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and I have not had the ability to review the latest, June 28th minutes, so I don't think --

MS. UHLE: Okay. So we'll just adjourn that.

ACTING CHAIRMAN NEMECEK: We'll table that, yes.

Speaking of adjournments, there are several adjourned items that will not be heard at this meeting, including one, which is

Application 16-14, the Gas Mart, at 600 White Plains Road, that was adjourned for additional information I believe just today. So if you are here for 600 White Plains Road, the Gas Mart, the 76 Gas Station, that is a public hearing that will continue to be adjourned and will not be heard tonight.

The other adjourned items are Application 18-20, which is the Siwanoy Country Club at 351 Pondfield Road / Siwanoy Club Way, that's been adjourned for review by the Architectural Review Board, our very hard working ARB.

The third item which has been adjourned is 71 Park Drive. That has been adjourned.

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to Item Number 1, which is Application 16-13, 22 and 24 Water Street and 42 Stewart Place subdivision.

MR. ANDERSON: Good evening. Steve Anderson from Gabriel E. Senor, PC, land surveyor and engineers.

Basically we’re asking for an extension because we were working with the town consultant and DPW on the utilities and Suez Water too for details, and also the performance bond, which we’ve gone through a number of times with the consultant and I think we’ve reached final today on that. You should have a copy of that. I think that about covers it.

ACTING CHAIRMAN NEMECEK: There’s no Yankee game on, they played already at 1:00, and the football game doesn’t begin until 8:20, we have probably a very large substantial viewing audience at home and we’re just going to lose them unless we provide some background as to what this is about. For the benefit of this board and for our viewing public, just give us a brief overview of the project and why we’re here tonight and what you’re asking for.

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here for today, what this particular application on which this board will vote this evening is to extend a conditional approval.

MR. ANDERSON: Yes, because we’re ready to go to the Health Department now that we worked out everything.

ACTING CHAIRMAN NEMECEK: And the conditional nature of the approval is there are certain timelines built in and you’re just simply seeking an extension of those timelines?

MR. ANDERSON: Right.

ACTING CHAIRMAN NEMECEK: I believe this is a town requirement for approval of the amount of the Performance Bond to guarantee the construction?

MS. UHLE: Yes. I’ll just reiterate a couple of things.

So back in June of 2017, you approved a new five lot subdivision off of Water Street, as Steve indicated, for four new homes and one existing home to remain. Four of those homes are proposed off of a new cul-de-sac. When the subdivision is constructed, the cul-de-sac will be dedicated to the town of Eastchester and the

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in the context of the overall project. Just a couple of minutes at least.

MR. ANDERSON: Right now it’s a five lot subdivision. Currently, one house has been demolished since then because we did start preliminary work.

ACTING CHAIRMAN NEMECEK: This board has issued approvals along the way, and I guess we’re at the next step right now.

MR. ANDERSON: Right. We’re putting in four new houses and the one’s remaining on Stewart Place. Essentially what’s been going on is we have the town consultant -- basically the utilities we had it all reviewed with the DPW, had to get everybody in agreement and everything on the sewer water, and also we’ve been bouncing around the Performance Bond and came to an agreement as to how much that should be.

The project is, like I said, it was initially three existing houses and two were coming down and the one on Stewart remains and it will be four houses on Water Street.

ACTING CHAIRMAN NEMECEK: What you’re asking

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2 first step.
3 So those are basically the two issues.
4 ACTING CHAIRMAN NEMECZEK: I don't have
5 any further questions. Do any of my colleagues
6 on the board, my esteemed colleagues have any
7 questions for Mr. Anderson?
8 MR. PULASKI: No. I would just like
9 to point out that a number of the items that
10 have to be satisfied have been satisfied and
11 there are just a few open items, and the
12 extension is needed to make sure that those
13 items also come in line.
14 MS. UHLE: I had actually recommended
15 that you extend it another six months, which is
16 I think much more than the applicants needs and
17 more than the applicant even wants. I know
18 he's anxious to get going. I just don't want
19 him to have to come back again in case there
20 was something with the Health Department or
21 Suez Water.
22 ACTING CHAIRMAN NEMECZEK: So the
23 March 22, 2019 date is the date that's now
24 requested with the extension?
25 MS. UHLE: Yes.

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4 ACTING CHAIRMAN NEMECZEK: Perfect. So
5 there is no public hearing required on this, so
6 I am going to go forward and make a motion, 7
8 first, to extend the conditional approval for
9 the proposed five lot subdivision located at 22
10 and 24 Water Street, which is Application
11 16-13, until March 22, 2019.
12 MR. PULASKI: Second.
13 ACTING CHAIRMAN NEMECZEK: All in
14 favor.
15 (All aye.)
16 ACTING CHAIRMAN NEMECZEK: Secondly, I
17 make a motion to approve a Performance Bond or
18 Letter of Credit in the amount of $244,420 to
19 guarantee the construction of public
20 improvements required for the proposed five lot
21 subdivision located at 22 and 24 Water Street,
22 which is Application 16-13.
23 MR. PULASKI: Second.
24 ACTING CHAIRMAN NEMECZEK: All in
25 favor.
26 (All aye.)
27 MS. UHLE: Can I also ask that you do
28 one thing a little retroactively? Even though
29
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5 a public hearing is not required, you're
6 supposed to resolve that one is not required.
7 So if you could just make a resolution
8 indicating that you do not believe a public
9 hearing is required.
10 ACTING CHAIRMAN NEMECZEK: Okay. I
11 move to resolve that a public hearing is not
12 required with respect to the application which
13 is before us this evening, namely the extension
14 of the conditional approval for the subdivision
15 and the motion to approve the Performance Bond
16 or Letter of Credit.
17 MR. PULASKI: Second.
18 ACTING CHAIRMAN NEMECZEK: All in
19 favor.
20 (All aye.)
21 MR. ANDERSON: Thank you.
22 ACTING CHAIRMAN NEMECZEK: Thank you.
23 Good luck.
24 Next up, Application 18-36, Holy Mount
25 Cemetery, which is located on, very
26 appropriately, Cemetery Lane. This is a
27 preliminary review of the application.
28 MR. ALLEN: Good evening. Tim Allen

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2 Zoning Board of which we need referral from
3 your board to their board, which is a setback
4 here, and also it's an existing non-conforming
5 use and we're by definition -- I think back in
6 2004 by the Zoning Board since it's being
7 expanded, that the Zoning Board would need to
8 look at the expansion of the existing
9 non-conforming use on the property.
10 After that, I'll just turn it over to
11 Joe. He's got some models and some better
12 pictures of what's there.
13 MR. LAZARCHECK: I'm Joe Lazarchek
14 from JPL Architects.
15 MR. PULASKI: Take that. You could
16 take that out.
17 MR. LAZARCHECK: Basically this is the
18 existing building location. We're using the
19 same footprint and basically it's the same size
20 and height that's there now. The existing
21 building is 16 feet high, this will be 18 feet.
22 It's relatively simple and straightforward in
23 terms of that.
24 Basically what you see here is -- how
25 this works is that the exterior of this wall

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2 would be a stone veneered wall and it's 5 feet
3 high to 5 and a half feet high max throughout
4 this area until we get to this. At the end of
5 this, there will be a statute. The height of
6 this at the highest point will be about 12 to
7 13 feet. Again, that wall is only about 3 feet
8 deep. It's only to house a statue. It's not a
9 roof structure that you could go in. Basically
10 all the niches in which the ashes will be put
11 in are kept on the inside of the stone wall.
12 So you would not see anything from the outside
13 except for a stone wall that's 5 feet high to 5
14 and a half feet high.
15 The new building is going to be the
16 same material with stone and slate roof. This
17 will operate only from dawn to dusk. It will
18 not be used at night. There will be very
19 minimal lighting on it, only from the inside.
20 There's basically only one way to enter and
21 exit. This is an emergency exit so we don't
22 have a dead end. It would just be used from
23 the inside.
24 ACTING CHAIRMAN NEMECEK: Was dead end
25 a deliberate joke there?

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back in 2004 was not -- nothing proceeded.

MR. LAZARCHEK: I'm not sure of that.

I wasn't involved in that originally. All I could say is that this is located as a way of generating funds to upkeep the existing cemetery, and it's a way of generating, like, again, for flowers, for upgrades in the existing cemetery. It's a source of revenue.

ACTING CHAIRMAN NEMECKE: Who runs the cemetery; is it the -- I know the applicant is the Parish of Immaculate Conception and Assumption of Our Lady, but we heard reference to the Archdiocese of New York as well.

MR. LAZARCHEK: To be honest with you, I'm not sure of the exact answer to that, but I believe it's the New York Cemetery.

ACTING CHAIRMAN NEMECKE: By the New York Archdiocese? Cemetery Association?

MR. ALLEN: Our understanding is it's overseen by the Archdiocese ultimately, so it's association, but nonetheless, it's part of the church.

ACTING CHAIRMAN NEMECKE: Is it the church that is responsible for the upkeep that

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actually has the direct contact with the individuals who are maintaining the property?

MR. KELLY: Father Sorgie is --

ACTING CHAIRMAN NEMECKE: Could you identify yourself.

MR. KELLY: Good evening. My name is Bill Kelly. I'm the project manager with the parish for this particular project. Father Sorgie the Pastor and Immaculate Conception Church is in charge to maintain the cemetery, Holy Mount Cemetery.

ACTING CHAIRMAN NEMECKE: Okay. That was my understanding, that the church has direct contact. I'm parishioner of Immaculate Conception, and have been for practically forever, so -- but I know that there is interplay between the Archdiocese and the individual parishes, but certainly we would prefer to be able to go to an individual with a name who's preferably in the neighborhood if there is an issue that the town needs to deal with.

I have some questions about, you know, what's in the area right now; there's the

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existing building, and I think we have photographs here, I assume there are no -- that this is unused area right now?

MR. LAZARCHEK: Yes. Right now as you approach, there's the existing building that's there now. Okay. This is the existing building. The area which we're going to build on is basically where that pickup truck is and that fence right there, that's the flat area that you're looking at right there. If you were to look at the model, it's turned this way as you approach. So that's the existing building, existing building, and then we would build to the right.

MR. CUNNINGHAM: So that's coming right along the property line then?

MR. LAZARCHEK: Yes.

MR. CUNNINGHAM: When you lay it out on this overhead, you have a building right here?

MR. LAZARCHEK: Correct.

MR. CUNNINGHAM: Cemetery Lane is to the left of that building?

MR. LAZARCHEK: Yes.

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MR. CUNNINGHAM: You said those are a prefabricated wall?
MR. LAZARCHECK: No. The wall is actually a stone wall. It's like a garden wall that you normally build and the niches get butted up to that, and then there's a cap that goes on top, which will be a stone cap also.

ACTING CHAIRMAN NEMECEK: Another concern that I have -- I don't know if it's even a concern -- I would like to know a little bit about what the typical traffic is at this site on a typical day. Maybe Mother's Day is a busier day and Father's Day and, who knows, Christmas, I assume there are days when cemeteries are more heavily visited, but tell me on a typical day what the amount of vehicular traffic is; do you have a sense of that?

MR. LAZARCHECK: Not a sense on a typical day. I mean, I was there for a period of time of five or six hours and nobody came when we were measuring. It's hard to say on a typical day, but we could average it out, give you a holiday and give you some type of number.

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MR. LAZARCHECK: Yes, that's right here. They're all marked.

ACTING CHAIRMAN NEMECEK: I see, it's going this way.

MR. LAZARCHECK: Correct. These are all the grave stones.

ACTING CHAIRMAN NEMECEK: I got it.
MR. LAZARCHECK: Like I said, this is only -- it's not that wide. It's only like 10, 11 feet wide.

ACTING CHAIRMAN NEMECEK: The dimensions are it's pretty tight but sufficient for its purpose.

MR. LAZARCHECK: Correct.
MS. UHLE: How tall are the walls again?

MR. LAZARCHECK: Depending on the actual manufacturer we go with, between 5 and 5 and a half feet.

ACTING CHAIRMAN NEMECEK: Whose statue you going to put there.

MR. LAZARCHECK: Father Sorgie is in Europe right now, that hasn't been decided yet.

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and get back out, it's always worked out fairly well.

In terms of traffic, I mean, certainly you'll have Mother's Day and Christmas and what have you, but it's not a large traffic impact in terms of -- it's sporadic what it is. 

MR. WEST: How many urns of ashes can they hold in this new spot?

MR. LAZARCHECK: It's noted on your sheet as 1800, but the real number is 1630.

1,630 is the maximum number.

ACTING CHAIRMAN NEMECKE: Tell me a little bit about a typical -- I don't know what you'd call it -- it's not really a burial -- I don't know if it's a funeral because funerals sometimes -- in the Catholic faith, the funerals take place at the funeral mass, so this would be an interment but that requires earth. Whatever the ceremony is by which somebody is laid to rest, what does that typically consist of?

MR. LAZARCHECK: I'll let Bill speak.

MR. ALLEN: I'll speak to that. I just went to one, unfortunately. A dear friend.

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of mine's father passed away the other day. Generally, you'd have the wake, then you'll have the mass at the church, and then more or less it's very close friends and family that will come to the interment part of it. It's not a big crowd. It's not the -- there were lines up the street for the particular funeral I went to the other day. You don't see that as they leave the church and then head to the grave site. The process weeds out. Unless it's someone really famous that wants to be there, but nonetheless, generally it's not a big crowd that would come to the interment.

ACTING CHAIRMAN NEMECKE: I've been to enough interments. In my experience, it's typically something that it takes longer for people to get there and get settled than the actual ceremony. 

MR. ALLEN: It's not a long ceremony. A prayer is said, and then everybody usually goes to the local restaurant afterwards.

ACTING CHAIRMAN NEMECKE: That is typically, though, when you have the --

MR. ALLEN: You probably even get that. 

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2
cemetery fence or that's the neighbor's?
3
MR. LAZARCHUCK: This is part of the
4
cemetery, this is the neighbor's.
5
MR. CUNNINGHAM: That's the neighbor's
6
fence?
7
MR. LAZARCHUCK: Right. If you look
8
at this, this is the cemetery, this is the
9
neighbor.
10
MR. CUNNINGHAM: There's a stockade
11
fence there, okay.
12
MR. LAZARCHUCK: This I'm standing on
13
like a 4 foot wall to look over the fence.
14
MR. CUNNINGHAM: Okay. So that's a 6
15
foot stockade fence. Basically your wall is
16
lower than that.
17
MR. LAZARCHUCK: That fence runs from
18
here all way here.
19
MR. CUNNINGHAM: Okay.
20
ACTING CHAIRMAN NEMECEK: Isn't the
21
neighbor supposed to put the --
22
MR. CUNNINGHAM: I would be more
23
concerned about the other elevation. That's
24
the east, right, the east you're just pointing
to? That's the south end of it; right? The
25

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the eye of the beholder; right?

MR. LAZARCHECK: Say that again.

ACTING CHAIRMAN NEMECEK: It's a rhetorical statement. I think you've answered all of my questions. Anyone else have any?

(No questions.)

ACTING CHAIRMAN NEMECEK: Again, this is a preliminary review, so there is no public hearing on this now, but certainly any member of our substantial viewing audience watching at home who has an interest in this, I would invite you to follow along because I think we're going to be referring this to the Zoning Board of Appeals, and then if the Zoning Board of Appeals approves the request for variances, it will come back here, and that will also afford our public an opportunity to be heard.

So that said, I make a motion to refer Application 18-36 to the Zoning Board of Appeals with a consideration of a use and area variance.

MR. PULASKI: Second.

ACTING CHAIRMAN NEMECEK: All in favor.

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(All aye.)

ACTING CHAIRMAN NEMECEK: Thank you.

MR. LAZARCHECK: Thank you.

ACTING CHAIRMAN NEMECEK: Next up is Application 18-37, which is 239 Main Street.

This is also a preliminary review. It will not have a public hearing.

MR. MAIORANO: Good evening, board members. My name is Adamo Maiorano from Community Designs and Engineering. On behalf of the applicant, Christopher Dura (Ph.), we are proposing an addition and alterations to 239 Main Street.

Basically the existing residence as it is today is currently occupied by three generations of the same immediate family. It's been that way for many years now, but as a result of time changing and the current status of the family living there today, we are proposing these alterations and an addition in the rear to better suit their needs and desires of today.

Overall, the existing conditions aren't going to really change all that much.

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basically with the house and the site.

Ultimately what we are proposing is to, you know, aesthetically renovate the house, as well as do some site improvements to better accommodate the zoning issues that we have at hand.

Basically to summarize what's going on, in the rear there is an existing sun room, roof deck, and deck above it. What we're proposing is to remove that and in place of that there's a single story rear addition and very small second story addition to the rear with the roof deck above that. The site will remain, as we said, pretty much similar to what's going on there today. There's going to be parking in the rear with screening around it.

Overall, the basic layout of the house initially what we were trying to result in -- right now there's one family on each floor, and that's the first, second, and third level, proposed there will be two units on the first floor, and then one unit occupying the second and third story.

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Any questions?

ACTING CHAIRMAN NEMECEK: Is there any change in the footprint?

MR. MAIORANO: So --

ACTING CHAIRMAN NEMECEK: It's at the back; right?

MR. MAIORANO: The main change in the variance is there's an existing sun room, as I said, and deck above it, that's the one story addition in the rear, and then that very small two story addition. It's all going on in the rear of the house. Nothing really changing in the front as far as, you know, aesthetically updating it and what have you.

ACTING CHAIRMAN NEMECEK: Adamo, you're here today before this board so that we refer you to the Zoning Board of Appeals so that you can apply for variances there. Tell me again what the variances that you're looking for are.

MR. MAIORANO: So the number of variances is a side yard variance here, parking --

ACTING CHAIRMAN NEMECEK: The side

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37
1 yard variance, it's existing non-conforming?
2 MR. MAIORANO: Existing
3 non-conforming, and we're extending back
4 increasing that non-conformity, so we would
5 need a variance for that side yard. There is
6 also the aisle of the existing driveway. We're
7 not changing that, but right now it's
8 non-conforming and will remain non-conforming.
9 The number of parking spaces, right now there's
10 not really a number of parking spaces, just
11 basically parking in the rear. There's a shed
12 that we're removing in the right corner to
13 better accommodate more parking spaces. The
14 backup aisle, which, you know, it's a 42-foot
15 site so there is not much room to, you know,
16 kind of alter what is going on, so the backup
17 aisle for the parking is also not, you know,
18 the -- what have you.
19 MS. UHLE: You have the left side yard
20 setback as well.
21 MR. MAIORANO: The left side yard
22 setback as well.
23
24 ACTING CHAIRMAN NEMECEK: From the
25 sound of it, pretty much all of these
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1 conditions are non-conforming as they exist,
2 and since you're -- at least in terms of
3 putting the addition in the back --
4 exacerbating the non-conformity, you need
5 approval from the Zoning Board for that. It
6 certainly looks to me that the improvements
7 that you're making are certainly very --
8 they'll do a lot for the appearance of the
9 house and certainly there is a very good reason
10 behind it all. We like to keep families
11 together, if that's what they desire. I'm
12 happy with the plan that you have.
13
14 Do any of my fellow board members have
15 any questions for Mr. Maiorano?
16
17 MR. PULASKI: I have no questions.
18
19 ACTING CHAIRMAN NEMECEK: I will then
20 make a motion to refer Application 18-37, which
21 is 239 Main Street, to the Zoning Board of
22 Appeals for consideration of the area variances
23 that we just discussed.
24
25 MR. PULASKI: Second.
26
27 ACTING CHAIRMAN NEMECEK: All in
28 favor.
29
30 (All aye.)
31
32
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1 Applestone has not been front of the Planning
2 Board before, so can I read a brief narrative
3 from the owner?
4
5 ACTING CHAIRMAN NEMECEK: Absolutely.
6 MS. ASCHER: It was directed to the
7 Planning Board and also to the Architectural
8 Review Board:
9 To whom it may concern, the following
10 is a narrative describing the details or our
11 proposed project on White Plains Post Road,
12 Scarsdale. As shown on the site plan
13 application, we hope to open a retail shop in
14 which we sell high quality, fresh cuts of meat
15 via a customer service window and refrigerated
16 vending machine.
17
18 The following are responses to details
19 requested:
20 The indoor customer service window
21 will be open every day 11 to 6:00 p.m. The
22 vending machines will be indoors and accessible
23 24/7. These vending machines will be inspected
24 by the appropriate health department before
25 operations open. We would use our company vans
26 to drop off product, which will be loaded into
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the basement where we will have cold storage
3 coolers. The drop offs will be mostly late
4 night or early AM. The number of employees is
estimated to be three to five, but typically
6 there will be two per day, two shifts between
7 11 and 6. The space in front of the vending
8 machines is primarily just an access way
9 through which people can approach either the
10 machines or the customer service window. The
11 wall opposite the vending machine will be a
12 visual and information display. The site will
13 be under 24 hour surveillance with signs posted
14 to notify the public of such.
15 The Applestone Meat Company has been
16 in operation for four years as a meat
17 processing facility and retail shop. We have a
18 customer service window and four vending
19 machines at our location in Stone Ridge, New
20 York, and we'll be happy to provide visuals of
21 the existing space to give better understanding
22 of the look and feel we intend to create.
23 That's essentially it.
24 MR. PULASKI: Where is the present
25 facility?

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It's up in the Catskills.
ACTING CHAIRMAN NEMECEK: Is that
where the meat comes from?
MS. ASCHER: Yes. It comes from a
farm.
ACTING CHAIRMAN NEMECEK: In the
Catskills.

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MS. ASCHER: To whom it may concern
again. The Applestone Meat Company business
model is focused around accessibility, which we
address by opening our doors to the public
24 hours a day, seven days a week. We utilize
vending machines because they allow for the
safe refrigerated sale of food products without
the necessity of hiring counter staff for
multiple shifts or overnight shifts. Our
premises are under 24 hour surveillance.
Because we can increase our exposure to our
customer base without increasing our staffing
demand, we're able to keep our product prices
lower than our competitors in the boutique
butcher market. We aim to bridge the gap
between boutique markets and big box grocery
stores to provide a well sourced product at
attainable prices. We meticulously source our
product to our standards, which have been
developed over the course of 15 years in the
sustainable meat industry, ensuring that our
stores are shopping safe zones. Every product
you find in our stores is a product we happily
feed our own families, and we want to widen the

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2 afternoons. That’s what they say is their
typical --

4 MR. CUNNINGHAM: Because there’s
5 really no access from the main road in front,
6 unfortunately, so it’s all through that back
7 end.

8 MR. WEST: Busy Trader Joe’s the
9 traffic backs up on 22.

10 MR. CUNNINGHAM: Like you said, the
deliveries will be coming in hopefully at night
12 because there is no way that they could those
13 things, you know, because at 4:00 in the
14 afternoon this place is mobbed.

15 MS. ASHER: No deliveries then. Late
16 night and early mornings, and they’re by vans
17 not trucks.

18 ACTING CHAIRMAN NEMECEK: What type of
19 meats are sold?

20 MS. ASHER: Red meats and pork and
21 lamb, I believe. You could go on their website
22 and take a look. It’s not poultry. I think
23 that’s the type of meat.

24 MR. WEST: You’re taking over the nail
25 salon, is that what you’re taking over?

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2 you make a right-hand turn into this, and then
3 you have to back out of there. Quite honestly,
4 I don’t see how it works.

5 MS. UHLE: When the applicant appeared
6 before the Zoning Board for a variance for the
7 parking, at that time there was no
8 understanding or knowledge that it was the
9 Applestone Meat Company, it was just he wanted
10 to get a variance to allow him to have a retail
11 use, if possible. His lot has five spaces, but
12 my understanding is -- and there’s evidence in
13 the file -- that there’s been a long term
14 agreement with Trader Joe’s that they share
15 parking.

16 MR. CUNNINGHAM: I get it.

17 MS. UHLE: But for the few people that
18 do park there, it’s an issue.

19 MR. CUNNINGHAM: You drive through
20 this space, it’s very congested.

21 MR. WEST: From 3 to 7 it’s pretty
22 packed.

23 MR. PULASKI: You also need to go in
24 flex hours. Flex hours when it’s not
25 congested.

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2 MS. ASHER: I’m sorry.

3 MR. WEST: The nail salon is the one
4 you’re taking over?

5 MS. ASHER: No, the dentist.

6 MR. WEST: The dentist in the middle?

7 MS. UHLE: Yes.

8 MR. PULASKI: GNC on one side and the
9 nail salon on the other.

10 MS. ASHER: This is the street view.

11 MR. PULASKI: Does anybody know how
12 the lighting works in that Trader Joe’s parking
13 lot right now; is it always on? Does it ever
14 go off?

15 MS. UHLE: In Trader Joe’s? I do not
16 know.

17 MR. PULASKI: I live right near there,
18 I don’t think I’ve ever seen it off.

19 MR. WEST: What?

20 MR. PULASKI: The lighting in the
21 parking lot. The Trader Joe’s closes at 9.
22 Sometimes they have a trailer that comes in.

23 MR. CUNNINGHAM: The parking that
24 they’re proposing behind the store is, you have
25 to go through Trader Joe’s parking lot, then

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and I go over to GNC and --

ACTING CHAIRMAN NEMECEK: Get your nails done?

MR. PULASKI: No, I don't go into that. Maybe if I had my daughter with me, I drop her off.

MR. WEST: It's okay Bob, it's okay.

No judgment.

MR. PULASKI: Where I'm going with that is that maybe an additional attraction where somebody goes into Trader Joe's and they also decide to stop in with meat. By the way, this is a public hearing.

MS. UHLE: Also, I wanted to, if I could remind you, you're actually not approving the use or the traffic or the parking, but I wanted to make sure you actually did look at the elevations and the materials and things.

The Architectural Review Board had asked that the applicant provide additional information with regard to the light fixtures and signage. Also, to indicate how they were proposing to deal with the front building facade and that kind of thing.

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MR. WEST: I think it's nice.

ACTING CHAIRMAN NEMECEK: The front building facade, the same owner owns the entire building, right, for all three storefronts?

MS. ASCHER: It's a rental. I don't know the owner. I know the client, Applestone, does want to do whatever they can within a reasonable cost to upgrade the finishes and materials. He plans to paint the rear and the front.

MS. UHLE: Can you use the microphone, please. You can separate it. We have a stenographer. You can release the microphone.

One question I had about the front facade that I was confused is it almost looks like the applicant was proposing just to renovate or paint the storefront or is it the entire building?

ACTING CHAIRMAN NEMECEK: The entire facade or just the middle?

MS. UHLE: For the front facade.

MS. ASCHER: Well, it's continuous stucco, so I would assume he has to do the whole --

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MS. UHLE: I would too, just the way that it was labeled it was a little bit unclear.

MS. ASCHER: I think he plans to.

He's not going to just paint this strip right here.

MS. UHLE: It's not what he plans to do, it's what this board would require. That's why it needs to be clear on the drawings what's being proposed. The board needs to be clear what's being proposed in case they need to adopt a condition of approval.

MS. ASCHER: Okay.

MR. WEST: The front as well; right?

MS. ASCHER: Well, the rear, yes, they're going to paint between the building, so for sure they're going to paint the whole thing. So the front I would assume they would paint the whole building as well.

ACTING CHAIRMAN NEMECEK: That would be something I certainly would strongly advocate, and perhaps, subject to the consideration by my peers on this board, I would make a condition of approval.

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MS. ASCHER: Quite frankly, the owner should, the landlord should pay for it but --

ACTING CHAIRMAN NEMECEK: That's between him and --

MS. ASCHER: That's between him and --

We plan to, you know, patch the holes.

There's been discussion about patching the holes and paint. We added two lights, two gooseneck lights in the front as well.

ACTING CHAIRMAN NEMECEK: In the front, okay.

MS. ASCHER: Yes. Otherwise, the front is staying the same. We're removing the decals from the wall, you know, the tape on the windows and there will some signage on the door. Probably not on the window but they're planning to put their logo on the door.

ACTING CHAIRMAN NEMECEK: Is the intention on having the front door open 24/7 as well?

MS. ASCHER: The front door will be open 24/7 as well.

MS. UHLE: Again, that's what's proposed.

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2. ACTING CHAIRMAN NEMECEK: Yes, that's why I said is that the intention.

3. MS. ASCHER: They expect most of the traffic to be from the back. These are the automatic doors, automatic glass folding doors like at CVS. There's a lift proposed. Should I just briefly go through the design features?

4. ACTING CHAIRMAN NEMECEK: Yes.

5. MS. ASCHER: This is the existing, this is the proposed. We're proposing a lift with a glass door, which was one of the elements that was requested at the ARB. This is going to be a lift. He wants to make it accessible and clearly that's one of the ways. So a lift to provide handicapped access. We're replacing all of the railing, which is this painted brown, very -- horrible. Remove the decking and the railing and replacing it with a Feeney cable rail. It was in the packet. It's going to be painted black. So just open it up, give it a more modern look. The milliions are going to be painted black. Everything is clear glass. Decking will be like a gray, it's a Fiberon, which is like a Trex material, and

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2. it's going to be like a graphite dark gray. So this instead of the brown will be this dark gray, black. That's essentially it. The letters are mounted on the wall. Aside from the decals in the windows, that's the only sign front and back. Two gooseneck lights here and two gooseneck lights on the front.

3. ACTING CHAIRMAN NEMECEK: Tell me a little bit about the security that's intended to be put in place. You said there would be 24 hour surveillance of some sort. That obviously involves cameras. Tell me where the cameras are going to be.

4. MS. ASCHER: I'm not sure of that. We could get more detail on that. It's a valid question.

5. ACTING CHAIRMAN MR. NEMECEK: Do you know whether they're entirely within the store itself?

6. MS. ASCHER: I think the security is within the store. I think the security is within the store. I'm not sure. He may have a security camera outside on his Stone Ridge place. I can find that out.

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ACTING CHAIRMAN NEMECZEK: Yes.

MS. ASCHER: It's about two steps down, two or three steps down to the basement level.

ACTING CHAIRMAN NEMECZEK: Okay. How high up is the --

MS. ASCHER: Oh, the deck?

ACTING CHAIRMAN NEMECZEK: The deck, yes.

MS. ASCHER: It's about 5 feet, plus or minus. 4 to 5 feet.

ACTING CHAIRMAN NEMECZEK: Whatever improvements you put in, would be equally usable by the other two stores on that property?

MS. ASCHER: Yes.

MR. CUNNINGHAM: Really it's just an improvement of the existing deck, there are no elevation changes or --

MS. ASCHER: Well, there's the lift, there's the new lift, there's all new decking.

MR. CUNNINGHAM: But I'm saying they're not changing the elevation of the existing deck.

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MS. ASCHER: No, no, no, it's just the decking.

MR. PULASKI: But it's quite an improvement in how that deck looks. That deck looks like the backside of a house.

MR. CUNNINGHAM: There's no change in the elevation of the deck, it's just a new deck.

ACTING CHAIRMAN NEMECZEK: Correct, but the lift is new. It's an enhancement that the other two stores might benefit from as well.

Anything else that the ARB recommended?

MS. ASCHER: I can just go through the points. Light fixtures; gooseneck lamps are black, matt black. Clarify if there is access to the vending machines from White Plains Road; yes, both sides. Clarify what the light levels will look like at night; we do have a little photo, it didn't come out very well, if anybody wants to see it.

MS. UHLE: I think they were just concerned that it's not overly bright.

MS. ASCHER: Yes, they're very concerned about that. They have a lighting designer that has these non-invasive lights. I have cut sheets on those lights actually.

MR. TUDISCO: I actually have a question. In terms of security on the -- obviously it's an open question as to what the hours of operation are going to ultimately be decided to be -- but if it's going to be very well lit inside and it may go into late hours of the evening, are those glass doors going to be tinted so that the light doesn't spill out to neighboring properties in terms of light pollution coming out?

MR. WEST: Across the street is Lord & Taylor.

MS. ASCHER: We were planning on using clear glass, but the lighting specifically is not -- that's why I wanted to show you, I know I have cut sheets on the lighting.

MS. UHLE: For security reasons you might not want tinted glass, I think you would want clear glass.

MR. WEST: Lord & Taylor is across the street.

MS. ASCHER: Non environmental impact.

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have them, and glass door on that lift.

ACTING CHAIRMAN NEMECEK: Any other issues we can address before going to the public hearing?

MS. UHLE: No, I don’t think so. I think that was it.

ACTING CHAIRMAN NEMECEK: I make a motion to open the public hearing on
Application 18-03, Applestone Meat Company, 735 White Plains Road. While it has a Scarsdale P.O. address, this is most decidedly within the town of Eastchester.

MS. ASCHER: The letter was written by the owner before he realized that.

MS. UHLE: It was pointed out at the ARB, though, so it was not modified.

ACTING CHAIRMAN NEMECEK: I’m still smarting over the signage at the bank, the big mural on the bank --

MS. UHLE: Okay, we’ll talk about that another time.

ACTING CHAIRMAN NEMECEK: -- the Village of Bronxville and the historical society into believing that one of the pictures

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on the mural was a Eastchester Town Hall dedication when, in fact, it was Bronxville High School.

MR. PULASKI: Before your time, there was the Eastchester Commons on Garth Road.

They were calling it Eastchester and then it became Scarsdale.

MS. UHLE: Yes, that’s another one.

ACTING CHAIRMAN NEMECEK: But anyhow, the motion to open the public hearing.

MR. PULASKI: Second.

ACTING CHAIRMAN NEMECEK: All in favor.

(All aye.)

ACTING CHAIRMAN NEMECEK: Any members of the public hear to speak on Application 18-03?

MR. WILLIAMS: Yes, thank you. Ken Williams, 11 Howard. So I think the board touched upon it. Our only real concern is the hours of operation. We’re in a town here, we’re not in a big city. This isn’t Central Avenue. We have private homes in the back there. As you talked about with Trader Joe’s

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and the lighting, we don’t know what’s going on back there. We have elevation. Just think through for a moment who’s coming at 3 or 4:00 in the morning to buy frozen steaks. It’s probably not me or you guys. I think I probably would use this store, it’s an interesting concept, but I think the hours of operation is an issue. I don’t see how it is fitting within the town. It's not a gas station 24/7, you know, gas mart kind of thing.

You’re going to have a store open 24 hours a day. They have security, but is that going to help you with prosecution or prevention? I mean, if you have kids coming there from colleges at 3 or 4:00 in the morning after being out in the bars, driving, that’s who I think is going to show up, unless they could tell us about their business model that housewives are coming there at 3:00 in the morning buying steaks. I think it’s just not fitting to the town. That’s it. That’s all I have to say.

ACTING CHAIRMAN NEMECEK: Are you suggesting this could become a meat market?

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MR. WILLIAMS: Are you Henny Youngman because you’re getting better as you’re going. I just think, you know, look, common sense says that, you know, you’re probably going to have some issues there 3 or 4:00 in the morning at the back maybe in a dark parking lot. I don’t know who’s going to show up there. The typical family member people typically aren’t coming home from work at 3:00 in the morning. Up to 11 maybe. That’s really the only concern we had.

ACTING CHAIRMAN NEMECEK: Are you a resident of one of the nearby --

MR. WILLIAMS: We’re here right on 11 Howard.

ACTING CHAIRMAN NEMECEK: I thought you said Howard.

MR. WILLIAMS: But we had talked to a number of people that didn’t hear about this at all, don’t know much about it, but tonight maybe they’ll hear a little bit more about it. I think you’ll get a lot of people that will probably have the same feeling about this. No issue with the business model, it’s just the
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MS. ASCHER: It will be well lit.

MR. WILLIAMS: The lighting I don't think is the issue or even the security.

That's not going to prevent the types of people that probably will be showing up at 3 or 4 in the morning. Thank you. Any questions?

ACTING CHAIRMAN NEMECEK: No, you're good.

I have to think -- notwithstanding the testimonials concerning the existing store that the applicant has -- that part of the reason for having the 24 hour operation isn't so much that it's going to be a large influx of customers at 4:30 in the morning, but rather it sounds like it may be just easier to leave it open 24 hours rather than having somebody physically lock it down at 11:00 or midnight and then reopen it at 6 or 7 or 8 in the morning. That, in and of itself, may present a cost that the applicant is trying to avoid.

MS. ASCHER: It's possible. I don't know the answer to that.

MR. PULASKI: It operates on vending machines, so there really isn't a cost. To some extent, it's a convenience, and I think that there are a lot of areas where this is changing and places are going into a 24 hour mode, but I don't see that happening in Eastchester as yet. I'm concerned that it's going to start to change the atmosphere of the town, aside from maybe any direct residents that are immediate to the area that may have concerns. I see that as a broader planning item as opposed to just talking about this one establishment because if we do it here, it could be happening near where Mr. Williams lives and other parts.

ACTING CHAIRMAN NEMECEK: It's not going to happen there because I live on 27 Howard and there really isn't any space.

There's no --

MR. PULASKI: -- Would be to try to initially recommend that it operate the hours that Trader Joe's does, and if things change in this town, I think the applicant can come before us and ask for an adjustment in those hours.

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MS. ASCHER: Well, you know what I mean, I mean there should be 24/7. There should be a CVS 24/7 and a gas station 24/7.

ACTING CHAIRMAN NEMECEK: Do we have the authority -- just thinking about this -- could we conditionally approve hours with the requirement that the applicant come back and --

MS. ASCHER: I think you would make a condition of approval. If the applicant objected to that -- in all honesty, a representative from Applestone should actually be here to answer some of these questions.

MR. TUDISCO: I also think it's possible that since security issues have been raised by various members of the board and also by the public, that the police department may want to weigh in on this in terms of recommendation possibly.

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MS. UHLE: Well, I would have the police department weigh in on it if the Planning Board were inclined to allow it to be 24 hours. If you're not inclined to allow it to be 24 hours, then I'm not sure that the police department is going to have --

ACTING CHAIRMAN NEMECEK: It's a bit of a tricky -- one thing that this property has in it's favor, it really isn't very close to any residential. Just looking at where it is on the map here, you have a school back here, you have Trader Joe's here.

MR. WEST: Residential is here.

ACTING CHAIRMAN NEMECEK: It's not that close and it's not close enough that we have to --

MR. WEST: I don't think the light will flood all the way over here.

MS. UHLE: Actually, I'm going to withdraw what I just said. If you are considering longer hours of operation or later, then I would defer to the police department.

Again, I don't think it's necessary if you're going to limit the hours. If you're

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considering extended hours, I know when we spoke to the police department about the extended hours for the gas stations, they were concerned. Of course, those are different kinds of uses and there's beer and alcohol, etcetera, being sold. I can see how they could potentially have some security concerns here, even as it being an accessible space in the winter for somebody to hang out. I don't know. If you would like, I could certainly address that with the police department. You could do a couple of things. You could adjourn the application to come back maybe with the applicant here to answer some questions a little bit more thoroughly or --

MR. WEST: Overnight there's nobody in there, it's just vending machines?

MR. TUDISCO: After 6.

ACTING CHAIRMAN NEMECZEK: There was a follow-up question that I had earlier that I probably didn't articulate very well; the 11 to 6 hours for the service window, what exactly -- if this is all sold to through vending machines, what's the purpose of the service?

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significant portion of what they're looking to do needs to be -- for them to actually make a go of it -- to be open after, say, after Trader's Joe's is closed, however, overnight may be prohibitive in terms of the town's opinion. I think striking a balance between, say, 9:00 and 24 hours a day, I think you're going to need to ask questions of the applicant specifically, and I think the police department should kind of give their input into it just in terms of, you know, I think just common sense since security issues are coming up.

ACTING CHAIRMAN NEMECZEK: One other again, just thinking out loud -- would this board have the option to -- I'll go at it from two different extremes -- one, to approve the 24 hour operation conditional on having them come back at a certain point so that we would have some time to assess how it actually works, and presumably at that point if there are interested members of the community who feel very strongly that they need their meat at 3:30 in the morning, or I hate the fact that the cars are lining up and people are going in at

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4:15; is that a possibility that we could conditionally approve and basically revisit the issue of the hours at a point when we have a better sense of how it's actually going to operate?

MR. TUDISCO: As a legal perspective, I would feel uncomfortable with that. My suggestion would be, if you have not made up your minds yet, I would be reluctant to have you set a number that you may want to change.

ACTING CHAIRMAN NEMECZEK: Here's the opposite end of that. We could also establish hours that do require closing, leaving open the possibility of getting the police department -- maybe for reasons that you just expressed, Rob, that may be something that is so core to the business model that it's a deal breaker for this applicant.

MS. UHLE: I would say then, in all honesty, then I would wait and have the actual applicant here.

ACTING CHAIRMAN NEMECZEK: Option three.

MS. UHLE: I wouldn't impose hours

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2 with the understanding that you might later
3 change. I would make a decision that you would
4 hope would be the decision from now in
5 perpetuity.
6 MR. TUDISCO: Based upon the
7 appropriate information that you have, I think
8 the safer course of action here would be not to
9 make any decision at all with what you have in
10 front of you. I have think if you're seeking
11 input from the police department and, in all
12 fairness to the applicant, giving them the
13 opportunity to come in and talk about why
14 they're making this request, I think you could
15 keep the public hearing open because there may
16 be members of the public, the members that are
17 here tonight may want to come in and address
18 these issues as they arise, and that would be
19 how I would suggest you do it.
20 MS. ASCHER: I'll reiterate what he
21 wrote in his letter because he wrote the
22 letter. He's in Europe on business, so he
23 couldn't be here. We requested that he come.
24 It's not that he didn't want to come. He will
25 reiterate this, and he probably will be

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2 strongly vociferous about 24/7, you could be
3 sure of that.
4 ACTING CHAIRMAN NEMECEK: That's fine.
5 We understand he may be very passionate about
6 this business model. As I said before, this
7 may be very core to the model. Maybe it has to
8 be open those hours. I would feel comfortable
9 if you were telling me, you know, I don't want
10 to close at 9:00 like Trader Joe's, I want to
11 stay open until, say, 11:00, maybe even 12:00,
12 I don't know if I would have a serious issue
13 with that, and opening at 7, even as early as
14 6.
15 MS. ASCHER: That's an employee issue.
16 ACTING CHAIRMAN NEMECEK: I do see
17 where, you know, if you're not closing down at
18 all, that does save on having to have somebody
19 there twice a day. I don't think we've reached
20 the point where you can do everything remotely.
21 We may not be far from that point, but that's
22 fraught with potential problems as well.
23 MS. UhLE: So I think Rob is
24 absolutely right, especially if you're thinking
25 of extended or even longer hours or at least

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the 24 hours.

MS. ASCHER: In addition to what I read?

MS. UHLE: I don't believe that was submitted to the board what you read to board.

MS. ASCHER: John and I were talking them, we had a conference call, and we said, these are the questions they're probably going to ask. So he said, okay. He's passionate about it.

MR. WEST: We would like to hear his business justification for why he thinks this town will support a 24 hour business when we all live here and know that the town shuts down at like 9:30.

MS. ASCHER: Things are changing.

MR. WEST: It's not a pass through town that people are going.

ACTING CHAIRMAN NEMECEK: I think we're comfortable with the other portions of the application.

MR. TUDISCO: Do you need to move to adjourn it?

ACTING CHAIRMAN NEMECEK: We're going DINA M. MORGAN, REPORTER

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to keep open the public hearing, we've not closed it, because, again, this is an issue that we are certainly looking to solicit as many viewpoints as possible.

MS. UHLE: I think it's the hours of operation and security measures you needed a little more information on as well.

ACTING CHAIRMAN NEMECEK: That's right. That's right. That was an issue, you know, is it purely internal because any time you have a business open in the middle of night, you know, I think the concern is less that people are inside stealing meat than people are --

MS. ASCHER: Hanging out, something happening.

ACTING CHAIRMAN NEMECEK: Hanging out.

MR. TUDISCO: Or the money in the machines.

ACTING CHAIRMAN NEMECEK: What's that?

MR. TUDISCO: Or the money in the machines.

ACTING CHAIRMAN NEMECEK: Well, I'm assuming it's credit cards. Those are really

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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 18th day of October, 2018.

DINA M. MORGAN
Court Reporter
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