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TRANSCRIPT OF THE  
EASTCHESTER PLANNING BOARD MEETING  
JANUARY 22, 2015

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HELD AT: Eastchester Town Hall  
40 Mill Road  
Eastchester, New York 10709  
January 22, 2015 7:00 p.m.

BOARD MEMBERS IN ATTENDANCE:

CHAIRMAN JAMES BONANNO  
ROBERT PULASKI, MEMBER  
MARK CUNNINGHAM, MEMBER  
PHILIP NEMECEK, MEMBER

EASTCHESTER EMPLOYEES IN ATTENDANCE:

MARGARET UHLE, DIRECTOR OF PLANNING  
ROBERT TUDISCO, DEPUTY TOWN ATTORNEY  
JAY KING, BUILDING INSPECTOR

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

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1 EASTCHESTER PLANNING BOARD - 1/22/15  
2 THE CHAIRMAN: Good evening. This is  
3 the Town of Eastchester Planning Board meeting  
4 of January 22, 2015. If everyone would rise  
5 for the Pledge of Allegiance, please.

6  
7 (Whereupon the Pledge of Allegiance  
8 was said.)

9  
10 THE CHAIRMAN: The roll call. Mr.  
11 Phil Nemecek.

12 MR. NEMECEK: Present.

13 THE CHAIRMAN: Mr. Robert Pulaski.

14 MR. PULASKI: Present.

15 THE CHAIRMAN: Jim Bonanno is here.  
16 Mr. Mark Cunningham.

17 MR. CUNNINGHAM: Present.

18 THE CHAIRMAN: And Mr. Bill West could  
19 not be here tonight.

20 Before we start the agenda, I would  
21 just like to congratulate board member Nemecek  
22 for his reappointment to the Planning Board for  
23 the term of January 6th, 2015 all the way  
24 through December 31st, 2019. We would like to  
25 thank Mr. Nemecek for the fine job he's done

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1 EASTCHESTER PLANNING BOARD - 1/22/15  
2 the past five years, and I look forward to having  
Page 2

3 you on the Board for the five ahead. Thank  
4 you, Mr. Nemecek.

5 MR. NEMECEK: Thank you for your kind  
6 words, Mr. Chairman, and, of course, I would  
7 like to thank the Supervisor for the  
8 reappointment as well. I promise to serve in a  
9 very diligent capacity, as I hope I have done  
10 in service to the Town over these past five  
11 years.

12 THE CHAIRMAN: We would expect nothing  
13 less.

14 The first application then is  
15 Application 15-01, 85 Maple Street.

16 MR. YORIZZO: Good evening. I'm Jack  
17 Yorizzo, principal for JALO Realty, which owns  
18 85 Maple Street. I am also a 15 year resident  
19 of the town. We live on Claudet Way. We  
20 are -- I am here tonight requesting an amended  
21 site plan to the approved site plan back from,  
22 I think, 2008. We are asking for a redesign of  
23 the proposed entrance driveway and a curb cut  
24 change to the townhouse development currently  
25 under construction.

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1 EASTCHESTER PLANNING BOARD - 1/22/15

2 Under the approved site plan, the  
3 existing utility pole, which stands on the  
4 southwestern portion of the property, was to be  
Page 3

5 relocated. We are planning not to relocate the  
6 pole now and shift the driveway towards the  
7 eastern section of the property or towards  
8 Route 22. This is only the entrance. It's a  
9 one way which goes around the building.

10 The reason for not moving the utility  
11 pole clearly has to do with Con Ed. When we  
12 first approached Con Ed. about moving the pole,  
13 they gave us an answer of, no, the pole cannot  
14 be moved, and we won't move the pole. When we  
15 pursued it further, they came back to us and  
16 said, yes, we'll move the pole. They didn't  
17 give us a timeframe for moving the pole, and  
18 they told us the pole would probably cost about  
19 \$68,000 to move the pole, not including the  
20 other utility companies, such as Verizon or  
21 Cablevision or anyone else that occupies the  
22 pole.

23 So we are here tonight with the  
24 redesign from John Meyer Consulting showing the  
25 driveway shifted over towards Route 22. The

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1 EASTCHESTER PLANNING BOARD - 1/22/15  
2 curb cut along the property line is  
3 approximately the same size. Obviously, the  
4 positioning is slightly different than it was  
5 before in than the original application. The  
6 entrance ran parallel to the building. It is

7 now moved towards -- slightly towards the front  
8 of the building. We have consulted with the  
9 highway department, we have consulted very  
10 closely with the fire department, both the  
11 lieutenant and the chief have reviewed this.  
12 It has also been reviewed by the town's  
13 consultants. Based on the plan that you have  
14 in your application, there has been a couple  
15 minor modifications made to it to make it a  
16 more adequate driveway, including comments from  
17 the fire department, which you can see in red  
18 on the plan on the easel, which shows that the  
19 curb has been moved slightly -- even further  
20 slightly towards the front of the building,  
21 along with a roll up curb, which they requested  
22 to get their full size ladder truck in there if  
23 need be. We also got comments from the  
24 consultant for the town that he wanted  
25 additional signage, and that also the

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1 EASTCHESTER PLANNING BOARD - 1/22/15  
2 re-stripping in Maple Street itself would be  
3 changed to make a more adequate turn from Maple  
4 Street.

5 THE CHAIRMAN: Is there -- presently  
6 in that patch in between Maple Street and the  
7 residences, that's landscaped right now, that  
8 area?

9 MR. YORIZZO: (Indicating.)  
10 THE CHAIRMAN: No, north or towards  
11 22. Right. All that is all landscaped?  
12 MR. YORIZZO: Yes. That was all part  
13 of the original landscape plan, yes, and that  
14 will remain that way. The only difference in  
15 the landscaping is now you're going to have a  
16 little less in the front and you're going to  
17 have a little more on the western portion of  
18 the property, which actually creates a bigger  
19 buffer between my project and the residential  
20 zone.  
21 THE CHAIRMAN: Right, because that  
22 little patch, that little triangular patch is  
23 now --  
24 MR. YORIZZO: (Indicating.)  
25 THE CHAIRMAN: Got it.

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1 EASTCHESTER PLANNING BOARD - 1/22/15  
2 MR. YORIZZO: I have the approved site  
3 plan here, if you would like me to put that one  
4 up as well.  
5 THE CHAIRMAN: Which site plan is  
6 that?  
7 MR. YORIZZO: This is the proposed  
8 amendment.  
9 THE CHAIRMAN: The approved is the one  
10 that we did a long time ago?

11 MR. YORIZZO: Yes. 2008.  
12 THE CHAIRMAN: It's the same thing  
13 except for that; right? Oh, where was the  
14 pole, just so you can point it out there?  
15 MR. NEMECEK: Where "is" the pole.  
16 THE CHAIRMAN: Right, where is it?  
17 MR. YORIZZO: (Indicating.)  
18 MS. UHLE: That was the originally  
19 approved alignment.  
20 THE CHAIRMAN: Perfect.  
21 MR. YORIZZO: So the only difference  
22 is we didn't move the pole, so we shifted the  
23 driveway over to get around the pole.  
24 THE CHAIRMAN: Okay. And then as far  
25 as the alignment of the driveway on Rescigno,

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1 EASTCHESTER PLANNING BOARD - 1/22/15  
2 it doesn't align perfectly anymore, but I think  
3 our consultant said that it's really a minor --  
4 MR. YORIZZO: It's minor. The only  
5 difficult -- difficulty added is if you're  
6 coming up Maple if you're heading east, your  
7 turn into my project will be a little more of  
8 kind of a skewed angle, but they said it was  
9 fine.  
10 THE CHAIRMAN: Right. It's a one way.  
11 MR. YORIZZO: It's a one way in.  
12 THE CHAIRMAN: Okay. I'm good.

13 MR. PULASKI: Con Ed. initially had  
14 said that your pole could be moved, and then it  
15 can't be moved?

16 MR. YORIZZO: Initially they said they  
17 won't move it, and then when we pursued it  
18 further, they came back to us and said, yes, we  
19 can move it, we will move it, but we want  
20 \$68,000 to do it. Meanwhile, they already  
21 installed another pole right in front of the  
22 building at no cost to me in order to provide  
23 electricity to the 10 units.

24 MR. PULASKI: I hear you, but I,  
25 personally, see a big difference between the

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1 EASTCHESTER PLANNING BOARD - 1/22/15  
2 plan that's before us and that plan up there.  
3 That plan has a nice essentially a 90 degree  
4 turn. You come up Maple Street, you want to  
5 get into your complex, you make the left. Now  
6 you come up Maple Street, you want to get into  
7 your complex, and you're going to make about  
8 120 degree turn. So it's just how people  
9 drive. You're used to making a 90 degree turn,  
10 and this one you have to turn beyond 90 and  
11 come around. It's a big swing. Some people  
12 aren't -- it's just not good traffic design.  
13 It may work, but -- if this were presented --  
14 if this design were presented to me at the

15 beginning, I would never vote for it. I would  
16 never approve it. I approve that design. It's  
17 just not good design. It's not good traffic  
18 flow. And now we're being asked to review  
19 something based on the developer wanting to  
20 save \$68,000. I understand --

21 MR. YORICCO: It's going to be more  
22 than that.

23 MR. PULASKI: I understand \$68,000 is  
24 a lot of money.

25 MR. YORICCO: It's going to approach

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1 EASTCHESTER PLANNING BOARD - 1/22/15  
2 100,000 by the time you factor in --

3 MR. PULASKI: I understand that. I  
4 understand that, but this not --

5 MR. YORICCO: Sir --

6 MR. PULASKI: -- good design.

7 MR. YORICCO: And I have no answer  
8 from Con Ed. when this would happen. Zero.

9 I wouldn't take the time and the  
10 effort to make the presentation tonight, which  
11 took a lot of work, between John Meyer  
12 Consulting, the building department, the fire  
13 department, the highway department reviewing  
14 it, spending money to have your consultants  
15 review it again.

16 MR. PULASKI: I understand all those  
Page 9

17 things. That's not --

18 MR. YORICCO: I understand it's not  
19 perfect, but it's completely functional  
20 according to the engineers. There's no safety  
21 issue to it according to them. If it was the  
22 exit, it would be a different story.

23 MR. PULASKI: I'm looking at it from a  
24 planning standpoint of what's good for this  
25 town, how should we develop properties, should

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1 EASTCHESTER PLANNING BOARD - 1/22/15  
2 we allow all sorts of different configurations  
3 that maybe aren't the most desirable but they  
4 will work. That's one of the reasons that  
5 there's a Planning Board, to try to make sure  
6 that there is good consistency to the designs  
7 and developments in this town. That's my  
8 opinion.

9 MR. YORICCO: I think the Planning  
10 Board has had a lot of positive impact on the  
11 way this building has come out. The building  
12 is almost complete, and I think with the input  
13 from the architects, engineers and boards here  
14 and the building department, it's come out very  
15 nicely. More than nice. This is a --

16 MR. PULASKI: I'm not talking about  
17 the whole structure --

18 MR. YORICCO: I understand.

19 MR. PULASKI: -- I'm just talking  
20 about this intersection, that's all. Once it's  
21 built, that's it, that's the way everybody is  
22 going to live with it. I mean, you have  
23 traffic coming up here, and to make this turn,  
24 this person is going to slow down, there's a  
25 person here waiting already for this traffic to

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1 EASTCHESTER PLANNING BOARD - 1/22/15  
2 clear, usually the traffic just flows through  
3 and now they're going to turn. So the longer  
4 this person takes to turn, the more that is,  
5 and if you get a snowy or icy condition that  
6 makes the turn a little more difficult, then it  
7 just adds to the inconvenience. My point is,  
8 it's just not good design. Will it work?  
9 Maybe it will work. It's just not good design.

10 THE CHAIRMAN: Any other comments  
11 here, guys?

12 MR. NEMECEK: My own view somewhat  
13 echos Mr. Pulaski's, that it's -- and I think  
14 you even concede this -- this is less than  
15 optimal, but you explained why it is that  
16 you've chosen this course. It is a  
17 significant -- you pointed out that it's not  
18 only a money issues, but it's a timing issue.  
19 For me the fact that this is a one way makes a  
20 huge difference, that, and the fact that the

21 consultant, the traffic consultant that was  
22 retained to advise us, Maser, the town retained  
23 consultant, has signed off on it. You know, if  
24 this were a big old tree and you had to design  
25 around it, I certainly wouldn't have an issue

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1 EASTCHESTER PLANNING BOARD - 1/22/15  
2 with that. This is a little bit different  
3 insofar as there is a possibility of moving  
4 this, there is a cost associated with it, but I  
5 think at the end of the day I'm probably less  
6 concerned than Mr. Pulaski with the ability of  
7 the capable drivers of the Town of Eastchester  
8 to negotiate this turn, especially into a one  
9 way, and it probably isn't going to be  
10 particularly heavily trafficked. We're  
11 probably talking an average of, if there's two  
12 cars per unit, 20 total cars.

13 THE CHAIRMAN: There's two cars per  
14 unit? That's what I was going to ask next.

15 MR. YORIZZO: There's a two car garage  
16 in each unit, so --

17 THE CHAIRMAN: Then guests.

18 MR. YORIZZO: There's a few guest  
19 spots on the side.

20 THE CHAIRMAN: So it's 26 cars.

21 MR. NEMECEK: Again, less than ideal,  
22 not optimal, but I understand the decision was

23 made to seek this relief precisely because this  
24 is a workaround, and it's for us to determine  
25 if it's an acceptable workaround.

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1 EASTCHESTER PLANNING BOARD - 1/22/15  
2 THE CHAIRMAN: What's the timeframe  
3 for completion of construction and occupancy;  
4 do you know?  
5 MR. YORICCO: Late spring.  
6 THE CHAIRMAN: Soon. You're that  
7 close?  
8 MR. YORICCO: Yeah, we're close.  
9 THE CHAIRMAN: Any sales?  
10 MR. YORICCO: I'm waiting for AG  
11 approval, so I can't officially promote them.  
12 That's a long --  
13 THE CHAIRMAN: Oh, so you haven't even  
14 started sales?  
15 MR. YORICCO: Correct.  
16 THE CHAIRMAN: Oh, but you're  
17 projecting that they're going to start -- no  
18 move-ins, just starting sales. If they  
19 coincide, that would be great.  
20 MR. YORICCO: Yes.  
21 MS. UHLE: I actually mentioned to the  
22 applicant just prior to the meeting, our office  
23 has gotten quite a few phone calls asking us if  
24 we have information about the units.

25 Fortunately, they have a sign on their fence

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1 EASTCHESTER PLANNING BOARD - 1/22/15  
2 with a phone number, so I just read the phone  
3 number to people and tell them to contact the  
4 builder. But we've gotten a surprising number  
5 of calls, especially recently too. It may be a  
6 good sign for you.

7 MR. NEMECEK: Have you sold out the  
8 age restricted --

9 MS. UHLE: I actually have a long list  
10 of people for them as well. I keep telling  
11 people that it's unofficial.

12 MR. CUNNINGHAM: This picture is  
13 depicting how it's set up right now with the  
14 Belgian block curbing?

15 MR. YORIZZO: Yes. It's going to have  
16 to be altered slightly due to the comments of  
17 the fire department.

18 MR. CUNNINGHAM: It will be pushed  
19 further east?

20 MR. YORIZZO: It's plus or minus where  
21 it's going to be. The only difference is the  
22 curbing is going to have to be a roll up curb,  
23 and the striping is going to be changed, and  
24 there is going to be some additional signage.

25 MR. CUNNINGHAM: I don't really have a

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1 EASTCHESTER PLANNING BOARD - 1/22/15  
2 problem being that's it's one way. I really  
3 don't have an issue with it. It's wide. The  
4 fire trucks can get in and out. If it was two  
5 ways, I would have to agree with Mr. Pulaski.  
6 Being that they go around and come out that  
7 side, I think it's fine.

8 MS. UHLE: One thing if I could just  
9 add is, initially the applicant had presented  
10 something where the pole was sort of in the  
11 middle of an island, and nobody felt  
12 comfortable with that. Then they presented  
13 something similar to this and ran some  
14 templates of some fire trucks through -- the  
15 fire department asked them to run the largest  
16 truck through, so it was modified based on  
17 that. Then it was modified slightly more based  
18 on conversations with the fire chief. Then  
19 they agreed to modifications based on  
20 conversations with our traffic engineer. So I  
21 think, even though it's not what was originally  
22 proposed, maybe not ideal, it is designed in  
23 the way that everybody feels comfortable in  
24 terms of safety issues. Maybe not design  
25 issues, but safety issues I think.

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1 EASTCHESTER PLANNING BOARD - 1/22/15

2 THE CHAIRMAN: It seems like the  
3 configuration of the turn is mainly controlled  
4 by the fire truck; right?

5 MR. YORICZ: That is correct. That  
6 was the primary --

7 MR. PULASKI: But, you know,  
8 applications come before us, you know, and we  
9 look at things, we study things, and there are  
10 promises that are made, this is what I'm going  
11 to be able to build. We don't have Con Ed.  
12 come in and question Con Ed., you know, did the  
13 developer go over this, did you come to an  
14 agreement. We trust that the developer has  
15 done his homework, his due diligence and all is  
16 copacetic, and now we find that there isn't and  
17 now we have to make a change. Sometimes when  
18 we see an application and we see an issue like  
19 this, we'll try to do something about it early  
20 so that it doesn't affect us later, and I can  
21 think of a couple of applications we've done  
22 that, but the specifics aren't necessary. Here  
23 we have a situation in which, A, a less  
24 desirable condition is -- we're being asked to  
25 live with a less desirable condition. I just

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2 don't think that that's good policy, because,  
3 you know, a lot of other developers can come to  
4 us, and I think there are other conditions that  
5 I could think of that are -- that are  
6 hardships, that are real hardships that can't  
7 be foreseen and, yes, you have to live with  
8 those, you have to make some conceptions.

9 I've done turns -- there's a couple of  
10 turns I can think of that are something like  
11 this, and I don't think it's a nice turn. I  
12 think it's a very unnerving turn. When you  
13 hit -- after 90 you start to swing this way,  
14 you start to worry how close is my door to  
15 this, am I centered enough in this lane, am  
16 I -- you're whole way in which you're set up to  
17 this curb is different than what you're  
18 accustomed to. It won't prohibit traffic, it's  
19 just not good design. So --

20 THE CHAIRMAN: No one's done a study  
21 of a car turning; right?

22 MR. YORITZO: No. They used a fire  
23 truck.

24 THE CHAIRMAN: Well, no, I'm saying  
25 turning from the direction that Mr. Pulaski is

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1 EASTCHESTER PLANNING BOARD - 1/22/15  
2 saying. I imagine it works, but the radius and

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how tight --

MR. YORITZO: I would imagine they have, the engineers.

MS. UHLE: Our traffic engineer said they evaluated just general traffic going through the site and felt comfortable with it.

MR. PULASKI: I don't have any denial that it will work. It will work.

MS. UHLE: I'm responding to Mr. Bonanno's question.

MR. PULASKI: All I'm commenting is it's just not good design, and that it's not good practice to entertain a change like this, because essentially a promise was made, we made an evaluation, and we agreed on a design, and we agreed on it based on what would be good for this town, and now we're being asked to make a change from that. We don't have a choice. The building is built -- you know, the permit was let, the building is built.

MS. UHLE: Can I just clarify a couple of things? Actually, every applicant has a legal right to come before this Board to ask

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EASTCHESTER PLANNING BOARD - 1/22/15  
for amended site plan approval. You can certainly deny it. You can certainly approve it subject to conditions. You actually do have

5 a choice in that you can say, no, the applicant  
6 has to move the pole. I think that when during  
7 the course of construction, especially when it  
8 takes years and years and years, and an  
9 applicant, in this case, has gone through --  
10 regardless of the way you vote -- there's been  
11 extenuating circumstances with regard to  
12 moratoriums, expensive litigation, economic  
13 issues, so I think it's very fair for an  
14 applicant to come back and say, I'm asking you  
15 if I could make some amendments. You can  
16 certainly vote against them, but our law allows  
17 people to come and ask for amendments to site  
18 plans. Again, you can --

19 MR. PULASKI: I acknowledge that.

20 MR. TUDISCO: I just want to address,  
21 Mr. Chairman, just the one comment Mr. Pulaski  
22 made in terms of it being bad policy to  
23 entertain this type of request. The law  
24 requires the applicant to make this type of  
25 request, and the Board is required to listen to

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1 EASTCHESTER PLANNING BOARD - 1/22/15  
2 it, and you can vote any way you want, but just  
3 in terms of the legality and propriety of it,  
4 that's what this process is for. The  
5 applicant, when a significant change is being  
6 made to a plan that had been approve, they're

7 required to come and ask your permission to  
8 make that change, and you are required to air  
9 that. This is a perfectly appropriate  
10 application and forum for that.

11 MR. PULASKI: I'm not speaking against  
12 that. I'm not speaking against that. I'm just  
13 trying to say that I'm supposed to look at  
14 something and consider whether or not it's good  
15 design for this town. I'm not looking at it  
16 from a traffic engineer or a -- or any  
17 engineering capacity. Is it a good design for  
18 this town, and I'm saying, no, it's not a good  
19 design for this town. I'm also just making a  
20 point in conversation that I -- about a  
21 promise. I don't know what arrangement  
22 somebody has with Con Ed. I don't know if  
23 \$100,000 is not an expected price that has to  
24 get paid. As far as litigations or whatever,  
25 that's the process of development. I don't

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1 EASTCHESTER PLANNING BOARD - 1/22/15  
2 control that. I'm just looking at this from a  
3 planner, and I don't like it as designed, and I  
4 think that this has a solution: Move the pole.

5 MR. NEMECEK: If I could add, my  
6 bigger concern, and we've seen it -- I've seen  
7 it in my five years on this Board, where an  
8 applicant comes back to us after we approved

9 the plan, and they've engaged in self-help and  
 10 have been caught and then come back and seek  
 11 after the fact to get approval of it. I have a  
 12 much bigger problem with that than I do with an  
 13 applicant who recognizing in this case not an  
 14 impossibility but a hardship, financial and  
 15 perhaps temporal hardship, in this case moving  
 16 the pole. I don't think that much  
 17 consideration was given at the time that the  
 18 application first came before this Board, and  
 19 it was -- we just heard about how I completed  
 20 five years, this was before I was on the Board  
 21 that this came, and it had already gone through  
 22 an appellate process at that point. There has  
 23 been significant litigation. I think what the  
 24 applicant was most concerned with and what the  
 25 community was most concerned with at the time

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1 EASTCHESTER PLANNING BOARD - 1/22/15  
 2 was not to create an absolute perfect site  
 3 plan, but I think they were -- the bigger  
 4 concern was with the structures, with the  
 5 massing, with the volume. And while I  
 6 absolutely agree with Mr. Pulaski that this  
 7 proposed revision to the approved plan is not  
 8 an enhancement at all, it is a workaround, I  
 9 don't think this fundamentally changes the  
 10 application that was approved in 2008. It is a

11 change, and not a welcome change, but based on  
12 the engineering report, based on the  
13 circumstances presented, I feel it's an  
14 acceptable change.

15 THE CHAIRMAN: Public hearing. So I  
16 make a motion to open up the public hearing on  
17 Application 15-01, 85 Maple Street.

18 MR. PULASKI: Second.

19 THE CHAIRMAN: All in favor.

20

21 (All aye.)

22

23 THE CHAIRMAN: Comments?

24

25 (No comments.)

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1 EASTCHESTER PLANNING BOARD - 1/22/15

2 THE CHAIRMAN: I make a motion to  
3 close the public hearing on Application 15-01,  
4 85 Maple.

5 MR. PULASKI: Second.

6 THE CHAIRMAN: All in favor.

7

8 (All aye.)

9

10 THE CHAIRMAN: Just a question. Would  
11 making the curb on the north -- south side  
12 mountable really change anything? Not on that

13 plan, but on the proposed one if you flip to  
14 it. I know they made it mountable for the fire  
15 truck on the north side, but the south side for  
16 someone making a turn if they don't negotiate  
17 it, would that help any?

18 MR. YORIZZO: You're getting close to  
19 the pole.

20 MS. UHLE: You don't want them to hit  
21 the pole.

22 THE CHAIRMAN: Oh, the pole is right  
23 there? Gotcha. No, you don't want that. I  
24 take that back. It's right there.

25 MR. CUNNINGHAM: You just basically

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1 EASTCHESTER PLANNING BOARD - 1/22/15  
2 enter the turn further towards 22 and you make  
3 the same turn. It's not like there's oncoming  
4 cars coming at you. The whole width of the  
5 driveway is for the one car that's going to  
6 enter.

7 MR. YORIZZO: Yes. There will be  
8 nothing obstructing.

9 MR. PULASKI: I think if there is  
10 anything that one might consider would be if  
11 this curb had a little bit of a -- more of a  
12 bulge. I don't know. That would just help  
13 somebody that swings wide a little bit, or  
14 maybe instead of bulging it just -- it pulls

15 this way a little bit. I can see some  
16 negatives in it, but it might help the car  
17 swing.

18 THE CHAIRMAN: It's going to take up  
19 more of the landscaping if you do that.

20 MR. PULASKI: Yeah. I said, there's  
21 some negatives with that.

22 THE CHAIRMAN: Splay it out and bring  
23 it in so it's more like that. Something more  
24 like this.

25 (Indicating.)

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1 EASTCHESTER PLANNING BOARD - 1/22/15

2 MS. UHLE: The curb cut is about  
3 30 feet wide for a one way in.

4 THE CHAIRMAN: You could fit two cars  
5 in there.

6 MR. PULASKI: And maybe it's just the  
7 perspective looking at a plan instead of  
8 driving it.

9 THE CHAIRMAN: I mean, I don't  
10 disagree this is not as ideal as what was there  
11 before, but considering Con Ed. might take six  
12 months to move the pole and this is just going  
13 to sit there for six months, that's not  
14 something that we, as a community, want to see.  
15 I don't really -- I just made that up. I  
16 wouldn't be surprised if that's actually the

17 case. They could come the next morning, but  
18 they could also not.

19 MR. YORIZZO: I have no idea what  
20 they're going to do or not going to do, and  
21 that's one of the reasons I'm here.

22 THE CHAIRMAN: All right. So it's not  
23 ideal. I do understand the concerns of Mr.  
24 Pulaski, but I think we can, as a community,  
25 tolerate this little inconvenience for the 20

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1 EASTCHESTER PLANNING BOARD - 1/22/15  
2 cars that are going to go in not even probably  
3 every day, it's probably 10 cars in a day.

4 So I'll make a motion to approve the  
5 Application 15-01, 85 Maple Street.

6 MR. NEMECEK: Second.

7 THE CHAIRMAN: Do you want to go  
8 through it? Mr. Pulaski?

9 MR. PULASKI: I'm going to vote no.

10 THE CHAIRMAN: I'm going to vote yes.

11 MR. NEMECEK: Yes.

12 MR. CUNNINGHAM: Yes.

13 MR. YORIZZO: Thank you all. Good  
14 night.

15 MR. NEMECEK: Your reasons were very  
16 well stated, and I understand where you're  
17 coming from.

18 THE CHAIRMAN: So the next application

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is 14-25, 18 --  
MR. PULASKI: I think some of our  
discussions are also -- you could use it the  
other way of we see applications coming in to  
us, and we try to avoid things like this  
cropping up, and that's one of the reasons to  
discuss some of this and think about it.

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EASTCHESTER PLANNING BOARD - 1/22/15  
MS. MICOLI: Good evening. My name is  
Michelle Micoli. I'm from Kellard Sessions  
Consulting.  
Before you tonight is Lot 2 of the  
Julia's Pond subdivision. It's located at 18  
Eton Place Road, and it encompasses 2.6 acres.  
You previously approved Lots 3 and 4, and we  
are now going for approval for Lot 2.  
The style of the house is a  
traditional style house with total gross floor  
of 3,021 square feet. It's slightly larger  
from the house that was approved during  
subdivision approval. It's about 600 square  
feet larger. During the original approval,  
there was an existing pool and then we had the  
proposed house, and they were going to keep the  
existing pool. We're now proposing to remove  
the existing pool and utilize it as a lawn  
area. There was a large 48 inch Maple that we

21 were trying to save, but with the driveway  
22 location and the house we just didn't find it  
23 feasible to be able to save that tree. So  
24 we're looking to plant three Sugar Maple trees  
25 in place of removing the 48 inch tree.

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1 EASTCHESTER PLANNING BOARD - 1/22/15

2 The proposed driveway and house -- the  
3 storm water from the proposed driveway and  
4 house will be collected and treated in  
5 subsurface infiltration chambers. They were  
6 reviewed to ensure that the larger footprint of  
7 the house could be captured and treated within  
8 the infiltration chambers. The house is going  
9 to be serviced by the proposed or the approved  
10 sewer and water main extensions. There will be  
11 services from that to the proposed house. I  
12 think that's kind of the overview.

13 THE CHAIRMAN: Where is the tree? Can  
14 you point out the location of the tree?

15 MS. MICOLI: Here.

16 (Indicating.)

17 MS. UHLE: Actually, the engineer  
18 company worked quite extensively on trying to  
19 protect that tree, and, in fact, I think that  
20 was one of the big delays with this lot  
21 compared to the other two. Michelle met with  
22 me to show me a revised plan that may have

23 required even a variance to the rear yard  
24 setback or something to protect that tree, and  
25 even the revised plans the tree was really

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1 EASTCHESTER PLANNING BOARD - 1/22/15  
2 still so close, and you have all those  
3 construction vehicles and the excavation and  
4 stuff. One thing that really bothers me is  
5 when everyone says they can and will save a  
6 tree and within six months it's dead any way.  
7 So they actually -- I do think they made a very  
8 genuine attempt to save that tree, but it's  
9 just located in an area that it's almost  
10 impossible to work around and still have it be  
11 viable.

12 MR. PULASKI: The swimming pool is  
13 going to be taken out of the ground?

14 MS. MICOLI: Yes.

15 THE CHAIRMAN: So this went to the  
16 ARB, I think, and they had some comments, sort  
17 of minor. They've all been --

18 MS. UHLE: Yes. They had some very  
19 minor comments. One was to add a window on the  
20 second floor of the east elevation, which the  
21 applicant did. It's not shown on the 3D  
22 rendering, but it was shown on the elevation.  
23 The garage door on the 3D rendering was  
24 different than that shown on the elevation.

25 The ARB preferred the one shown on the 3D

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1 EASTCHESTER PLANNING BOARD - 1/22/15  
2 rendering, so they revised that on the  
3 elevation. There were some inconsistencies in  
4 the schedule of materials and finishes, so they  
5 corrected those. The ARB asked that the  
6 proposed walkway, patio and porch be  
7 constructed of stone. It's a little bit  
8 inconsistent. They labeled it in some places  
9 but not in others. So when they submit the  
10 building permit drawings, we would just ask  
11 them to make sure those labels are consistent.  
12 Then there was some discussion about the  
13 proposed lighting fixtures, and right now the  
14 applicant has illustrated lighting fixtures on  
15 the front elevation. I don't know whether they  
16 thought about or addressed other lighting  
17 fixtures at this point.

18 MR. CUNNINGHAM: Could we see the  
19 updated elevations, actually what's going to be  
20 built, because I'm a little confused from the  
21 rendering --

22 MS. UHLE: The rendering is slightly  
23 different.

24 MR. NEMECEK: The extra window went  
25 here; right?

1 EASTCHESTER PLANNING BOARD - 1/22/15  
2 (Indicating.)  
3 MS. UHLE: That's correct, yes.  
4 MR. CUNNINGHAM: There seems to be  
5 more house in the picture.  
6 MR. NEMECEK: Yes.  
7 MR. CUNNINGHAM: That's what I  
8 thought.  
9 MS. UHLE: Well, you know, it's a  
10 weird angle for that elevation.  
11 MR. PULASKI: I'm trying to understand  
12 this elevation and what looks like a garage  
13 door.  
14 (Indicating.)  
15 MS. MICOLI: The house is kind of  
16 kinked, because of the setback.  
17 MR. PULASKI: So I'm seeing the real  
18 garage door there?  
19 THE CHAIRMAN: I think it's head-on to  
20 the garage door.  
21 MS. MICOLI: You come into the garage  
22 here, and then it goes back.  
23 MR. PULASKI: Oh, now I understand.  
24 Yes. Thank you.  
25 MR. NEMECEK: It's actually refreshing

1 EASTCHESTER PLANNING BOARD - 1/22/15

2 to see a different shape.

3 THE CHAIRMAN: Something not  
4 rectangular.

5 MR. SHIRRI AHE: I'm sorry, Margaret,  
6 if I could just interrupt. Nicholas Shirri ahe,  
7 site manager for the developer.

8 At the ARB meeting, I think they just  
9 requested us to indicate two light fixtures on  
10 the front door; is that correct?

11 MS. UHLE: You know, in our notes I  
12 just had, illustrate proposed light fixtures.  
13 We indicated those are the two that you are  
14 showing. That's fine. I wasn't clear if you  
15 had others or had thought of others.

16 MR. SHIRRI AHE: No, not at this point.

17 MR. PULASKI: The siding is what?

18 MS. MICOLI: Is it vinyl side?

19 MR. SHIRRI AHE: Yes.

20 MR. PULASKI: You're doing that in  
21 vinyl siding?

22 MR. SHIRRI AHE: Yes.

23 THE CHAIRMAN: What are the other two;  
24 are they vinyl also?

25 MR. SHIRRI AHE: Yes.

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1 EASTCHESTER PLANNING BOARD - 1/22/15

2 THE CHAIRMAN: It's a shake.  
3 MS. UHLE: That's the color, but  
4 they're not proposing the shake. So he's  
5 showing you the color right now, but it's more  
6 like a wood, like a --  
7 MR. CUNNINGHAM: Well, is it wood or  
8 is it vinyl?  
9 MS. UHLE: Vinyl. It doesn't look  
10 like the shake that he's showing there. It's  
11 more like a --  
12 THE CHAIRMAN: It's not that vinyl  
13 siding that's extruded and --  
14 MR. CUNNINGHAM: Well, that's a shake.  
15 MS. UHLE: I know, but that's what  
16 we're trying to say, he's illustrating the  
17 color here. He's just showing the color.  
18 THE CHAIRMAN: It's continuous,  
19 gotcha, and overlapping in the other direction.  
20 Got it.  
21 So in the elevation here there's a  
22 band that's not shown here; right? There's a  
23 white trim band; is that right?  
24 MS. MICOLI: There?  
25 (Indicating.)

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1 EASTCHESTER PLANNING BOARD - 1/22/15  
2 THE CHAIRMAN: On that elevation on  
3 what we have here, it shows a band, the 8 inch

4 trim band.  
5 MS. MICOLI: This here?  
6 (Indicating.)  
7 THE CHAIRMAN: No, mid height. Right  
8 above the window. It's shown on this one. Is  
9 there one? Yes, right there. That's it. It's  
10 continuous. So it's just a continuous white  
11 trim band?  
12 MR. SHIRRI AHE: Yes. I think that was  
13 the architect's design element.  
14 THE CHAIRMAN: Aren't you the  
15 architect?  
16 MR. SHIRRI AHE: Huh?  
17 THE CHAIRMAN: Aren't you the  
18 architect?  
19 MR. SHIRRI AHE: No, I'm not. I'm the  
20 site manager. He's not here tonight.  
21 THE CHAIRMAN: I'm just trying to  
22 figure out where it is. It runs continuous  
23 over there. Yeah, I think that's where it is,  
24 in between there.  
25 MS. MICOLI: (Indicating.)

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1 EASTCHESTER PLANNING BOARD - 1/22/15  
2 MR. NEMECEK: You were addressing the  
3 lighting, and I can see there's a light that's  
4 not depicted in the 3D that's above -- directly  
5 above the middle of the garage; right? Then

6 there's another light fixture that's all the  
7 way on the -- the far left side of the  
8 illustration, and that's set back; right?

9 MS. MICOLI: I think that's the patio  
10 where you walk out.

11 MR. NEMECEK: Correct. Is there any  
12 intended lighting -- I don't see a fixture and  
13 nor have you mentioned fixture in the front  
14 door entrance, or is that just going to be  
15 recessed lighting or --

16 MR. SHIRRI AHE: Yes, it is recessed  
17 lighting.

18 MR. NEMECEK: Okay.

19 MR. PULASKI: How many square feet was  
20 this building?

21 MS. MICOLI: 3,021.

22 MR. PULASKI: It's a sizable house.  
23 It's a sizable house in a beautiful location, I  
24 would put on Hardiplank.

25 THE CHAIRMAN: Even though it's

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1 EASTCHESTER PLANNING BOARD - 1/22/15  
2 fruitless, let's just open the public hearing.  
3 I make a motion to open the public hearing on  
4 14-25, 18 Eton Place.

5 MR. NEMECEK: Second.

6 THE CHAIRMAN: All in favor.

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(All aye.)

(No comments.)

THE CHAIRMAN: I make a motion to close the public hearing on Application 14-25, 18 Eton Place.

MR. PULASKI: Second.

THE CHAIRMAN: All in favor.

(All aye.)

THE CHAIRMAN: Great. The two pillars are white I guess; right?

MS. MICOLI: Yes.

THE CHAIRMAN: All the trim is white. Black roof? Typical black, nothing too special about it?

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EASTCHESTER PLANNING BOARD - 1/22/15

MR. SHIRRIAHE: Yes. I'll show you.

THE CHAIRMAN: That's good. Thank you.

MR. NEMECEK: That's good. Thanks. I don't recall, is there a generator on the site here?

MS. MICOLI: No.

MR. NEMECEK: One of the three that

10 you're proposing has a generator?

11 MS. MICOLI: Yes.

12 MR. NEMECEK: Okay. Is it still the  
13 case that you're expecting to do the  
14 construction of all three at once; right?

15 MS. MICOLI: Yes.

16 MS. UHLE: They've actually started  
17 some preliminary field work. They have permits  
18 for the first two homes.

19 MR. CUNNINGHAM: Do you have all these  
20 drawings in full size on those there? The  
21 reason I'm asking, I just have a question  
22 about -- you have on the front page of the  
23 front elevation shows basic entrance to a two  
24 car garage, and then if you go to A-2 it  
25 shows -- the left elevation it shows another

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39

1 EASTCHESTER PLANNING BOARD - 1/22/15  
2 garage door. I'm a little confused as to where  
3 that door is going, because if you look at the  
4 planning section I don't see a -- is it a  
5 single garage door?

6 MS. UHLE: I think that's the  
7 perspective because of the bend in the house.  
8 That's showing this at an angle, that's why  
9 it's not --

10 MR. CUNNINGHAM: But this is showing  
11 the left side of the house and this is showing

12 the front elevation. So I know the house is  
13 askew, but what they're showing here is not the  
14 front of the elevation of the house.

15 MR. PULASKI: It's the side elevation.

16 MR. CUNNINGHAM: So is there a door on  
17 the left side?

18 MR. PULASKI: And then there's -- then  
19 the right side of the house bends around, so  
20 you pick it up.

21 MS. UHLE: It says, oblique and 80  
22 degree angle, see front elevation --

23 MR. PULASKI: If you truly draw that  
24 elevation, you're going to pick up the bend in  
25 the house. It's askew so your lines are going

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1 EASTCHESTER PLANNING BOARD - 1/22/15  
2 to be tighter together.

3 MR. CUNNINGHAM: Okay. So you're  
4 telling me that is still the front of the  
5 house?

6 THE CHAIRMAN: Same door.

7 MR. CUNNINGHAM: Okay.

8 THE CHAIRMAN: The computer drew it,  
9 it's got to be right.

10 MR. CUNNINGHAM: And it's askew, so.

11 THE CHAIRMAN: Okay, good. I think  
12 it's a handsome home. Is this -- just overall,  
13 I don't remember, the other two homes, are they

14 similar or is each one different?  
15 MS. MICOLI: How? Size wise?  
16 THE CHAIRMAN: Yes. In just the  
17 overall architecture and the roofs and all  
18 that.  
19 MR. SHIRRI AHE: Yes.  
20 THE CHAIRMAN: Same color?  
21 MS. MICOLI: One is a dark gray and  
22 one was a tan color?  
23 MR. SHIRRI AHE: Yes.  
24 MS. UHLE: They're definitely similar  
25 but different, kind of in an appropriate way.

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1 EASTCHESTER PLANNING BOARD - 1/22/15  
2 MR. NEMECEK: I agree. They're  
3 similar that they don't clash, but they each  
4 have a certain distinct feature to them.  
5 They're slightly different sizes, and they have  
6 slightly different architectural features. I  
7 think it's refreshing.  
8 THE CHAIRMAN: There's just -- our  
9 consultant has to review the site plan; is that  
10 right?  
11 MS. UHLE: Yes. Just a couple of  
12 things that I would recommend be conditions of  
13 approval. Alan Pilch has reviewed the plans,  
14 and most of his comments were similar to the  
15 Board's comments related to issues regarding

16 safety and securing the site and everything  
17 that made it into the resolution for the  
18 previous two houses. He just wanted to have a  
19 little more time to look over utilities and  
20 storm water a little more thoroughly, so I  
21 would like a condition of approval to be that  
22 they have to make any modifications to his  
23 satisfaction, if any. I spoke to him today,  
24 and he doesn't believe that he has anything and  
25 definitely nothing of substance, but we would

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1 EASTCHESTER PLANNING BOARD - 1/22/15  
2 like to keep that open a little bit.  
3 Then one thing that I had intended to  
4 include in the previous resolutions and  
5 mentioned to you that I would like to include  
6 in this one, and I indicated to the applicant  
7 that it would apply to the other two properties  
8 as well, we're going to ask that -- and they've  
9 already agreed to this and put this on notes --  
10 but asked that once the utilities are  
11 installed, that those be temporarily staked out  
12 in the field so that when the landscape  
13 materials are planted there's no conflicts  
14 between the landscape materials and utilities.  
15 And then we would like to have a landscape  
16 architect, and I know the engineering firm, for  
17 example, has a landscape architect on staff,

18 plus they have the landscape architect that  
19 prepared the plans. Again, at the end of the  
20 process before we issue the CO just provide a  
21 letter with a signed and sealed licensed  
22 indicating that the plants had been located  
23 appropriately with regard to the relationship  
24 to the utilities, and that also the quantities  
25 and species have been approved. We basically

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1 EASTCHESTER PLANNING BOARD - 1/22/15  
2 do that all the time, I just forgot to put it  
3 in the first one.

4 MR. CUNNINGHAM: We do that all the  
5 time.

6 THE CHAIRMAN: So those are the  
7 conditions, along with all of the site safety  
8 issues that he addressed at the first  
9 application.

10 MS. UHLE: And those are already  
11 there.

12 THE CHAIRMAN: They apply to all of  
13 the sites.

14 Then we're going to read the  
15 resolution before, after, don't? We don't have  
16 to read it now, it's just incorporated into the  
17 resolution?

18 MS. UHLE: These conditions?

19 THE CHAIRMAN: Yes.

20 MS. UHLE: Yes, that's right. We just  
21 went over them. I think it's fine. You can  
22 vote now.

23 THE CHAIRMAN: Any more comments?

24

25 (No comments.)

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1 EASTCHESTER PLANNING BOARD - 1/22/15

2 THE CHAIRMAN: I make a motion to  
3 approve Application 14-25, 18 Eton Place.

4 MR. PULASKI: Second.

5 THE CHAIRMAN: All in favor.

6

7 (All aye.)

8

9 MR. NEMECEK: Subject to the  
10 conditions.

11 THE CHAIRMAN: Yes, subject to the  
12 conditions.

13 MS. MICOLI: Thank you very.

14 THE CHAIRMAN: Thank you. Good luck.  
15 Before we go, let's just get rid of  
16 some of the meeting minutes. Mr. Nemecek,  
17 you've reviewed all of them?

18 MR. NEMECEK: I'm not sure that I  
19 reviewed the September meeting, but, you know,  
20 I just couldn't find it.

21 THE CHAIRMAN: Let's just go with the  
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22 flow then. Everyone but Mark. So as long as  
23 we have three, we can approve, right? So then  
24 this first one is April 24th, 2014. Everyone  
25 but you, Mark, can vote on it. It should be

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1 EASTCHESTER PLANNING BOARD - 1/22/15  
2 approved. So Phil, Rob, and myself.  
3 So I'm making a motion it approve the  
4 meeting minutes of April 24th, 2014.  
5 MR. PULASKI: Second.  
6 THE CHAIRMAN: All in favor.  
7 MR. NEMECEK: Aye.  
8 MR. PULASKI: Aye.  
9 THE CHAIRMAN: Aye.  
10 MR. NEMECEK: Subject in each of these  
11 instances to any revisions that I have  
12 submitted, and I know I did with respect to  
13 this one, April.  
14 MS. UHLE: And we --  
15 THE CHAIRMAN: You recall April?  
16 MR. NEMECEK: We were young back then.  
17 THE CHAIRMAN: I'm sorry, Margaret.  
18 MS. UHLE: Kind of like our landscape  
19 requirement, that will be a blanket statement,  
20 subject to Phil's approval.  
21 THE CHAIRMAN: So the next one is --  
22 wow, this like Chinese checkers -- Jim, Phil,  
23 and Mark. So, Rob, you're out.

24 So then I make a motion to approve the  
25 minutes of September 23, 2014.

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1 EASTCHESTER PLANNING BOARD - 1/22/15  
2 MR. NEMECEK: Second.  
3 THE CHAIRMAN: All in favor.  
4 MR. NEMECEK: Aye.  
5 THE CHAIRMAN: Aye.  
6 MR. CUNNINGHAM: Aye.  
7 THE CHAIRMAN: Okay. So the next one  
8 is --  
9 MR. NEMECEK: I should be moving on  
10 this one, because the October 23rd, 2014  
11 meeting I served as the acting chair.  
12 THE CHAIRMAN: Acting. Operative.  
13 MR. NEMECEK: I move to approve the  
14 minutes of the October 23, 2014 Planning Board  
15 meeting.  
16 MR. PULASKI: Second.  
17 MR. NEMECEK: All in favor.  
18 MR. PULASKI: Aye.  
19 MR. CUNNINGHAM: Aye.  
20 MR. NEMECEK: Aye.  
21 THE CHAIRMAN: The last one is  
22 December 4th, which we can't do, and we'll have  
23 to pick it up when Bill comes.  
24 So then I make a motion to close the  
25 Town of Eastchester Planning Board meeting of  
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1 EASTCHESTER PLANNING BOARD - 1/22/15  
2 January 22, 2015.  
3 MR. NEMECEK: Second.  
4 THE CHAIRMAN: All in favor.  
5  
6 (All aye.)  
7  
8 THE CHAIRMAN: Thank you.  
9  
10 (Meeting adjourned.)  
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EASTCHESTER PLANNING BOARD - 1/22/15

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

STATE OF NEW YORK        )  
                                  ) Ss.  
COUNTY OF WESTCHESTER)

I, DI NA 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 6th day of February, 2015.

\_\_\_\_\_  
DI NA M. MORGAN  
Court Reporter

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CORRECTION SHEET

PAGE	CORRECTION
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DINA M. MORGAN, REPORTER