EASTCHESTER PLANNING BOARD - 6/28/18

THE CHAIRMAN: Good evening. This is the town of Eastchester Planning Board meeting of June 28th, 2018. If everyone would rise for the Pledge of Allegiance, please.

(Whereupon the Pledge of Allegiance was said.)

THE CHAIRMAN: The roll call is, first person, Mr. Nemeczek, is not present right now. He said he may be able to be here for part of the meeting. Mr. Robert Pulaski.

MR. PULASKI: Present.

THE CHAIRMAN: James Bonanno is here.

Bill West.

MR. WEST: Present.

THE CHAIRMAN: Mark Cunningham is not here.

We have a full agenda; old business, new business. Let me just run through it. We're going to go in the order I read them. So in all there's 1, 2, 3 -- 12 applications. The first one is Gas Mart, 600 White Plains Road; the next is 10 Morgan Street; the third is Mezzaluna; the next is 37 Nelson; followed by 1 Huntley; then Pizza Bar at 322 White Plains Road; 43 Hathaway Road; and 96 Fairway Drive.

MS. UHLE: And 11 Arlington.

THE CHAIRMAN: 11 Arlington got slipped in there. It was cut off at the bottom of the page. That's number 8. Good. So we'll start.

MS. UHLE: Could you just go over what's adjourned just in case people showed up for those particular applications?

THE CHAIRMAN: Sure. Items that we have open hearings on that are adjourned this evening is Swanoy Country Club; 71 Park Drive; 11 Mill Road; Kidz Corner at 189 Brook Street; and USAgain; 21 Ray Place. Great.

MS. UHLE: Those will not be heard tonight.

THE CHAIRMAN: So last time when we had a full agenda, I just asked that architects sort of try and summarize things briefly. We love everything you do. We're more concerned about elevations and what it looks like from the street than plans. If you could just walk us through it at a brisk place, we'll get to questions and move the meeting along tonight.

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convenience store. The footprint will not
increase. We propose parking as well as site
improvements, including landscaping. It's been
through a review and we've addressed all the
issues from that review. So we are trying to
get final site plan approval to go to permit.

THE CHAIRMAN: Is there a lighting
plan?

MR. VILLANI: The lights are indicated
on the site plan. They're indicated in the
four corners. We will be lighting the back of
the parking lot, as well as the two corners in
the front. There also is an illuminated sign
that exists already on the site.

THE CHAIRMAN: Could you point out the
light locations?

MR. VILLANI: The dark dots at the
four corners of the property, as well as they
have an illuminated sign.

THE CHAIRMAN: Do we have cut sheets
on those?

MR. VILLANI: No, I do not have cut
sheets on those.

THE CHAIRMAN: When we look at

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lighting, usually we like to understand what
fixture it is and if it's lighting down and how
much --

MR. VILLANI: Presently, every project
I design are LED lights. There are no more of
those lights with the lamp posts that glare in
a semicircle out on the property. They'll be
directed downward, the downward LED lamp post
lights, just for that reason so it doesn't
affect the neighbors.

MR. PULASKI: Usually we get a
photogrammetric -- I think is the expression --
so you could see how much light intensity you
get so we don't go more intensity than we need,
we see where the spill is, particularly where
we're running into a late hour use up to 11:00
or so in the evening.

MR. VILLANI: I would have presented
that to you if I -- we've presented in front of
the Planning Board, I believe, three or four
times, and I've never been asked that before.

MS. UHLE: There's a couple of things.
One, the first few meetings that you presented
before the board, they primarily focused on

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information.

THE CHAIRMAN: I wasn't making light of the efforts you put forth so far. I mean, I do appreciate that you've been very receptive.

I think in the end we have an application that is perfect, now we're just crossing the T's and dotting the I's.

MS. UHLE: The applicants submit their applications to our department exactly two weeks prior to the meeting, and as much as we like to advise applicants of anything that we see is outstanding, again, the understanding is basically that what you're submitting is what you're going to have comments on and reviewed by the Planning Board when you get here, otherwise, it's two weeks for us for you to get information for you, you to scramble to get things in. We're reviewing what you submitted at that particular time. This is a significant site, and the fact that the applicant got a use variance is significant for the applicant. The board needs to be careful with their review.

THE CHAIRMAN: Margaret is good at pointing out things to our attention too. One application exactly two weeks prior to the meeting, and as much as we like to advise applicants of anything that we see is outstanding, again, the understanding is basically that what you're submitting is what you're going to have comments on and reviewed by the Planning Board when you get here, otherwise, it's two weeks for us for you to get information for you, you to scramble to get things in. We're reviewing what you submitted at that particular time. This is a significant site, and the fact that the applicant got a use variance is significant for the applicant. The board needs to be careful with their review.

THE CHAIRMAN: Margaret is good at pointing out things to our attention too. One thing she did point out that I would like you to maybe just elaborate on, and that is in the back there's like a slope; do you know what the condition is back there with the site?

MR. VILLANI: The existing grade is level with White Plains Road, and it grades down to the back of the property where the parking will be in the rear, as well as in the front, handicapped parking in the rear as well. They'll circulate through the site. We were requested to see where the tank location for the fill-ups would be, so we put this truck here to indicate the truck would fill up at odd times, not during, you know, the peak hours. We also put additional signage on the pavement to indicate the traffic circulation. All the bubbles were all the revisions that were kind of requested of us throughout the process, the Planning Board. You could see the bubbles.

We've addressed those on the Planning Board. We also were requested to put a fence along the northern property line, as it is in disrepair; additional parking space up front of structure; and the additional arrows, directional arrows

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MR. PULASKI: The reason why I mention that is, I know that the last time you were before us one of my concerns was that when you have a lot of vehicle parking, a lot of vehicle movement and you have a gas station, this site doesn't have any drains, and I think one of the people from the public had said how that slopes off in the back and then down. I don't know if through the Zoning Board's process if anything has changed where a drain could be required back there?

MS. UHLE: That would be your purview to talk about that. The Zoning Board didn't address that.

MR. VILLANI: That's where all the water goes anyway. There could be some mitigation there with traprock. I'm not concerned of or would like to put structures there, but there could be some sort of percolation -- some sort of treatment in the back area that percolates it to mitigate the water, storm water.

MR. PULASKI: I think there should be with any area that has a lot of parking and car Environmental concerns.

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ACTIVITY OF A GAS STATION TYPE.

THE CHAIRMAN: Drains for the surface water on the parking?

MR. PULASKI: Yes.

THE CHAIRMAN: Then you have to scrub it and -- you can't just --

MR. VILLANI: It's already a hundred percent impervious surface the property or 90 something percent. We really would just be catching the runoff.

THE CHAIRMAN: From the parking lot with cars.

MR. VILLANI: The grade slopes to the back.

MR. PULASKI: Otherwise, it just goes down the hill.

THE CHAIRMAN: I don't know. If you put a drain on a parking lot, what happens to the water; where does it go?

MS. UHLE: I think we would have to talk to Joe Cermele about that. They would have to put a dry well in or something. If you put a drain in, it has to go somewhere.

THE CHAIRMAN: It's also a gas station Environmental concerns.

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AND IT'S ALSO --

MS. UHLE: There would be some mitigation you would have to do.

MR. WEST: It's already paved now, so what are you improving?

THE CHAIRMAN: Right now you're saying it's just going off to here?

MR. PULASKI: Yes. It slopes. That's why he was saying the -- that grade has changed 18 inches in the back?

MR. VILLANI: Drop off from here. I'm just guessing.

MR. PULASKI: So maybe it's a little less severe. Maybe it's pocketing a little bit.

MR. VILLANI: It's creating a natural mitigation right now. It slows down, you know, the rain water. I mean, it's pretty forestry back there.

MS. UHLE: I think, if you would like, we could have our engineer just take a look at it.

MR. PULASKI: I think it's just good environmental concerns.
MR. VILLANI: Yes. But it's enough that if a car rolls over it, it's detrimental to the car.
THE CHAIRMAN: I'm not worried about the cars, I'm worried about the people just sort of --
MR. VILLANI: We were proposing a fence there too, but now we're putting the fence toward the rear.
MS. UHLE: You might be able to put a guardrail or something there and then the fence at the back. It's pretty steep if you were to go over that curb. You would hit a few trees on the way too.
Can I follow up with a lighting question? Are you proposing any lighting on the building itself?
MR. VILLANI: We would have downward flood lights just for nighttime just at the front of the store for safety as well.
MR. WEST: What are the hours of operation?
MR. VILLANI: We have that as part of one of the conditions, I believe. 6 to 11.

MS. UHLE: At the last meeting, the hours were discussed but not determined. My question with regarding to the lighting was, again, if you're proposing any details like that, they'll need to see where they're located and catalogue cut sheets.
MR. VILLANI: Sure.
MR. NEMECEK: There is new post lighting indicated in the back part?
MS. UHLE: Yes, and two in the front. But there's some existing lighting. There's not really a canopy but the pumps themselves, and then they'll be proposed lighting on the building itself, probably on the back and the front, I image.
MR. VILLANI: The existing pumps already have lights on them. Do you want spec sheets on the existing lights there?
MS. UHLE: No, but I believe that would still show up in the photometric plan.
THE CHAIRMAN: Any comments?
MR. PULASKI: Is this a public hearing?
THE CHAIRMAN: Yes, it is. So this is

MR. VILLANI: Part of his service now he does -- when it's a super storm or there's more than a foot -- he gets it displaced to another location. He doesn't continuously pile it up. During the winter he showed me, actually, that he does have a service that comes and takes the snow away.
MS. UHLE: It doesn't look like there's a lot of room on the site to store snow without eliminating parking spaces.
MR. NEMECEK: This may be opening a Pandora's Box, but how about that sloped area in the back?

MS. UHLE: Yes. It's a paid service. During the winter, we could store it somewhere around the trash enclosure. I remember having a discussion on that. I don't know if we every resolved it. That's where it is now presently. I don't know if we ever discussed any displacement of that somewhere else.
THE CHAIRMAN: I would like to actually see on the site plan like a storage area so everything moves towards that and during storms that's how the procedure is.
MR. VILLANI: I don't have to take notes, right, this will all be --
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MS. UHLE: Honestly, there may be a way to deal with that, yes.

MR. VILLANI: Either that or we could make it a condition that he needs to remove it from the site.

MS. UHLE: I just feel like having someplace on site is a lot easier to enforce and to implement than to have people come and truck it away.

MR. PULASKI: You probably have to have a removable section on your rear barrier because usually that gets pushed.

THE CHAIRMAN: In the back?

MS. UHLE: The slope in the back because that's all open space.

MR. PULASKI: But if you put a barrier there, most plows are push plows and they aren't buckets, so you'd want to be able to -- so if you have a section that you could open, you just push it right out.

MR. NEMECZEK: At the same time if

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was not here, did you finish like about five or six applications; we’re near the end?

THE CHAIRMAN: Yes, we work from the back forward. But you’re here. Mr. Phil Nemecek is now present.

The next application is 10 Morgan Street.

MR. MARGIOTIS: May I start?

THE CHAIRMAN: Yes.

MR. MARGIOTIS: Good evening, everyone. My name is James Margiottis. I’m an architect. I’m filling in for John Cotugno this evening. He’s been away for a couple of weeks. He’s away for one more. I’m a colleague of John’s, and I familiarized myself with the property and with the drawings. Over the last few weeks, we’ve been receiving and responding to comments from the Planning Board. So I’ve been heading that up in communication with John while he’s away, as well as the landscape architect Rob Sherwood here, and Greg from Eliot Senor, the civil engineer’s office. We think that we have, I think, adequately responded to the comments. The last

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round of comments, mostly civil engineer's, have actually been revised and resubmitted directly to Joe Cermele yesterday at the, I think, request of Margaret, which was, don't resubmit anything before this next hearing to you guys. So, obviously, we're waiting to sort of hear from that on that. We have a colored site plan now with the planting specified. The planting was specified before, but Rob also has photographs of all the different plant material if you would like to see that.

The house I really think cuts into the topo really well. You enter at the lower level, as you know, first floor is up, walks out onto the back, there’s a 4 foot high terrace wall, and then the slope in the back has been stabilized with the planting. Rob can speak more to that than I. The site section I think is illustrative and shows everything from property line to property line. I believe it's a two on one slope in the back. I think it might have been perceived as being steeper than that, although --

MS. UHLE: I think it’s a 50 percent

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Juniper and more towards the property line something a little bigger to give it color and interest, Forsynthia. I do have some larger Green Giant arborvitae being planted along the property line for evergreen screening, here and over here, and I show some down here on the lower section as well. That’s just to green up the site and provide some evergreen from the adjacent neighbors. I do show one tree on the north side that was to stay but now we are going to remove it. I feel that it should come down. It’s not worth trying to save. It’s one sided and not the best looking tree. So this tree will be removed. We will be saving a tree on the back.

THE CHAIRMAN: What’s going to replace the one that’s being removed?
MR. SHERWOOD: Excuse me.
THE CHAIRMAN: What’s going to replace the one that’s being removed?
MR. SHERWOOD: The evergreens on that side, I’ll probably slide them down. In that area is where the most direct, I would say, neighboring house is.

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right-hand side. If you look at the contours on the right-hand side of the house, that’s about a 40 percent slope there.

MR. SHERWOOD: On the right-hand side, it’s three on one, so every three feet you’re going one vertically down and that is maintainable.

MS. UHLE: Okay. When I scaled it off, it was a little over 40 percent. Maybe the grading was changed slightly. Maybe it’s flattened out.

MR. SHERWOOD: I can slide this lower further down and achieve even a flatter slope there.

MS. UHLE: Okay.
THE CHAIRMAN: So, Margaret, we have some comments from Joe. They’ve all been addressed?

MS. UHLE: Yes. Well, you received the comments that he submitted most recently, and then he did send me an e-mail earlier this week that I forwarded to you that said even though there are outstanding comments, that they’re things that he thinks can readily be addressed.

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So you will put additional ones?

MS. UHLE: I think the plan that we’re looking at has some additional landscaping that’s not shown on your plan possibly, unless it’s just not showing up. You have six Giant arborvitae along that left side property line, and then you’re showing five Goldmound Spirea along the retaining wall there, the front retaining wall on the left-hand side. Are those shown on your rendered plans?

MR. SHERWOOD: Yes.
MS. UHLE: Okay. They’re covered by the tree.

MR. SHERWOOD: There are six evergreens on that side and six evergreens on the other side.

MS. UHLE: Okay. I just had a quick question: I know you stabilized the slope in the back. It wasn’t that I didn’t think it was maintainable, it’s that I think if you go over about 30 percent you difficulty mowing grass. So you have the 50 percent in the back, but I think you have a 40 percent slope on the

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MR. NEMECZEK: I just have a couple of questions just about the curb cut and about the driveway because I recall last time the applicant was here, there were a few different possibilities proposed, and there was a loose stone wall as well I guess on the bottom right portion of the property as we're viewing it; how did that all get resolved?

MR. CACCIOPPOLI: Are you referring to this portion?

MR. NEMECZEK: Yes.

MR. TUDISCO: Could you just take the microphone.

MR. CACCIOPPOLI: Yes. So we're going to remove about 6 feet of the existing wall on this side of the property to create space for the driveway. It's going to have an 18 foot curb cut at the walkway, and then it's going to widen out to 22 feet, which is the existing.

We're removing some wall also on the left side, I'm going to call it, of the driveway, to make room for the walkway also and just have a grander entrance.

MR. NEMECZEK: The driveway will be

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just plan on removing the roof of the garage and the front of the garage because it's half buried right now. So there's block walls currently as the walls of this garage. It's not framed. So we're just going to leave the blocked walls, and cars will still be able to pull in and pull out.

THE CHAIRMAN: Now that you said it, what's the final condition there with that structure?

MR. CACCIOPPOLI: The structure will be walls, retaining walls that are still there that exist.

THE CHAIRMAN: Oh, those are retaining walls?

MR. CACCIOPPOLI: Yes, retaining walls.

MR. NEMECZEK: You said you're taking off a roof of what's an existing garage right now?

MR. CACCIOPPOLI: I provided a cross section here. This is the existing lot on this side. So starting from left to right, the property line is here, the property line is

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sufficiently wide that two cars can enter it at the same time?

MR. CACCIOPPOLI: Absolutely.

MR. NEMECZEK: That's what it certainly appears like.

MR. CACCIOPPOLI: The typical width of a parking spot is 9 by 18, and we have 18 feet here. So you can get two cars by comfortably.

MR. NEMECZEK: Because originally this was conceived as having sort of a bottleneck, and that did not appear to be a good idea to me. Thank you.

MR. CACCIOPPOLI: Sure.

MS. UHLE: Do you also want to understand where the construction vehicles are parking?

THE CHAIRMAN: Is the spot for the construction parking shown on the site plan?

MR. CACCIOPPOLI: Yes. Let me just go to the drawing. So our construction staging areas are here on the right side, this flat area to the right of the driveway, and also here there's an existing two car garage, so you could fit two vehicles in this area, which we

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t here. This wall, it steps down to this elevation, which is 216, which I specify on the grading plan, and that is a stone wall that's supporting this existing garage. So instead of framing it with wood, they used a wall in the back. This could be used for plantings and stuff when we remove this existing garage. It will just look like a tiered wall.

MR. NEMECZEK: We're just concerned that it doesn't look like it's rubble that's been left behind. We have this very nice landscape plan, and we want to make sure that this is incorporated into it.

MR. CACCIOPPOLI: Yes, absolutely. I added a note to the plan to repair the wall as needed and clean it up. Actually, Joe Cermele asked me to address that. On the cross section sheet, it's sheet three of four, there's a note that says, repair existing walls as needed. So we're going to make sure that there -- that's something we have to verify in the field after the garage is demolished, the top of the garage.

THE CHAIRMAN: Can you be a landscape

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architect for a minute and put the landscape plan back up just so we could see it. Is that garage area addressed on the landscape plan? I just want to see it with reference to the rest.

MR. WEST: Is it already removed?

THE CHAIRMAN: It's the dark lines right there. That's it right there.

MR. SHERWOOD: It's been there for a long time. When the roof gets removed gets removed, based on Senor's note, the builder will get in there and assess.

THE CHAIRMAN: Right. Clean it up. But right now once it's gone, that's grass you're going to put there, I guess?

MR. SHERWOOD: Yes.

MR. WEST: Is this the picture of the property and the garage will be over here?

MR. SHERWOOD: It's to the immediate left as you go in. Really all you see is the front.

THE CHAIRMAN: Thank you. Are you looking for a picture? Do you have one there?

MR. MARGIOTIS: I don't have a photo of that.

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THE CHAIRMAN: About how high are the walls of the garage?

MR. MARGIOTIS: About 8 feet as you look at the high side. We were just over there a minute ago. 10 feet-ish.

MR. CACCIOPPOLI: This wall here, if you're looking at the property, is about 3 feet high. This side, when we remove this garage, is going to look similar to this side.

MS. UHLE: Greg, can you use the microphone. Sorry.

MR. CACCIOPPOLI: So when we remove this garage -- if you've been to the property, on this side there's a wall that is about 3 feet high and then there's soil in between two walls, and it's just an elevated area right in here. When we remove this garage, it's going to mirror this side. So it's just going to be an elevated area here because that's what's currently there. There's fill in between this wall and this wall and then it will get low again. The slab elevation of the existing garage is lower than this elevation.

THE CHAIRMAN: Right. That will just...

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understand that you are required to install
what the landscape architect proposed, because
that's often a big problem is that builders
will come in and install something completely
different. Then if you need to make certain
modifications, we'll need your landscape
architect to indicate in writing to us what
those modifications or changes are so that we
know they're appropriate. You could just send
an e-mail to my office. Once the landscape is
installed, we'll need a letter from the
landscape architect signed and sealed saying
that it was installed consistent with what was
approved. That's basically just install what
was approved.

The other condition of approval will
be that the issuance of the building permit
will be subject to the approval of the storm
water management plan by our engineering
consultant. So that you could wrap up with him
fairly quickly.

This is the third one that's going to
become a pretty standard condition I think,
which is, any necessary sidewalk and curb

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repairs and/or replacements will be required
subject to the requirements and specifications
of the Highway Superintendent, which doesn't
mean you necessarily need to do anything, but
if something is severely damaged or whatever,
he needs to be involved in the improvements
within the right-of-way. That would be it.

THE CHAIRMAN: That's a good idea. So
then subject to those conditions, I make a
motion to approve this application, 17-17, 10
Morgan Street.

MR. NEMECEK: Second.

THE CHAIRMAN: All in favor.

All aye.

THE CHAIRMAN: Please give Mr. Cotugno
our regards. I hope he's well.

The next application is 18-23,
Mezzaluna Restaurant.

MR. DELICATA: Good evening, Mr.
Chairman, Alfred Delicata on behalf of the
applicant. This is our second time before the
board. First time rather informally. Tonight
we're on a formal application for site plan
approval for the issuance of a special permit

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for outside dining. If I could just hand up
the Affidavits of Mailing and certified
receipts. Thank you very much.

I know you have a full agenda, so I
would like to turn over the presentation
immediately, if I could, to the architect on
the project, Mr. Bruno Pietrosanti. We have a
lot of plans here, a lot of drawings, and he
could go over the elevations for you, and then
I'll remain in the room for any issues
regarding the site plan and the special permit
issuance.

THE CHAIRMAN: Thank you.

MR. PIETROSAINTI: Good evening,
members of the board, I'm Bruno Pietrosanti.
This board was presented with this initial plan
at last month's hearing. We've gone to the
ARB, received approval from the ARB. We did
receive some comments from this particular
board and from the ARB, and we thank you very
much for those comments. Some of the issues
here with regards to these drawings have been
updated accordingly with some of these fine
comments.

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Just to give you a basic rundown or an
overview, Mezzaluna Restaurant, which was
established in 2003, 2005 -- I think we came to
the boards in 2003 and by the time everything
got done and opened it was about 2005. We have
now requested to convert this back area here to
an open dining space and also a smaller, more
superficial dining area in the front of the
restaurant. As you may know, those who do
frequent the restaurant, you have two parts of
this restaurant; one is the pizza shop in the
front and the dining area in the back. One of
the purposes of creating this outdoor dining
area, it creates a more formal entry into the
restaurant proper. So this has been set up
very well for that purpose and leaving the
pizza shop kind of like a separate entry so
this way you don't have that cross traffic
within, you know, the pedestrians or the
customers within the tight space in the front.

So this back area here basically will
be constructed of low walls, this type of
block, unblock walls, which I think they are
in your package. Along here the gray in the

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gray form with brick pavers also in the gray.
This is the furniture that we had presented to
you at the last meeting.
Just again to get back to the patio,
this is really more of a raised terrace, raised
patio, we're about 2 feet above grade, which
basically brings you flush straight into the
dining area. We are providing a combination of
railing and trellis work along the back area,
which was formally landscaped, and along this
garage which is an adjoining structure, in
order to create more of a nook, an internal
type of garden.
The pictures here that you see are
examples of trellis work that would be designed
against these walls or fences with Rugosa Rose
type of plantings, which are very hardy and
have become naturalized in the United States
for many, many years now. In addition to that
planting, we have had some discussions with
neighbors with regard to -- the neighboring
property specifically adjacent here that wished
for a little added screening, so we wound up
putting some arbor vitae type plants in pots to

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help them with the visual disconnect of that,
but it also gives them something nice to look at. In addition, we have stairs that come up
to this area. We also have a handicapped ramp
which leads you into the restaurant,
handicapped spot along here.

Lighting, with regard to lighting, we
have this up lighting, as you see examples
along here that would be along this trellis
area along the fence walls. We would be
putting these wall mounted LED type lights
along the building. These are all low, they're
below the fence line, and they also project
just within this area here. This lighting
supplements the existing lighting, which is
already here, been improved years ago with
regards to the former Planning Board review.
So that's all been installed previously.

I think that's pretty much it. I know
that the board had -- rather than have the
board ask the question, I'm going to maybe
answer it ahead of time -- asked questions
about parking and issues like that. We are in
compliance with the code with regard to

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parking. In addition to that, the board had
asked is there any way to find out whether we
have availability of additional parking. So
what we've done is, we've provided this radius
map, which in the red here that you see is
about a 300 foot radius of the property, which
indicates all of the public spaces available
within 300 feet. Tabulated here we've got that
all noted. So there are about 42 parking
spaces within the 300 foot radius, which is
open public parking. If you were to extend
this a little further to 400 feet, we have
another 20 or so parking spaces additional.
The other point I would like to make
is that the times when the restaurant is a
little busier, usually on weekends and the
evenings, we do have some other uses in this
building which are office space and a caterer,
those equate to about seven parking spaces in
terms of requirement. When the restaurant
business is in peak need of these parking
spaces, we actually have another seven spaces.

Something to consider.

THE CHAIRMAN: Where are those seven?

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MR. PIETROSANTI: Excuse me.
THE CHAIRMAN: Where are those seven
spaces?

MR. PIETROSANTI: They're all within
the parking lot. When I say the seven, meaning
they're counted for in the count, in the
required count. So we have 18 parking spaces
along here, and what's not accounted for -- we
don't count them in terms of the compliance
requirement but they do exist and we use them
for employees -- are three parking spaces along
the alleyway here in the back -- I don't want
to call it the back side -- side driveway. So
that kind of adds a couple more, but again,
we're not counting them because they're not
countable because they're tandem, tandem type
spaces.

That's pretty much it. I think those
mostly are the comments. I've highlighted the
areas that we've discussed with this board,
with the ARB, and we thank you for your time
and your input.

THE CHAIRMAN: Just a few questions.
The adjacent property where the new seating is
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going to be, what's the proximity of that house there?

MR. PIETROSANTI: Oh, the existing house. I'm going to say that it's probably about 30 feet from the property line, roughly.

This is their rear yard.

THE CHAIRMAN: That's their rear yard?

MR. PIETROSANTI: That's their rear yard, yes. It's behind them quite a bit.

MR. PULASKI: Where the seating is, that's a garage?

MR. PIETROSANTI: This is the rear of this commercial property, which extends around here. So this is a blank, kind of not very attractive garage wall. By putting this trellis and the plantings along there, it will help it, you know, transform into a nicer appearing wall.

THE CHAIRMAN: As you said, it's 30 feet to the next building.

MR. PIETROSANTI: Yes, I believe it's about 30 feet.

MR. NEMECEK: From the property line.

MR. PIETROSANTI: From this property

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THE CHAIRMAN: This is an open public hearing. Let me just see if there are any comments, please. Comments from the public for this application, 18-23, Mezzaluna? (No comments.)

THE CHAIRMAN: So I'm going to make a motion to close the public hearing then. I make a motion to close the public hearing on this application, 18-23, Mezzaluna Restaurant.

MR. PULASKI: Second.

THE CHAIRMAN: All in favor.

(All aye.)

MS. UHLE: I have one quick comment or question. It sounds kind of minor, but talk to me about the Rosa Rugosa, because I think that's considered an invasive species in New York State even though people utilize it.

MR. PIETROSANTI: It's unless it's contained. It's similar to bamboo. Bamboo is also a --

MS. UHLE: I still would not plant that even though people do. There may be other options for you.

MR. PIETROSANTI: It requires a lot of work. It's just something that's thought to be something different, let's try something. Bamboo is used very successfully too, and it's used unsuccessfully.

MS. UHLE: Again, I would advise against using an invasive species under any circumstances. I think you may want to consider -- unless the board disagrees -- you may want to consider at least discussing some other alternatives that could be equally attractive and equally as hearty that aren't on the list of invasive or noxious species in New York State.

MR. PIETROSANTI: I don't think we have any problem with that.

MS. UHLE: Okay.

MR. NEMECEK: We promote native American plants.

MR. PIETROSANTI: We don't want anything from Asia.

MS. UHLE: Again, it's not so much native as invasive. People that have supposedly contained their bamboo, it's not necessarily contained.

---

MR. PIETROSANTI: You have to contain it within a structure. That's really the key with most of these. So in our case we have a planter, and it will have to be lined so that its root systems can't really get out. In this case, you have a vine, and the vines can also get out of control if it's not trimmed. But, like I said, I don't think we have an issue changing that.

MS. UHLE: Okay.

MR. NEMECEK: It's not going to be a deal breaker?

MR. PIETROSANTI: No, I don't think so.

THE CHAIRMAN: With Margaret's comment about the invasive species and my comment about the striping being redone or -- more than just redone, clearer --

MS. UHLE: To repaint --

MR. PIETROSANTI: They may need to do resealing also and kind of, you know, really clean up the whole driveway in addition to the painting and all that. I think that would be amenable.

---

THE CHAIRMAN: That's my second condition. Any more comments? Would you like to readdress the board because we're going to wrap it up?

MR. DELICATA: I'm fine.

THE CHAIRMAN: So then with the conditions just put forth, I make a motion to approve this application, 18-23, Mezzaluna Restaurant.

MR. PULASKI: Second.

THE CHAIRMAN: All in favor.

(All aye.)

THE CHAIRMAN: So when is this going to be done? When does construction start?

MR. DELICATA: As soon as possible.

THE CHAIRMAN: Be there for the fall. Okay. We don't have to approve the special permit, do we?

MS. UHLE: Yes, you just did approve the special permit. So you did both site plan approval and special permit approval.

THE CHAIRMAN: Next application is already up here, 37 Nelson Road, Application 18-25.
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MR. NEMECEK: By the way, I think the town owes Margaret a big thank you for ceasing this invasion of a plant that was going to take over probably the whole north end.

THE CHAIRMAN: Not a subject of discussion in my house, plants or landscaping in particular.

MR. NEMECEK: It's the little things Margaret does that really push this town forward.

MS. MYLENSKI: Good evening. I'm Stephanie Mylenksi with SM Architecture Studio, I'm the architect on 37 Nelson.

This is an existing elevation of the house. What we're proposing is an addition to the side with a garage on the first level and living space above. Currently, there's a small garage below grade that we're going to enclose, seal off, and infill with grade so the grade is level.

The existing house is brick on the first level and stucco on the second. We're proposing horizontal vinyl siding at the addition, and to tie it in with the existing DINA M. MORGAN, REPORTER

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portion of the house because just looking at that, it looks almost like a monolith. I know the shape of the main portion of the house is such that you do get a lot of house right in front of you, but what are you doing on the left side of the house to sort of temper that?

MS. MYLENSKI: Do you want to see the side elevation?

MR. NEMECEK: Yes.

MS. MYLENSKI: So we're extending the existing roof, making a gambrel roof here, and we're going to redo the whole roof with new asphalt shingle in the charcoal gray right here. The Architectural Review Board requested some windows at the garage to break up that elevation, and also this horizontal element to break up that side elevation a little bit.

MR. NEMECEK: So above the garage you have a dormer sticking out, and then the roof sort of recedes back like some sort of --

MS. MYLENSKI: Yes, I know, it's a very steep roof at that point with the dormer popping out.

MS. UHLE: The perspective drawing is DINA M. MORGAN, REPORTER

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helpful on Sheet T1.

MR. NEMECEK: T1, okay.

MS. UHLE: At the very top there.

MR. NEMECEK: Yes, yes, that's good.

The ARB liked the design?

MS. MYLENSKI: I'm sorry, what was that?

MR. NEMECEK: The ARB liked the design? Did they have any comments on it?

MS. MYLENSKI: They were just concerned about that side elevation, so they requested the addition of those two windows at the garage level and the horizontal element.

MR. NEMECEK: Those suggestions have been incorporated into this plan that we're seeing?

MS. MYLENSKI: Yes.

THE CHAIRMAN: Let me see if there are any comments from the public, please.

So I make a motion to open the public hearing on this application, 18-25, 37 Nelson Road.

MR. PULASKI: Second.

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

(No comments.)

THE CHAIRMAN: Motion to close the public hearing on 37 Nelson Road.

MR. PULASKI: Second.

THE CHAIRMAN: All in favor.

(All aye.)

THE CHAIRMAN: It looks good to me.

MR. NEMECEK: Looks good. Thumbs up.

MS. MYLENSKI: Thank you.

THE CHAIRMAN: Don't go yet. Thank you for keeping it simple. I make a motion to approve this application, 37 Nelson Road.

MR. PULASKI: Second.

THE CHAIRMAN: All in favor.

(All aye.)

THE CHAIRMAN: Thank you.

MR. NEMECEK: Thank you.

MS. MYLENSKI: Thank you.

THE CHAIRMAN: Have a nice evening.

Next application is 18-26, 1 Huntley Road.

MR. PALUMBO: Good evening.

MR. NEMECEK: Can I begin by pointing out there's a flagpole there in the bottom left that the Chairman likes.

MR. PALUMBO: My name is Joe Palumbo. I'm the architect for the Esposito D'Ambrosio Family. This is 1 Huntley. So you could see the original garage, small dormer, etcetera.

So what we've done on the front, this is existing, this is new, this is building over the garage, and then we extended a new front porch.

MR. TUDISCO: If you could put it on the podium, this way he might be able to get a better shot of it.

MR. NEMECEK: We have a very substantial viewing audience at home, and they want to catch every nuance.

MR. PALUMBO: So this is an additional dormer. It's actually 1 foot deeper beyond what's in the room up above, but we put the dormer on it. The space above the garage allowed for a new bedroom. If I turn it around, you could see this was a dormer. This is the original ridge, so we squared this off, and this line here represents the expansion.

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above the garage.

So basically we think we match the house to the model, vice versa. It's fairly straightforward we think. We have all our colors, our siding. The whole house would be re-sided. We have the copper standing seam both on the front bay and the new entry porch. That's it.

THE CHAIRMAN: Very nice job, by the way. The photos on the right here, those are just views from down the street I guess. Could you just move them over because I could barely see them. Just move them right there on top of that. Yes. Good. Those are just photos of different views of the existing; correct?

MR. PALUMBO: Right. Those are on the house.

THE CHAIRMAN: Okay. I'd rather look at your new renderings than that. I just wanted to see. You could move them away.

MR. NEMECEK: You're only increasing the total gross floor area by 169 square feet; is that right?

MR. PALUMBO: The footprint, correct.

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MR. NEMECEK: The footprint.

THE CHAIRMAN: Oh, that's the footprint.

MR. PALUMBO: That's the front porch.

We added more above on the second floor.

MR. NEMECEK: Got it. It's a spectacular improvement, quite frankly.

THE CHAIRMAN: In the Huntley Estates.

So what happens on copper standing seam, it stays copper or with time turns a different color?

MR. PALUMBO: There are ways to keep it shiny but basically you let it weather.

THE CHAIRMAN: Right, and it gets that --

MR. PALUMBO: Patina.

THE CHAIRMAN: Gets the green patina, right.

MR. PALUMBO: The patina, you know, the green, that takes a long time. There are ways to do it, but leave it around a little bit, and then eventually when your grandchildren and other grandchildren --

THE CHAIRMAN: That's how long it goes.

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1. MR. PALUMBO: It could take awhile.
2. It depends on the weather, it depends on a whole bunch of things.
3. THE CHAIRMAN: Got it. Since you brought all the colors, you might as well just run us through them. Do you mind? The samples.
4. MR. PALUMBO: I'm sorry.
5. THE CHAIRMAN: Can we see them since you brought them?
6. MR. PALUMBO: Yes.
7. THE CHAIRMAN: Can you hold them over somewhere? Whatever is easiest for you.
8. Okay, you're up. Just tell us.
9. MS. D'AMBROSIO-ESPOSITO: This was just put together, this story board, because we didn't get the HardiePlank cedar in time, so that's the real thing, but we put that together with the AZEK trim.
10. MR. NEMECEK: If you could state your name for the record too.
11. MS. D'AMBROSIO-ESPOSITO: Sorry.

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1. Laura D'Ambrosio-Espino. There's the copper that we're going to be using for the standing seam roof, the gutters, the AZEK trim, and this is the HardiePlank, the real thing, which I'm sure you guys have all seen before.
2. MR. NEMECEK: The Chairman can't get enough of HardiePlank.
3. MS. D'AMBROSIO-ESPOSITO: Huh?
4. MR. NEMECEK: The Chairman cannot get enough.
5. THE CHAIRMAN: We like HardiePlank.
6. We like vinyl too, but especially like HardiePlank on Huntley estates.
7. MS. D'AMBROSIO-ESPOSITO: Roof is charcoal architectural single.
8. THE CHAIRMAN: Right. We've seen that before.
9. MS. D'AMBROSIO-ESPOSITO: Windows are Andersen 400 series black. I think we're doing four.
10. THE CHAIRMAN: That's the porch light; right?
11. MS. D'AMBROSIO-ESPOSITO: Yes.
12. THE CHAIRMAN: Thank you. I'm just

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2 THE CHAIRMAN: Right, but that’s where
3 the water is going to go. The driveway stays
4 exactly the same, so it’s just that?
5 MR. PALUMBO: The only change in the
6 footprint in any way is that front porch.
7 THE CHAIRMAN: Okay. We’ll just
8 assume that they’ll submit calculations and all
9 that to cover --
10 MS. UHLE: They’re required as part of
11 the building permit review whether you were to
12 ask for it or not. Yes, they have to, and
13 they’re aware of that.
14 THE CHAIRMAN: Okay. It’s a public
15 hearing, so just give me a second. I make a
16 motion to open the public hearing on 1 Huntley
17 Road.
18 MR. PULASKI: Second.
19 THE CHAIRMAN: All in favor.
20 (All aye.)
21 (No comments.)
22 THE CHAIRMAN: Motion to close the
23 same public hearing, 1 Huntley Road.
24 MR. NEMECEK: Second.
25 THE CHAIRMAN: All in favor.

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2 (All aye.)
3 THE CHAIRMAN: So I see that every day
4 because I live on Huntley Road, and I think
5 it’s a nice addition. Looking forward to
6 seeing it.
7 MR. WEST: I wish I lived in Huntley
8 area, it’s getting nicer there.
9 THE CHAIRMAN: We started the trend a
10 few years ago.
11 MR. WEST: Show that to the other
12 architects on the way out, let them see that
13 model.
14 THE CHAIRMAN: We’re not done yet. We
15 have to approve your application. Just stand
16 by. I make a motion to approve this
17 application, 18=26, 1 Huntley Road.
18 MR. NEMECEK: Second.
19 THE CHAIRMAN: All in favor.
20 (All aye.)
21 THE CHAIRMAN: This is where we
22 congratulate you, say what a great job you did,
23 we think it’s a nice addition to the
24 neighborhood, and thank you for your time.
25 MR. PALUMBO: Thank you.

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make it something more akin to a restaurant?

MR. TAVOLILLA: Yes. It's going to be, you know, more full service than a regular pizzeria, but, you know, with the addition of the full bar and the liquor license, it's, you know -- it's going to be a simple menu but in addition to, you know, a full service restaurant.

MR. PULASKI: What do you intend to be your hours of operation?

MR. TAVOLILLA: From like noon until 10 and maybe a little later on Fridays and Saturdays.

MR. PULASKI: So it's lunch and dinner and after dinner?

MR. TAVOLILLA: Yes.

MR. NEMECEK: The big issue that's been raised here, and I suspect we'll hear about this when --

MR. HAYNES: Regarding the hours of operation, I believe there was a document that was submitted.

MR. PULASKI: It probably was.

THE CHAIRMAN: What does the document say?

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on top of the cost of the hood. I'm not sure whether for a Type 1 hood whether there's maybe additional filters that can be added or whether these additional systems are always necessary.

I know that it's a concern of this particular applicant, and I also know that -- I don't want to speak for him -- I feel that unfortunately because of the actions of the gentleman that operated the deli without the proper hood to begin with, that that may have created some issues.

On the other hand, you will have two pizza restaurants and a deli all adjacent to this residential neighborhood, so I think the odors are a legitimate concern. That's something you may want to discuss with the applicant and try to determine how best to deal with it.

MR. NEMECEK: Sure.

MR. WEST: The deli mart or the deli across the street?

MS. UHLE: There's the deli mart that is within this building as well.

MR. NEMECEK: That was the application.
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that was before us last month.

MS. UHLE: They cook breakfast and I
guess lunches sometimes.

MR. NEMECEK: Apparently a lot of
bacon.

MS. UHLE: Then there's what was
formally Bon Appetite Deli is in a similar
area, and that was approved as a pizzeria as
too.

THE CHAIRMAN: You weren't here, but
the applicant came and there were some concerns
about the odors coming from the --

MS. UHLE: The deli mart.

THE CHAIRMAN: The deli owner --

MR. NEMECEK: I think we have one of
the neighbors here.

THE CHAIRMAN: Right. So we imposed
on him, eliminate the odor, and we came up with
a type that will definitely scrub the exhaust.

MS. UHLE: Well, you didn't really
come up with a type. Basically you said, you
need to address this. In addition to just
installing a Type 1 hood, you need to make sure
that you're dissipating odors to the maximum.

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think it's something we have to understand.
We're looking to you for some sort of guidance
as to how you deal with a kitchen exhaust.

MR. TAVOLILLA: We're going to be
using All Safe fire equipment that does a
majority of the restaurants -- I don't know if
a majority but several restaurants in
Westchester. I've had extensive discussions
with them regarding the equipment. This air
scrubber that Margaret is talking about is --
it's a $30,000 job. It's something that has to
be maintained and inspected every year. The
manufacturer that we're using does sell and
upgraded filter system that is very practical.
I spoke to the technical department, it scrubs
200 times more grease molecules from the
kitchen exhaust. We don't plan on doing a lot
of heavy -- we're not even going to have a
fryer in our location. There's not going to be
a lot of type of food that's going to be cooked
that produces that kind of odor. The other
applicant that you're talking about is
currently not in compliance with the building
code. He's cooking things he shouldn't be

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extent practicable.

MR. NEMECEK: Basically what we had
last month is the gentleman who's over here,
who knows quite a bit about these products,
suggested what sounded like sort of an ideal
product.

MS. UHLE: Well, we were using terms
like precipitator and scrubber, etcetera. I
didn't want to use specific terminology because
we were looking at manufacturer specifications
and things. I was under the impression that
the architect at that particular meeting
implied that, yes, we're already kind of
proposing that kind of thing, and so, we'll
help you with the wording on it. It turns out
for the deli that they actually weren't, they
were just proposing a Type 1 hood. So they're
also concerned about the potential cost, and I
know this applicant as well. When I spoke to
him a week or so ago, I did say, you know,
maybe come in and discuss with the board what
the various options may be. I think right now
it's this application that's in front of you.

THE CHAIRMAN: That being said, I

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they're using the proper equipment and there
are no offensive odors that come from them.

THE CHAIRMAN: So rather than -- and
Margaret gave some words here that puts it on
the building inspector to ensure that it's the
maximum extent practicable --

MR. NEMECEK: Practicable does, in my
view, account for cost as well. If you had an
unlimited amount of money, I'm sure you could
remove every single smell.

MS. UHLE: Well, this is the wording
that was included on the previous resolution
because at that time even Mr. King and I were
not really aware of what these costs were, so
we wanted it to be a little but open, but I do
think the building inspector needs instruction
from the Planning Board what's considered
practicable.

MR. TAVOLILLA: If I could add, when I
reviewed the minutes of that applicant in front
of this board at the last meeting and the
gentleman who had the concern, Mr.
Mastrogiacomo, you know, he stated in his
comments that he just would be happy if

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protective measure.

MR. NEMECEK: That sounds like
something that's reasonable and doesn't impose
such a significant cost that would be a
deterrent to restaurants that intend to
operate, you know, within the code
requirements.

MS. UHLE: I think that this has come
up a couple of other times with restaurants,
and now that we have three in one area, I think
it's good to have sort of a standard that
applies to all restaurants, especially when
they're adjacent to residential areas. The one
thing that Mr. King mentioned to me today, if
you do go with one of the more expensive
systems -- you can't install a Type 1 hood,
then determine it's not really working that
well, and then retrofit it. It's all part of
the original construction. It's not like you
can kind of test it out and then retrofit it.
So you want to make the decision up front that
makes sense, and this sounds like it may be a
reasonable compromise. We could certainly
investigate through a consultant what might

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Mr. Pulaski: I understand. I'm just trying to be a little more economical.

The Chairman: It's certainly new to me to me. I don't know the differences of what a Type 1 hood is. What's required by code, what is it and --

Mr. Tavolilla: A Type 1 hood is one piece of construction welded together with filtration and fire protection equipment. Type 2 hood could be just like a riveted together galvanized metal, I'm not sure if it has filters or not, and it doesn't protect for fire as much as a Type 1 hood, is my understanding. It probably doesn't work as well.

Ms. Uhle: A Type 2 hood is required for things that generate steam, like a pasta cooker or even a dishwasher or something like that, that generates steam, then you just need a Type 2 hood. A Type 1 hood is required where you produce grease or smoke using griddles, fryers, broilers, ovens, and stoves. So it's sort of the intensity of the amount of grease or smoke. The problem, again, with the deli that came before you last month, is he had a Type 1 hood that was appropriate for boiling pasta but he's frying bacon, which requires a different kind of hood system.

The Chairman: I don't think the application we spoke about last time has to be referenced because I just want to understand what you're doing and what exactly it is. So I understand him and why he got that and how we got here. I just want to understand what we're doing here. It sounds like the difference between Type 1 and 2 is more construction and the type of construction.

Mr. Tudisco: The fire suppression system.

The Chairman: That's fine. I would like to know if there's a way to address the amount of odor that comes out and how it's mitigated. Is there some sort of standard that you could tell me for different types or parts per million?

Mr. Tavolilla: As I said, there is upgraded filtration for the Type 1 hood from this particular manufacturer, Captive Air. I spoke to them today, as a matter of fact, and

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Ms. Uhle: The only thing that I would be careful about is that we really can't control the menu down the road. I think if you're talking about -- a Type 1 hood is designed to deal with a certain type of cooking, whether they're proposing it right now or not. I trust you, but maybe zucchini sticks will be very popular or something like that. I think that's the only problem, then we're sort of regulating the menu.

Mr. Tudisco: Mr. Chairman, if I may.

Margaret and I have discussed this in the past, and rather than the building department in terms of enforcement at the enforcement level doesn't really think it's appropriate to get involved in what is actually being cooked as opposed to the actual cooking appliances that are being used in terms of whether it's a grill or whether it is some other type of facility that can accommodate certain types of foods. So I think it's probably a safer road to go down to regulate based upon the type of cooking fixtures that are going to be there.

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1. It removes a much higher percentage of grease molecules, which contain odor as well, and it would do a much better job than your standard filter.

THE CHAIRMAN: Let's keep going to down that road. So now, standard filter, some sort of filtration, and then highest degree of filtration; is that all measured in percentage of removal of --

MR. TAVOLILLA: According to the gentleman I spoke to, their literature, they state it removes 200 times more grease molecules.

THE CHAIRMAN: That sounds like sales material.

MR. TAVOLILLA: It is here.

THE CHAIRMAN: I'm looking for something a little more technical to say, okay, we put this in, we put filters in, it takes out a certain amount; we put in that, it takes out another amount; and if you really want to put this in to take out 90 percent, we could do it.

MR. NEMECK: I think what the Chairman is saying, we've heard about the magic

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1. I think we are reviewing the information that the applicant has right now and also talking to some people that are more familiar with the systems would be helpful, and also what other Westchester County communities are doing. I know occasionally Westchester County communities have required these when there's, you know, a very specific impact to, you know, an adjacent use or something. It may not be universal, but I know periodically they are required. I think I understand what everybody's concern is, and it's sort of balancing the benefits to the neighborhood against the cost to the applicant, and trying to find a balance where everybody feels comfortable with it.

I do think, unfortunately -- and the only reason I'm referencing the other applicant is because you're talking about a Type 1 hood, I think it does have to be consistent with what you're requiring. So what you're requiring for this applicant would be required for the previous applicant as well. Again, the Type 2 hood is off the table completely. That's not

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precipitator, and the Type 2 hood is on the other end of the spectrum; is the Type 1 hood with this extra filtration system somewhere -- is it still out here or is it getting closer to this precipitator?

THE CHAIRMAN: Right. Do we need the Cadillac or is, you know, the nice Buick --

MR. TAVOLILLA: In my opinion, you don't need the Cadillac, especially for our --

THE CHAIRMAN: We're not asking for your opinion. We're just trying to understand and how do we go about addressing that.

MS. UHLE: I think on some of the literature that Jay and I reviewed or Mr. King and I reviewed, I think there's something that referenced a 60 percent mitigation of odors. In terms of referencing odors, it did talk about percentage, either 60 percent or if you went with the higher end, 98 percent. Again, you don't know what percentage -- you don't know what that is to begin with. I think maybe what you want to do is, I think we should look over this -- first of all, have the public hearing and see what the concerns are, and then

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an option for either of these places. So they're both required to put in Type 1 hoods, and you just want to make sure if they put in a Type 1 hood with no additional filters is sufficient, or is there something they need to do above and beyond. The above and beyond goes to 98 percent seems to be exorbitant. This might be a good compromise.

MR. NEMECK: Another point is, we have consider some sort of matrix where, you know, you're weighing how close the restaurant or the exhaust system is to residential units.

The further away you are, maybe you could get away with a lesser protection. I mean, you know, these are all concerns that I think -- we all think that if I were living right next door to, you know, the bacon place, you know, as much as I love bacon, I think I would get sick of smelling bacon at 6:00 in the morning.

MS. UHLE: I think in this case the three different restaurants are all located equally to a residential neighborhood. I would say in Eastchester probably most of the restaurants are located pretty close to

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residential neighborhoods just because of the way Eastchester is. I suppose if a restaurant came in down the road that was isolated somehow, you know, it may not be as much of an issue.

Mr. Nemeczek: Like we did a few years ago, the Fig and Olive, that's really not near any residential. There are some of that nature, but you're right, the majority are not.

Ms. Uhle: If something is not cost prohibitive and it eliminates odors and grease and smoke to extent, that may be a good policy.

Mr. Nemeczek: Maybe that's our new standard, and that's why I think we're spending a little more time on this than we ordinarily would, that and the fact that it's two months in a row we've dealt with this.

Chairman: That and because it's a concern of the adjacent neighbors and we're trying to understand it and make sure we address their concerns as well as the concerns of the applicant.

Mr. West: What's the seating capacity of the restaurant?

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from the public. So I make a motion to open
the public hearing on this application, 18-24.
MR. NEMECEK: Second.
THE CHAIRMAN: All in favor.
(All aye.)
THE CHAIRMAN: Comments from the
public.
MS. UHLE: While he's coming up, I
want to say, we did try hard to look for -- it
wasn't as easy as finding, this is 50 percent,
this is 60, and these are all the different
cost differentials. It wasn't that easy,
otherwise, we would have just brought it to
you.
MR. MASTROGIACOMO: Good evening,
Antonio Mastrogiacomo here representing my
parents, residents of 12 Tuckahoe Avenue.
Obviously, we appreciate, you know, the concern
of the board for, you know, our previous issue
that we talked about last month. We're going
from having zero Type 1 cooking establishments,
especially next door to three in the matter
year. It's a quality of life concern for us,
for my family. To the applicant’s comment,
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it's an expensive investment, you know, my
parents built a house, brand new house a year
and a half ago and that wasn't a drop in the
bucket either. We appreciate your concern, but
obviously we want a reasonable compromise.
We're not trying to prohibit anybody from doing
business, we just want to ensure that our, you
know, quality of life isn't impacted or
affected. Essentially, that's our biggest
concern.
THE CHAIRMAN: We're doing our best to
look out for your interest as well.
MR. MASTROGIACOMO: I understand
there's a cost concern. I work in the industry
as well, so cost is a factor for any business.
But on the same token, there's an aspect of
quality of life and, you know, it's not exactly
fair that we're going from zero to three in
essentially a matter of year.
MR. WEST: Bon Appetit was there for
years, it's just reopening.
MR. MASTROGIACOMO: I'm sorry, say
that again.
MR. WEST: Bon Appetite, the deli
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anybody from doing business. We just want to
ensure that, you know, the concerns of, you
know, the adjacent neighbors and the, you know,
residents is taken into account, you know,
whatever approvals are given.
MR. NEMECEK: You say you're in the
industry, explain to us what segment of the
industry you're in.
MR. MASTROGIACOMO: So I mentioned the
last time I was here, I work for a general
contractor in New York City. It's the largest
interior general contractor in New York City.
We do essentially everything from corporate
interiors to commercial offices to retail,
restaurants. So, you know, I understand the
applicant's concern from a cost perspective;
however, you know, there's two sides to that
coin.
MR. NEMECEK: In your experience, and
this is -- we're not bound by anything you say,
we obviously understand you do have a dog in
this fight, but express to us your opinion as
to the relative effectiveness of, you know, the
Cadillac as we called it -- what's the name
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MR. MASTROGIACOMO: The precipitator.
MR. NEMECZEK: Precipitator, thank you.

How does that rate compared to Type 1 with a filter system made by this particular manufacturer, in your opinion?

MR. MASTROGIACOMO: So in my opinion, obviously, the precipitator is an air scrubber, you know --

MR. NEMECZEK: That's the gold standard.

MR. MASTROGIACOMO: That's what we typically use as a standard when building restaurants in New York City. There are certain requirements, zoning, and what have you, for that, but that's the standard. I would have to see the specifications the applicant provided for this upgraded filtration system to see from a comparison, you know, how many parts per million. That's typically how they, you know, rate the filtration system, parts per million, you know, from different filtration systems. So that's something that obviously, if possible, I would like to take a look at.

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MR. NEMECZEK: Is your experience with your employer -- it sounds like you do fairly high end work in New York City -- is it kind of the norm to install the precipitator with the restaurants that you're involved in?

MR. MASTROGIACOMO: Correct.
MR. NEMECZEK: So you probably don't have a lot of experience with these Type 1 --

MR. MASTROGIACOMO: Yes, I mean, a fair amount. Obviously, we're dealing with no offense obviously to the applicant -- larger restaurants, higher budget restaurants.

MR. NEMECZEK: And much more concentrated living arrangements. You have many more people in one city block than we typically have on a whole street here in Eastchester. So it's a little bit of apples to oranges, but certainly it -- it's helpful to know that there are options. It sounds like that's the ideal if cost weren't an issue. If everything were equal, we would have everyone install one of those, I think. Kind of a no-brainer. But cost is an issue, and that's

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MR. NEMECZEK: Our objective -- at least from my perspective -- when we have an outside consultant, we're really looking for someone who has as much neutrality as we could possibly get because their role is really to educate us on this board, and even within the planning department, building and planning department, to make wise decisions for the benefit of the good people of Eastchester.

THE CHAIRMAN: Actually, you've helped us with this. What you brought forth is going to be used on all applications. Now we're a little more cognisant of what the requirements are and we'll be a little more educated on how to deal with these problems.

MR. MASTROGIACOMO: Glad I can, you know, help in any way I can.

THE CHAIRMAN: Great. Thank you.
MR. MASTROGIACOMO: Thank you.
MR. NEMECZEK: Anyone else on this application?

THE CHAIRMAN: I think we're at a point where we could move forward with this with a few conditions, so I'm going to close

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1 the public hearing unless there's other
2 comments?
3 (No comments.)
4 THE CHAIRMAN: So I'm going to make a
5 motion to close the public hearing on this
6 application, 18-24.
7 MR. NEMECEK: Second.
8 THE CHAIRMAN: All in favor.
9 (All aye.)
10 MS. UHLE: I think the condition would
11 be if you were to approve it this evening, it
12 would be prior to the issuance of a building
13 permit issue would be resolved. So
14 obviously the applicant would not be able to
15 get a building permit until this issue is
16 resolved, and we would try to work as
17 expeditiously as possible.
18 THE CHAIRMAN: So then that's the
19 condition, that we'll approve this subject to
20 your review of the emission system, make sure
21 it does --
22 MR. NEMECEK: The options here are to
23 table the application until September or to
24 move forward conditionally; right?

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1 MR. NEMECEK: And I think we heard
2 there are ways of measuring parts per million.
3 Just a very knowledgeable person, Mr. Chairman.
4 THE CHAIRMAN: So then subject to that
5 condition --
6 MS. UHLE: Prior to the issuance of a
7 building permit, we'll determine what kind of
8 filtration system -- for lack of a better
9 word -- is required.
10 THE CHAIRMAN: Subject to that, I'll
11 approve this application.
12 MR. TUDISCO: You have to make a
13 motion.
14 MR. NEMECEK: I think that makes some
15 sense.
16 MS. UHLE: Just to be clear too, and
17 I'm not saying this is the case at all, but it
18 could be that just a simple modern Type 1 hood
19 is sufficient. It would go from what's already
20 being proposed, to the Cadillac, to somewhere
21 in between, if there's a reasonable in between.
22 MR. NEMECEK: To be clear as well, is
23 this going to be on a site specific, menu
24 specific basis, or just we're talking about a

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1 MS. UHLE: Yes.
2 MR. PULASKI: I suggest we move
3 forward because, you know, the time cost money,
4 and I'm sure this person has already got a lot
5 invested even though he doesn't have a place to
6 open up yet.
7 MS. UHLE: I will use a consultant
8 that's going to be more efficient. So we'll
9 find somebody that has experience and knowledge
10 about these.
11 MR. PULASKI: I also think that there
12 is a very good answer to this, it's just that
13 we don't have it in front of us.
14 MR. NEMECEK: I don't necessarily want
15 somebody whose specialty is selling Type 1
16 hoods with filters in them.
17 MS. UHLE: Absolutely. I'm thinking
18 even our engineering consultant comes in quite
19 handy for some of these things. So I'll make
20 sure it's an independent, not a salesperson.
21 Absolutely, independent.
22 THE CHAIRMAN: There is some sort of
23 specification out there that will shed light on
24 all of this.

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you and the building and planning department,
that becomes what needs to be done in order to
get the application?
MS. UHLE: Again, I think we need
to -- not necessarily because if the same
consultant said, I think a Type 1 hood with
just the typical filtration system is perfectly
sufficient, then it may be nothing. So, again,
I think we all know what the end result needs
to be, but I'll get back to you based upon what
our consultant said.
MR. NEMECEK: Okay.
THE CHAIRMAN: I think we'll be in
negotiating or we'll be discussing this back
and forth.
MR. NEMECEK: Okay. Fair enough. So
we're going to get feedback -- the members of
the board will get feedback?
MS. UHLE: Yes.
MR. NEMECEK: Okay. I'm comfortable
with that.
THE CHAIRMAN: We're going to become
smarter, if that's possible. So then --
MR. NEMECEK: You'll be using more

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than five parts per million of your brain
cells.
THE CHAIRMAN: So then, finally,
subject to those conditions that you restated
and I agreed to -- subject to those conditions,
I make a motion to approve this application,
18-24, Pizza Bar.
MR. NEMECEK: Second.
THE CHAIRMAN: All in favor.
(All aye.)
THE CHAIRMAN: Good. Thank you,
gentlemen.
Next application is 18-27, 43 Hathaway Road.
MR. MAIORANO: Good evening, board
members, Adamo Maiorano from Community Designs
and Engineering. On behalf of the applicant,
Gregory Holcombe, we are proposing a new single
family dwelling at 43 Hathaway Road.
The site was improved with an existing
single family dwelling, driveway, and other
related impervious surfaces that had been and
will all be removed from the site. In our
proposed design, we did take advantage of the

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1  creating -- there's a lot of runoff on the
2  property as well from being, you know, on a
3  hill from neighboring properties up above, so
4  we're creating this sort of swale on the right
5  side of the property, capturing it in a catch
6  basin there, and then bringing it to another
7  storage tank, and then into the -- that was
8  approve by Hector from the town to tie into the
9  storm drain in the street. They are doing a
10  bunch of work there in the street, and he wants
11  that stuff done before they pave and finish off
12  the street and everything. So they're in
13  collaboration with Hector to, you know, do that
14  stuff in time so that it's not ripping up the
15  street after it's completed.
16  MR. NEMECEK: Any questions?
17  THE CHAIRMAN: Do you have colors and
18  stuff?
19  MR. MAIORANO: Yes.
20  MR. PULASKI: Why don't we put it up
21  there and explain it, that way they pick it
22  up on the --
23  MR. NEMECEK: Say it, our substantial
24  viewing audience.
25

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1  -- On Phil's audience.
2  MS. UHLE: Also, Adamo, you have to
3  speak into the microphone and that's for the
4  stenographer.
5  MR. MAIORANO: Got it. This is the
6  AZEK soffits and the trim, that's the color of
7  the siding, that's the charcoal asphalt
8  architecture shingle roof, and the AZEK --
9  sorry -- HardiePlank siding, which is here, but
10  it's the arctic white.
11  THE CHAIRMAN: Comments, gentlemen?
12  MR. NEMECEK: It looks very good.
13  MR. WEST: Looks nice.
14  THE CHAIRMAN: Nice job. You're
15  almost there, standby. Public hearing. I make
16  a motion to open the public hearing on
17  Application 18-27, 43 Hathaway.
18  MR. NEMECEK: Second.
19  THE CHAIRMAN: All in favor.
20  (All aye.)
21  MR. NEMECEK: It looks like John
22  Iannacito might have some criticism.
23  THE CHAIRMAN: I make a motion to
24  close the public hearing on 43 Hathaway Road.

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was told I need to distribute a street-scape.

THE CHAIRMAN: Thank you.

MR. HAYNES: This is an existing house with a proposed addition. The proposed addition is on the right side in the rear. We're also modifying the front walk and expanding the driveway.

This is our revised elevation as approved by the Architectural Review Board. We have stone veneer around the base. We have cement stucco on the upper floor. The brown shingle roof, I could show you a sample of that, also the stucco color. I could show you what the front door looks like and the garage doors look like. These are brown and that's a brown. That's the front door. This is the garage door. The stucco is a beige. The roof shingle is the darker color.

MR. NEMECZEK: When was this home originally built?

MR. HAYNES: I honestly couldn't tell you that.

MR. NEMECZEK: Ballpark it. Make it up if you have to.

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MR. HAYNES: I would say probably in the Sixties.

MR. NEMECZEK: When the ARB took a look at this, they had certain recommendations, which it's represented have been incorporated into this plan; what were some of those?

MR. HAYNES: Yes. A couple of the recommendations were -- this is the original one submitted. What they didn't care for, we had some trim and corner boards, quoins on these, they didn't want those. They wanted that to be uniform stucco, which I think works rather well.

MR. NEMECZEK: Very hard working ARB. They certainly lighten our load.

MR. PULASKI: This is similar to the house we were looking at in Huntley where it started with something fairly small and now it's sizable. A lot of those houses in that area are doing the same thing.

MR. HAYNES: I'm sorry.

MR. PULASKI: A lot of those houses in that area are doing the same thing or have done the same thing.

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MR. HAYNES: It's a trend.

THE CHAIRMAN: Let's do the public hearing quickly. I make a motion to open the public hearing on this application, 18-28, 11 Arlington Road.

MR. NEMECZEK: Second.

THE CHAIRMAN: I make a motion to close the public hearing on the same --

MR. NEMECZEK: You have to say, all in favor.

THE CHAIRMAN: All in favor.

(All aye.)

(No comments.)

THE CHAIRMAN: Close the public hearing on 11 Arlington Road.

MR. PULASKI: Second.

THE CHAIRMAN: All in favor.

(All aye.)

MR. WEST: Start talking really slow and keep John here as long as you can.

MR. NEMECZEK: I think Iannacito is laughing at us.

THE CHAIRMAN: Looks good to me.

MR. PULASKI: I think it looks good.

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THE CHAIRMAN: So I have to ask, we usually see roof lines that are straight across, that roof line there is actually vaulted or -- what exactly is going on there?

It's vaulted straight out over the roof? It's like a dormer but it's round? Is that round?

MR. WEST: No, it's triangle. The one before that showed it.

THE CHAIRMAN: It is triangular.

MR. HAYNES: This mimics that angle.

THE CHAIRMAN: I just wanted to know how that was done. It certainly is unique. I haven't seen that. That being said, let's move on. I make a motion to approve this application, 18-28, 11 Arlington Road.

MR. PULASKI: Second.

THE CHAIRMAN: All in favor.

(All aye.)

THE CHAIRMAN: Thank you very much.

Very nice job. Appreciate all your hard work on both applications. I think we'll see you back here; right?

The last one for the season is with Mr. Iannacito.
MR. NEMECEK: I wouldn't want to be the guy who was just laughing at the Chairman and then have to come up and present an application.

THE CHAIRMAN: The final application for the spring season is 18-29, 96 Fairway Drive.

MR. IANNACITO: Okay. Good evening. My name is John Iannacito, I'm an architect, and I'm representing Mr. and Mrs. O' Leery this evening. We are proposing additions and alterations to the existing single family residence located at 96 Fairway Drive. The proposed scope of work will include a two story addition at the side of the existing residence, expansion of the existing second floor, and a new entry portico at the front of the existing residence.

On the first floor, this is the proposed addition, which will consist of an expansion of the existing dining room, and then on the second floor reconfiguration of the existing space and expansion which will include three bedrooms and a bathroom.

MR. NEMECEK: The chimney that's on the side right now, based on the photos here, sort of stands out on its own, and now it's being -- I guess that right side elevation there shows how the chimney is going to be incorporated into the new addition?

MR. IANNACITO: Yes. Well, the new addition is further back than the chimney.

This is a drawing of the existing front elevation. Here is the proposed front elevation showing the two story addition at the side, expansion of the second floor, and the new entry portico at the front, two story addition -- it's not working anymore -- two story addition at the side -- it's not working -- over here, and the two story addition at the rear.

Here is a rendering of the house showing the exterior materials.

MR. PULASKI: How close do you think those colors are, since your colors have not always been so consistent?

MR. IANNACITO: That's the siding there.

MR. NEMECEK: We're getting there.

MR. IANNACITO: So on the exterior materials, the wall surfaces will be a vinyl siding in a midnight surf finish, the existing stone veneer will remain, and the new stone veneer will match existing. The roof surfaces will be asphalt in a slate finish. The trim will be vinyl in a white finish. The columns will be painted AZEK in a white finish. The gutters and leaders will be white in an aluminum. The railings will be metal to match existing. The front door will be fiberglass in a white finish, and the overhead door will be fiberglass in a white finish.

The application was presented to the Architectural Review Board on June 7th, 2018, and it was approved with two recommendations:

1. The first was to show the air conditioning units on the site plan, and that is back over here, and then the second was to show an additional existing brick chimney which was missing on the original elevations. The house actually has two chimneys, so we added those to the elevations.

MR. NEMECEK: The chimney that's on the side right now, based on the photos here, sort of stands out on its own, and now it's being -- I guess that right side elevation there shows how the chimney is going to be incorporated into the new addition?

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MR. IANNACITO: Yes. Well, the new addition is further back than the chimney.
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2 MR. IANNACITO: At the bottom of the  
3 stairs?  
4 MS. UHLE: Yes.  
5 MR. IANNACITO: Yes. It's existing.  
6 That will be parged concrete and painted a  
7 gray. I think there's existing photos there.  
8 THE CHAIRMAN: Should we wrap this up,  
9 gentlemen? Any more comments?  
10 MR. WEST: This is a little boring  
11 over here.  
12 MR. NEMECEK: The area around the  
13 chimney on the side, there's fencing, that new  
14 addition at a spot where there's a considerable  
15 slope down to the driveway, explain that area  
16 to me a little bit; is that fully enclosed?  
17 MR. IANNACITO: So if you look at the  
18 site plan, there's an existing patio right now,  
19 there's all patio here --  
20 MR. NEMECEK: That's an existing  
21 patio that's --  
22 (Multiple people speaking.)  
23 MR. IANNACITO: They'll have a little  
24 outdoor space in front of the addition which  
25 overlooks the golf course which is across the  

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2 street. So they wanted to maintain that  
3 sitting area in front of the addition. That's  
4 one of the reasons it was set back towards the  
5 back of the house.  
6 MR. NEMECEK: I'm looking at this and  
7 trying to figure out how you get to it.  
8 MR. IANNACITO: There's a step walkway  
9 that walks around.  
10 MR. NEMECEK: Okay.  
11 MR. WEST: The staircase, this large  
12 stucco wall --  
13 MR. IANNACITO: This piece here?  
14 MR. WEST: Yes. Is there anything you  
15 could do to dress that up? I mean, it's just a  
16 lot of stucco.  
17 MR. IANNACITO: Yes, it's a lot of  
18 stucco. I don't think it's in the budget to  
19 put a stone veneer on there.  
20 MS. UHLE: Actually, if you look at  
21 the plan view, they have quite a bit of area to  
22 plant in there. I think part of the problem in  
23 the rendering it just shows like little  
24 boxwoods or something. If they put something  
25 that -- how high is that approximately? If  

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2 they put something that grew to 4 to 5 feet  
3 tall within that plant area there --  
4 MR. IANNACITO: It's probably 15 feet.  
5 MS. UHLE: If they would plant that  
6 with something --  
7 MR. NEMECEK: That seems like the  
8 obvious solution.  
9 MR. IANNACITO: They could put taller  
10 plants there. I don't know if there are any  
11 taller plants there right now. Let me look at  
12 the photographs. If you look at the  
13 photographs and you look at the neighboring  
14 properties, a lot of them are very similar to  
15 this where they're higher up.  
16 MR. WEST: Eastchester is not a flat  
17 town.  
18 MS. UHLE: Some of them have different  
19 materials, though. I think the issue is with  
20 the plain kind of concrete. Putting taller  
21 landscaping would definitely make a difference.  
22 Again, I'm trying to look at the photographs to  
23 see what's there now.  
24 MR. IANNACITO: Right now --  
25 MS. UHLE: There's not much there.  

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MR. PULASKI: The photo looks like it has a little bit of shadow to it, so it looks different. This doesn't have any shadow to it.

MR. NEMECEK: I'm with Margaret's recommendation.

MR. IANNACITO: We could put bigger trees there.

THE CHAIRMAN: That's fine, bigger trees.

MR. NEMECEK: Or appropriate planting that will grow into that space and take away some of the monolithic look of the stucco.

MR. IANNACITO: All of these houses on that Fairway Drive have tall facades on the front.

MS. UHLE: But I think the case here when you look at it, like everything you designed looks so nice, but I think your eyes focus right in on that stucco foundation. If you soften that up with some landscaping, it would make the house look so much nicer. And again, that's a recommendation but that's what I would do.

MR. IANNACITO: I'll definitely bring up to them.

THE CHAIRMAN: So subject to the recommendation regarding the landscaping in front of the existing stucco wall, I'll make a motion it approve the application --

MR. PULASKI: Second.

THE CHAIRMAN: Let me say what it is.

-- 96 Fairway Drive.

MR. PULASKI: Second.

THE CHAIRMAN: All in favor.

(All aye.)

THE CHAIRMAN: Thank you, Mr. Iannacito.

MR. IANNACITO: Have a great summer.

MR. NEMECEK: But don't put in any invasive plants.

MR. IANNACITO: We'll put some of those plants in.

THE CHAIRMAN: I think your presentations have made all the architects up their game a little bit.

MR. IANNACITO: I know. We're going to have to start doing models now.

THE CHAIRMAN: Thank you. I make a CERTIFICATION

STATE OF NEW YORK )
) COUNTY OF WESTCHESTER)

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

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

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

IN WITNESS WHEREOF, I have hereunto set my hand this 4th day of September, 2018.

DINA M. MORGAN
Court Reporter
DINA M. MORGAN, REPORTER