But again, with such a porous -- we
will make every effort to put the signage up
correctly, alert our Police Department, which
I've always am in contact with so I know they
go up there because it's me requesting it
constantly because I, too, find that we cannot
empty garbage pails fast enough. So somebody
is up there eating, and I doubt it's too many
people visiting graves. So I'm trying to
figure that out. We're always on it
constantly, constantly. So 8 to 4 is what we

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hearing on Application 18-36, Holy Mount Cemetery.

MR. PULASKI: Second.

ACTING CHAIRMAN NEMECEK: All in favor.

(All aye.)

ACTING CHAIRMAN NEMECEK: We went another couple of rounds. I reiterate what I said before, I think the application has been very well thought out, and with the benefit of the comments of the community, I think it's become an even better application. It's certainly one that I can endorse. I think the issue of the landscape plan looks like it's pretty far along and it's addressed issues, including minimizing the likelihood of erosion on the steep embankments, addressing different choices perhaps in trees, and all of this, I guess, as I was saying before, Margaret is a licensed landscape architect and she and her department working with Joe Cermele, I have every confidence that if there is tinkering to be done with this, it will only improve the finished product for both the applicant and the

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neighbors and the town and the community in general. So it would be my recommendation to the extent that there are minor modifications to be made to the landscape plan, that be done -- that the application be approved subject to those modifications being agreed to by Margaret and her department.

I certainly would encourage the applicant to go ahead with posting some sort of sign regarding hours. I think that would be a helpful guide to those who, in the absence of a sign, determine this is a 24/7 cemetery. Beyond that, I feel very comfortable moving ahead with the approval of this application.

MS. UHLE: You mentioned the landscape plan, but did you also mention final review and approval of the engineering?

ACTING CHAIRMAN NEMECEK: That's going to part of the --

MS. UHLE: I thought you were wrapping up already.

ACTING CHAIRMAN NEMECEK: I wanted to see if we had any consent here first.

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has now been designed for the hundred year stormy event, which is basically a 9 inch storm over 24 hours, and we provided two separate overflows from the system. Our client, the applicant, has been in touch with the neighbor. They have had conversations -- the one from 31 Crawford Street next door -- about relocating the 18 inch pipe which cuts through the corner of the property. He agreed to allow us to relocate this. What we're going to do is provide a new catch business along the edge of the property, which intercepts the pipe. We're going to bring it down across in a westerly direction. I brought it on an angle, as there is an existing tree here. We're trying to keep it as far away from the tree as we can, as well as keep a certain distance away from the foundation of the building because obviously water and foundations don't mix very well.

From here we put a separate structure, it turns to the north, and intercepts the existing pipe just before it exits the property where the flows will continue to flow towards the existing manhole.

ACTING CHAIRMAN NEMECEK: I have one question: Have you elevated the entire structure by one foot since the initial application?

MR. COLLINS: As far as I know, it was just really the garage floor and the finished floor. I’m not aware of us actually lifting the whole building, it was just the floor elevations that we changed.

ACTING CHAIRMAN NEMECEK: Just the floor elevations. So the ridge line, for purposes of compliance with zoning requirements, is not affected?

MR. COLLINS: No, not that I’m aware.

ACTING CHAIRMAN NEMECEK: Just for my own curiosity, you said that your storm water management is built with the retention for a hundred year storm, which is, did you say, 9 inches of rain in 24 hours?

MR. COLLINS: That's actually per the DEC's requirement. Their hundred year storm is about a 9 inch storm for 24 hours. That's a significant amount.

ACTING CHAIRMAN NEMECEK: Yes, that is.

MR. COLLINS: It's not expected that there's really anything ever going to be like that.

ACTING CHAIRMAN NEMECEK: This is a sensitive area, the Crawford Street area. As I noted the last time, it's significant enough that it has it's own water study, which is relatively recent vintage. I think it's '07. I had a chance to take a look at that, and I know Mr. Cermele did too. Did you have a chance to look at that study?

MR. COLLINS: Personally, I have not. But Joe, when he did look through all the plans, he did recommend that on all of our outlets for storm water connections out to the street, as well as our connections to the sewer infrastructure.

The provided plans, I've actually handed it off to Joe and handed in some plans to the town as well. I’ve addressed the most recent comments that we actually got today on the May 23rd memo, and we’re hoping that we could close the public hearing and move forward with approval.

ACTING CHAIRMAN NEMECEK: Okay. Do you have any questions, Bob?

MR. PULASKI: Yes. To belabor the comment that the basement has been raised a foot -- correct? Is that a correct statement?

MR. COLLINS: I believe so.

MR. PULASKI: Yes, because you want the drainage out of the basement by gravity. Are you giving us assurance that all of this has been coordinated back through the architecture so that slab to ceiling heights in the basement and ceiling heights on the first floor or second floor are all acceptable to the architect and the client?

MR. COLLINS: I believe we did coordinate. I would have to follow-up.
MR. PULASKI: The reason why I'm asking is, is that if it's not and the client insisting on not changing it, then it's going to end up coming back before us and you're going to want to raise the ridge by a foot. I know that when you're dealing with a basement, usually that clearance is tight because you have so many pipes and such down there. Sometimes they'll make a basement fairly tall because they want to make use of it, and I think that that was one of the intents on this project. I don't have the drawings anymore.

MR. COLLINS: It's a 9 foot basement from -- well, 9 feet from -- 10 feet from finished first floor to the basement. So yes, it would be an 8 to 9 foot basement.

MR. PULASKI: So you have a 9 foot ceiling. So if you lose a foot down there, it's not the end of the world.

MR. COLLINS: 7 feet for a basement I think is minimum.

MR. PULASKI: If you're finishing out your basement -- I don't recall what was

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MS. UHLE: I think the biggest issue is kind of what Phil raised, if anything is raised up, we just have to make sure that you're not exceeding the maximum permitted height requirement. Otherwise, I think the Planning Board can require that they raise the floor elevations with regard to storm water management issues.

MR. PULASKI: From what I could see on the architectural drawings, it's just showing us a first floor and second floor.

MR. CUNNINGHAM: You're at 29 feet 8 now.

ACTING CHAIRMAN NEMECEK: Maximum ridge height is 33, according to this.

MR. CUNNINGHAM: There's no elevation other than that.

MS. UHLE: I think as part of the condition, we'll make a note to confirm that the home doesn't exceed the maximum permitted building height.

MR. PULASKI: One of the reasons I'm

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Mr. Cunningham: It's 8 feet on this drawing.

MR. PULASKI: My intent is not to deny what you want to build for the purpose that the house is being built. Sometimes something like this doesn't get coordinated, and later down the road somebody goes, whaa.

MR. COLLINS: This is definitely something we would be coordinating. This is not something that we would let slip through the cracks.

ACTING CHAIRMAN NEMECEK: This suggests 8 foot.

MR. CUNNINGHAM: Drawing 105 on --

ACTING CHAIRMAN NEMECEK: This is the drawing that we have. What's that one?

MR. COLLINS: This is C-2.

ACTING CHAIRMAN NEMECEK: This is the updated one?

MR. COLLINS: Yes.

MR. CUNNINGHAM: Do you have an

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elevation drawing on that plan revised.

MR. COLLINS: This has been revised, yes. There are no elevations for this yet, just the civil plans. We only have the engineering plans.

MS. UHLE: You guys are kind of confusing me what you're trying to figure out. I think what we could just say is that they need to coordinate with the architect with regard to elevations and building height. You just want to make sure that if they have raised the finished floor elevations, that they still could maintain appropriate ceiling heights and ridge heights; correct? Is that what the concern is?

MR. CUNNINGHAM: I'm sure if they're raising floor heights, they're raising the height of the building. They're not going to take an 8 foot ceiling and make it a 7 foot ceiling in a home of that magnitude.

ACTING CHAIRMAN NEMECEK: Drawing 105 that we looked at at the last hearing, it has an 8 foot basement to grade.

MR. COLLINS: So the first floor rose

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up. The basement floor stayed the same.

MS. UHLE: The height of the house to
8 feet, the highest roof ridge is 29.7 feet, so they
9 have a lot of flexibility to go to 33. It
10 sounds like they have flexibility. We'll just
11 make sure that it works or they will make sure
12 that it works.

ACTING CHAIRMAN NEMECEK: It shouldn't
14 be an issue, even raising the entire thing by a
15 foot. I would like to hear from Joe Cermele
16 regarding the engineering and the storm water
17 management.

MR. CERMELE: Again, we've been
19 working with the applicant with the engineering
20 review. We've been to the site. We witnessed
21 the soil testing for the storm water system.
22 I, personally, met with the Highway
23 Superintendent to hear his concerns. As you
24 said, this is a sensitive area in town with
25 regard to storm water. In meeting with him, he
26 had suggested some of the plan modifications
27 that are in my memo, specifically removing and
28 resetting the Belgium block curb around the
29 property frontage to provide that 6 inch

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one reveal, which is typical for a curb. Over the
3 years, the block had settled, maybe the road
4 was repaved, so that reveal is almost none
5 existent in a lot of places, so it allows
6 runoff from the street to enter the property.
7 So they'll correct that. The check valves on
8 the storm and sanitary connections -- a lot of
9 the items in the memo, Dan has gone through it.
10 It appears they've been address. Obviously,
11 we'll want to look at it. In my mind, my last
12 memo was a lot of clean up items, nothing
13 really substantial that would change the plan
14 certainly. My, I guess larger comment, was the
15 rerouting of that existing storm line through
16 the front of the property, which it looks like
17 he's done. As I mentioned, Con Ed. no longer
18 allows gas service connections, so the
19 applicant will need to find another means of
20 providing fuel for the house, whether it be oil
21 or propane or all electric but something other
22 than gas. That service connection that was
23 own will obviously have to disappear. Other
24 than that, I think from a storm water
25 standpoint and engineering in general, we're

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fine it.

The comment regarding the elevation of
4 the house, when we made the comment, the prior
5 plan showed that the first floor was only 6
6 inches above the existing adjoining grade,
7 which is tight from a construction standpoint.
8 You don't really want that silt plate that
9 close to the grade. So we suggested just
10 basically picking up the entire house a foot.
11 So I think all the relative floor elevations
12 would likely stay the same, and, as Margaret
13 mentioned, there's plenty of room with the
14 building height from a zoning standpoint. So I
15 think picking up that house a foot is a good
16 idea from protecting the house, and I think it
17 will be fine with the zoning.

ACTING CHAIRMAN NEMECEK: It adds one
19 step in the front.

MR. CERMELE: It's either a step or
21 they could have a slightly ramped walkway. You
22 get snow accumulation, heavy storms, you don't
23 want that water sitting at that silt plate
24 elevation.

MR. PULASKI: So it's the first floor

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19-05, 2 York place?
(No comments.)

ACTING CHAIRMAN NEMECKE: Not seeing
any, I move to close the public hearing on
Application 19-05, 2 York place.
MR. CUNNINGHAM: Second.

ACTING CHAIRMAN NEMECKE: All in
favor.

(All aye.)

ACTING CHAIRMAN NEMECKE: I think
whatever major concerns I had before, appear to
have been addressed either by the applicant or
by Mr. Cermele’s comments. Again, with a
healthy amount of confidence, that moving this
forward subject to further review and
negotiation, if necessary, approval by the
engineer and by -- since this is a new site, we
have the normal landscaping requirement, but
subject to those conditions, I feel comfortable
moving forward with the approval of this
application.

MS. UHLE: Just for the applicant or
applicant’s engineer, the landscaping
requirement is that we will require a letter

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signed and sealed by the landscape architect
indicating that the plan that has been
installed is actually what was approved, and if
there are any changes or modifications, they
need to coordinate with the Building and
Planning Department first. That will be
incorporated in the resolution so you could
see.

MR. PULASKI: Margaret, my
understanding is, and I look back at the sheet
that shows what the zoning tolerance is, and
under the code they’re allowed 23 feet and
they’re presently, as this plan is drawn, they
were using 20 foot 10 inches, so they have the
latitude of --

MS. UHLE: That 23 and 20, that’s to
the principal eave, and then it’s 33 to the
ridge line. So, yes, they do have about 3 feet
latitude.

MR. PULASKI: So our approval can
include that adjustment if it’s necessary?

MS. UHLE: Yes.

MR. PULASKI: Good.

ACTING CHAIRMAN NEMECKE: I make a

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yard at the completion of construction. He will let us know how many trees he wants at the front and where he wants them, and we'll plant them.

Thank you, and I'll hand it over to Dan.

MR. COLLINS: Dan Collins, Hudson Engineering. As with the last application, we have been coordinating with Joe to get everything done. We did receive the memo today and actually have revised the plans to address all those concerns up front. I've given the updated plans to Margaret and Joe for their review as well. Obviously, when we move forward, for the more formal submittal I'll provide everything that the town needs.

Per the last memo, again, we're going to replace the entire curb along the frontage to provide the 6 inch reveal. There was a comment regarding the driveway, about the 5 percent requirement within the first 15 feet and then up to meet grade. We revised the driveway slope to meet the requirement for the town's code.

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In addition, with regard to the storm water, that's also been revised to meet the hundred year storm for infiltration. There are some additional minor comments that were remaining that were in Joe's memo that obviously we have addressed in the new set of plans, and we believe at this point we've addressed everything to date and look to move forward to an approval.

ACTING CHAIRMAN NEMECEK: Okay.

Anyone have any questions?

MR. CUNNINGHAM: No.

MR. PULASKI: No.

ACTING CHAIRMAN NEMECEK: Let's hear from Joe. Joe Cermele, Kellard Sessions Consulting, for the third and final time this evening.

MR. CERMELE: Put this on my recorder button. Like he said, we've been working with him back and forth going through various iterations of the plan. The memo you see before you is a lot of minor detail cleanup that sounds like it has already been addressed.

One thing we did require throughout

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the process -- if you remember, the storm water mitigation system is quite large, it's almost the entirety of the front yard. At the time we did the soil testing and witnessed the tests, we weren't aware of the size of it. I don't think it had been laid out at the time. The applicant did a single test hole, which is typical, but after having seen how expansive the system was, we requested that they do an additional test just to make sure that the soils were consistent throughout. They agreed and they did it and confirmed the initial assumption. So we have no concerns with the storm water design, the site as a whole. It's minor comments remaining at this point.

ACTING CHAIRMAN NEMECEK: I have some comments because I do remain upset in a way over the removal of the two trees, the two big red oak trees. I was not satisfied with the May 8th letter from Serpe Tree and Landscaping, Inc. to Hector DiLeo, the Superintendent of Highways, insofar as it didn't address the condition of the trees that were there at the time.

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Thankfully, with a great resource at the Planning Department of Margaret Uhle, Margaret was able to reach out to an arborist, who was able to show up on very short notice yesterday morning. Margaret was with the arborist, James Johnson, who did a pretty comprehensive review of -- we recognize that the tree that is nearest to the driveway, I think there had been previous comment about its condition not being the greatest and certainly its location being sort of front and center, that that tree was not going to be salvageable, but my concern, my principal concern was about the tree that was on the furthest left of the property almost in the corner as you view the property. In particular, and I think I mentioned this last time, I think those trees are beautiful trees. I think the neighborhood is greatly enhanced by the presence of those trees. The canopy that it provides is a very distinctive and integral part of that neighborhood. So not because I love every single tree I've seen, but I made it something of a personal mission to see if this tree could
be salvaged.

As I said, Margaret went out yesterday
together with Mr. Johnson. They looped me in on a call.
I was on for about 15 minutes. We kind of went
through just about every possible permutation.
Ultimately, there were two major
concerns that Mr. Johnson voiced. One being
that, unfortunately, there had been trucks that
had run over the front lawn, which, in his
estimation -- and this is mentioned in the
Serpe Tree and Landscaping letter of May 8th --
that just having run that heavy equipment over
the tree roots was not helpful and was likely
to have caused some damage to the tree on the
left of the property. Maybe not unsalvageable
damage. We recognize that certainly the plan
with the storm water management, the extensive
storm water management in the front yard could
not be built in that way if you were to
preserve that tree, but I was certainly
prepared to request that the applicant consider
other options.
Ultimately, Mr. Johnson advised, and
I'm fully convinced -- this is a complete

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neutral, somebody that had no skin in this
game -- he pointed out that this particular
tree has effectively three major trunks growing
out of it. It isn’t a single large trunk, it
has three. He said that a tree of that nature
is sort of inherently more dangerous,
particularly if it’s compromised in any way. I
did ask him what the age of the trees were, of
that particular tree, and he said it was likely
a hundred and fifty to a two hundred year old
tree. I asked him, could we get another
50 years out of it. He said, you know, while
it was possible, he felt that the trauma that
was caused by the heavy equipment having gone
across it, coupled with the inherent formation
of this tree made it, while not an immediate
danger, something that was unlikely to have a
very long life to it.

So having heard that, and basically
having heard only that because, as I said, I
wasn’t particularly convinced with anything
I saw and heard, and the very least
convincing thing I got is this letter dated
May 23, 2019, which is today’s date, from James

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T. Scalise, a lawyer, and while I, as a lawyer
myself, can appreciate sometimes a good lawyer
letter, this does nothing for me. What I was
concerned about and what I remain concerned
about is if there was a way for me to preserve
that particular tree, and even if it did cause
a reasonable imposition on the homeowner, I
certainly, you know, wasn’t going to have the
homeowner go to tremendous cost to preserve a
single tree, but having been convinced by the
arborist, who, again, I inherently trust and he
really took his time to answer every question I
have and had, you know, I ultimately came to
the conclusion -- and I think this was both
Margaret’s conclusion and James Johnson’s
conclusion, the arborist -- that the likelihood
of the tree surviving any sustained period
after the construction even if there was a way
to manipulate to revise the storm water
management plan to keep it away from the roots,
and even, you know, if he did everything he
could afterwards to try to stimulate growth
after the construction, that it just ran too
high a risk of not working, and then having a

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ACTING CHAIRMAN NENNEK: Yes, 4 inch.

So having heard that, and basically
having heard only that because, as I said, I
wasn’t particularly convinced with anything
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whatever conditions on it I want that are reasonable.

So with that one main obstacle
hammered out any final minor workable details,
as Joe described, I'm prepared to approve this plan.

MR. TUDISCO: Mr. Chairman, you have a public hearing still open that you have to close.

ACTING CHAIRMAN NEMECEK: Ah, I did it again. See, I was all choked up over my tree.

MS. UHLE: I don't even think you opened it for this one. I'm not sure. I didn't write it down.

MR. TUDISCO: I have public hearing continued.

ACTING CHAIRMAN NEMECEK: Is anyone here want to comment any further? Anyone want to make fun of me and my tree fetish, go right ahead.

(No comments.)

ACTING CHAIRMAN NEMECEK: Not seeing anyone, I move to close the public hearing on DINA M. MORGAN, REPORTER

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Application 19-08, 14 Interlaken Drive.

MR. PULASKI: Second.

ACTING CHAIRMAN NEMECEK: All in favor.

(All aye.)

MR. PULASKI: Before we vote, I would just like to clarify something back into your report.

Item 5 says: The plan has been revised to indicate the proposed basement floor elevation. The applicant shall consider lowering the invert. The idea of the change to the basement floor elevation was for gravity flow. I got a little bit confused between the two projects before. So the basement elevation, I don't know if it was declared originally on the drawings, if it's been raised; how does that affect the building?

MR. COLLINS: The basement elevation stays the same on this one.

MR. SHERWOOD: The sewer invert, as was shown on the last plan we saw, I believe may have required that the basement level be pumped, which is not uncommon, but with

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STATE OF NEW YORK
)

ounty 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 20th day of June, 2019.

DINA M. MORGAN
Court Reporter

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