EASTCHESTER PLANNING BOARD - 3/24/16

THE CHAIRMAN: Good evening. This is the town of Eastchester Planning Board meeting of March 24th, 2016. If everyone would rise for the Pledge of Allegiance, please. (Whereupon the Pledge of Allegiance was said.)

THE CHAIRMAN: Sorry for the late start, but we were all on trains coming home, but we're here. So roll call: Mr. Robert Pulaski.

MR. PULASKI: Present.

THE CHAIRMAN: Jim Bonnano is here.

Bill West.

MR. WEST: Present.

THE CHAIRMAN: Mark Cunningham.

MR. CUNNINGHAM: Present.

THE CHAIRMAN: It's a big loss, but Phil Nemecek isn't here. I think we'll get done a lot faster.

So the first application is Application 16-13, 22 and 24 Water Street.

MR. SENOR: Good evening. My name is Eliot Senor, offices of Gabriel E. Senor in Hartsdale, engineers and surveyors.

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MR. SENOR: To clarify, the zone line is right across here. This is the R-5 to the bottom and R-10 to the top. So the three lots that we want to create are all in the R-10 zone requirement, but we wouldn't be build those so we're proposing to at least conform to an R-5 zone with several variances that we had listed in our application, original application for denial of zoning.

I have individual lots with the individual requirements here if you wanted to go through them. I don't know if you wanted to see each one.

THE CHAIRMAN: You might as well.

MR. SENOR: All right. So the first lot that fronts on Water Street would be fully conforming. The lot size would be -- that's currently in the R-5 zone -- it's about a 6900 square foot lot. We would meet all of the zoning requirements for that. So that lot does not need a variance.

Lot number 2, which ends up being 8340 square feet, would need a variance of -- essentially for a side yard setback and lot.

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area and the effective square, but they would conform to the R-5 zoning for all of those items.

Lot 3, again, is currently in an R-10 zone. It would need a variance for lot area, frontage on the cul-de-sac, and the side yard area. The front and rear yards would all conform to the R-10 zone as well as the R-5 zone. The effective square would also conform only to the R-5, so we would need a variance for the effective square.

Lot 4 we're proposing at 6100 square feet and 10,000 is required. Again, the lot frontage because we're on a cul-de-sac, and then the side yards, two side yards, and the effective square, but all items would be conforming to the R-5 zone.

The existing house that fronts on Stewart Place needs a variance for frontage. It's currently 69 feet wide where 100 feet is required, but that's a prior non-conformity, and then -- I don't think we need -- then we need a side yard variance on one side, which is currently non-conforming, so it's a prior

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existing non-conformity. The area would conform -- the front yard also does not conform but that's also an existing non-conformity.

We also need some variances for the roadway. We're proposing a 50 foot cul-de-sac radius as opposed to a 60. We need a radius -- the corner radiuses are required to have 12 feet, but because we don't own the property at the one corner where the new road hits Water Street, we can't put that 12 foot curb in but the curb line would conform it's just that the property line wouldn't because we don't own that property next to us in order to put that curb in. Do you understand that? That's a little hard to grasp.

So I guess what we're looking for is more of a referral to the Zoning Board. I guess Margaret could tell you what the procedures are on what's required.

THE CHAIRMAN: Right. I guess, as you said, this is just a preliminary this is what we have in mind so we could get a look at it before we move to the next step. We just need to sort of understand what it is you're

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intending to do before you move forward.

So overall are they going to go for the variances in the R-10 or are they going to ask -- you can't change it to an R-5, it has to be --

MS. UHLE: No. The only way to change the zone would be to go to the town board. So what they're doing is asking for the variances from the R-10 zone to allow them the lots.

MR. WEST: They want --

MS. UHLE: R-5 lots in the R-10 zone.

I mean, in all honesty, the R-5 I think was just for illustrative purposes because really they don't meet the requirements for the R-10 zone so they need a number of variances related to that. I think when you come back here and definitely when you go to the Zoning Board, they should provide an area map that really show how these are or are not consistent with other lots in the neighborhood. I think one of their arguments is this neighborhood has a lot of undersized lots in it even though it's zoned R-10.

MR. SENOR: There are only two lots

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that are in the R-10 zone in this area, and
that's this lot and the lot next door to it.
The lot next door also doesn't conform because
it's frontage is only 50 feet where a hundred
is required.

This lot here actually opens up into a
big area in the back. One of the thoughts on
how this lot was or how this line was created
was originally it may have been part of the
school and the school line was an R-10 zone or
before the school was created this was part of
a much bigger parcel that was in an R-10 zone,
but once the school came in what was left was
just these two lots in the R-10 zone.

THE CHAIRMAN: So the only R-10's in
this town are these two?

MS. UHLE: No. He means in this
immediate vicinity. There are quite a few
other R-10 zoned areas.

THE CHAIRMAN: Okay. So after this it
has to go to zoning, they look at the
variances, then it comes back here and that's
when we start site plan review and it's going
to be a SEQRA --

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THE CHAIRMAN: Right. So once we
start the SEQRA review, we'll go through the
whole list of things that have to be looked at
in the book and one by one we'll check it off.

MS. UHLE: Yes. I know sometimes the
applicants get nervous about that because what
they don't want to happen is for it to get
bogged down here only to go to the Zoning Board
and get denied, but I think, again, the
environmental review is simple and
straightforward enough that it can be
accomplished fairly quickly. The storm water
may be just a preliminary analysis for SEQRA
purposes and then if it returns to us, you
would do a much more thorough storm water
evaluation. Is that making sense?

THE CHAIRMAN: You're saying they'll
start the SEQRA and based on preliminary
studies or recommendations we'll feel
comfortable to the point where we could -- we
have to finish the --

MS. UHLE: You have to finish the
SEQRA process. Again, I think -- unless you
could think of other issues -- most of them are

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THE CHAIRMAN: The first step is really
the Zoning Board is not allowed to make a
determination with regard to the variances
until the SEQRA review is complete. So that
would be the first step for the board to
declare yourselves lead agency. The Zoning
Board could be lead agency or you could
something that's called an uncoordinated review
where both boards are doing it. The problem
with that is most of the environmental issues
are really the storm water, sanitary sewer,
other utilities, traffic, impacts to the school
district. Those are things you're much more
comfortable and familiar with. It's not
necessarily an extensive process. So I think
the first thing would be to just indicate your
intent to be lead agency, then begin the SEQRA
review process. We have already retained Joe
Cermele from Kellard Sessions, who was the
consultant on 40 Jackson Avenue, to start
helping us with the sanitary sewer review and
storm sewer review, etcetera. So when you
complete the SEQRA process, then you would be
in a position to refer it to the Zoning Board.

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agency on this application. We're going
declare that right now. When you guys are
ready, we'll see you back here with the
beginning of the whole SEQRA process.
MS. UHLE: I can coordinate with you
and Joe Cermele in terms of the information
that we need. Our subdivision law just
indicates that you need to either classify this
as a major subdivision or minor subdivision.
Anything that has two or more lots with a
proposed roadway is classified as a major
subdivision. So I do have a motion drafted up
if somebody wants to make that with regard to
both SEQRA and identifying what kind of
subdivision it is.
THE CHAIRMAN: I actually found it, so
I will make the motion.
So I make a motion that the Planning
Board serve as lead agency for the coordinated
review of Application 16-13, 22 and 24 Water
Street and 43 Stewart Place for a proposed five
lot subdivision. The proposed subdivision is
an unlisted action under SEQRA, is classified
as a major subdivision under the zoning law of
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the town of Eastchester.
MR. PULASKI: Second.
THE CHAIRMAN: All in favor.
(All aye.)
MR. SENOR: Thank you.
THE CHAIRMAN: Great. Thank you. Do
you have a time frame when you think you might
be back? Do you have a time frame when you
think we might see you again?
MR. SENOR: I think --
MS. UHLE: You're coming back here
next month. You have to come back next month
with regard to the SEQRA process. So I think a
lot of the things can probably be accomplished
in a month, but we'll see where we are.
THE CHAIRMAN: The ball is in your
court is what I'm getting at. So once you're
ready, we'll hear you again.
MR. SALERNO: Mr. Chairman, members of
the board, Rocco Salerno, attorney for the
applicant. If we come back next month, are we
required to file a public notice?
MS. UHLE: You know, I'll leave that
up to the Planning Board. Technically, you
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17  site, improvements to the building, exterior as
2 as well as interior. No major changes to the site
3 as far as structures, parking layout,
4 landscaping, and minor improvements to the
5 lighting and signage.
6 THE CHAIRMAN: So the improvements --
7 I guess if you could just point out that the
8 service bays are right in the middle and those
9 are the pumps right there.
10 MR. VILLANI: Do you want to see the
11 site plan?
12 THE CHAIRMAN: Yes.
13 MR. VILLANI: So the existing
14 structure is now on this side of the building,
15 two service bays and a small retail area here,
16 but it will be all retail with handicapped
17 bathroom as opposed to just the bathroom they
18 have now. So this side of the store is
19 existing retail but these service bays will be
20 converted.
21 THE CHAIRMAN: Could you flip back to
22 the site plan, please?
23 MR. VILLANI: Sure. These in fills is
24 where the service station -- these concrete in
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18 fills would occur where the service bays are.
1 THE CHAIRMAN: So all of the parking
2 that's shown there, is that existing parking
3 that was used by the --
4 MR. VILLANI: No, this is proposed
5 parking. Right now the only designated parking
6 is on the sides here, but we're going to make
7 use of the back as a retail store. So this is
8 proposed parking. Right now there is no
9 designated parking except for these four spots
10 on the side and the spots that belong to the
11 gas station.
12 MR. WEST: Are you still going to sell
13 gas there or no?
14 MR. VILLANI: Yes, Yes, a hundred
15 percent yes.
16 MR. WEST: Where is the parking? I'm
17 sorry.
18 MR. VILLANI: This is the pumps right
19 here, these are the two spots alongside which
20 are considered spots for the gas station, and
21 then these spots are existing, and these would
22 be all new. We're proposing a handicapped
23 spot, which is required, as well as adding
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19 additional spots in the rear.
2 MS. UHLE: The pavement is there, it's
3 just that the parking is not designated. There
4 you go.
5 MR. WEST: There's enough room?
6 MS. UHLE: You have about 15 feet.
7 THE CHAIRMAN: You're saying there's
8 enough room to pull in and back out in the
9 back?
10 MR. VILLANI: There's enough room to
11 pull in and out, back up in the back alley here
12 and come out the side of the building.
13 MS. UHLE: Mr. King did do his own
14 compliance analysis on this with regard to the
15 parking size spaces and backup widths and that
16 kind of thing. So it's really just
17 surprisingly just the use variance that's
18 necessary. Again, just to be clear not to be
19 redundant, but the only permitted use here is
20 single family residential. So if the applicant
21 wanted to do anything with those vacant service
22 bays, either use them to service vehicles or to
23 use for a retail use like a convenience store,
24 that would require a use variance. The only
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20 thing that would not require a use variance is
2 if somebody were to build a single family home.
3 MR. VILLANI: Obviously on this site
4 on a gas station site it's not an economically
5 viable project to build a home on this site,
6 and this has been used as this for quite some
7 time. We're just looking to improve the site
8 and improve the use of the property.
9 MR. PULASKI: I think one of the
10 problems with the parking is that it looks nice
11 on plan but when you look at the curve lines of
12 where the traffic has to go to get to the
13 pumps, usually a gas station has some backup,
14 people are waiting for somebody to clear a pump
15 to get into a pump, and that would totally
16 block off the entrances and exits from the
17 parking that we see and the ability to get to
18 the convenience store. I believe I've also
19 seen this property when they suddenly sell gas
20 and sometimes you even get a little bit of a
21 line on White Plains Road. I just don't know
22 how effectively this is going to work relative
23 to how it's being presented.
24 MS. UHLE: One thing along those lines
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too, the application for 504 New Rochelle Road, which was similar that's in the Chester Heights area, when it was before the Zoning Board, the Zoning Board actually worked closely with the traffic engineer who ended up making significant changes to the site circulation and parking. So that's a very good point, and I had already mentioned to the applicant that they would be required to get a traffic engineer to look at this. That's definitely those kinds of issues are things that the traffic engineers would look at.

MR. VILLANI: Unfortunately, we're dealing with some site restraints here. I mean, the options are limited as far as circulation considering the pumps are existing, the curb cuts are existing, the signage is existing.

MR. PULASKI: That is correct.

MR. VILLANI: The constraints of the site are tough.

MR. PULASKI: But I think the example that you gave, Margaret, there was a lot more activity at that site that could be measured by

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a traffic engineer. This, I believe, is kind of like a dead site right now. So all you're doing is monitoring traffic on White Plains Road and making certain assumptions of what's going to happen at this gas station. I would encourage, as a comparison, look at what happens at Scarsdale Avenue next to the train station where those pumps sell a lot of gas -- maybe this one won't but those do -- there are lines, there are turning constraints, there are bottlenecks of traffic. This may not be in that same realm, but if you have one or two cars backed up trying to wait to get to the pump, you aren't going to get in and out of these parking space says and if you can't get in and out, I don't know that somebody is going to use those parking spaces.

MS. UHLE: Along those lines as well -- not to keep comparing it to 504 New Rochelle Road -- the Zoning Board actually, because of the very reasons you're talking about, opted to eliminate at least one parking space to enhance circulation on site. So it may be that the traffic engineer or this board

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said, was that they wanted to make sure that property didn't somehow create a situation where people were having to queue up on New Rochelle Road. They wanted to make sure that turns into and out of the site, if there was increased traffic to the site because of the retail use, they wanted to make sure that, you know, turning movements into and out of the site didn't disrupt traffic. So they looked very closely at that.

THE CHAIRMAN: I would rather do that here and have you get your traffic consultant and parking.

MS. UHLE: Before you refer it?

THE CHAIRMAN: Yes.

MS. UHLE: It's really going to be the same difference for because what will happen is you will have the site plan all established and then just go to the Zoning Board with an understanding, look, we already had the traffic engineer on board, etcetera, and the Zoning Board is then really just focusing on the use variance.

MR. VILLANI: That would be great.

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prosecuted when I started as the deputy town attorney. There have been a number of enforcement issues and also issues involving owners of the site leasing to tenants at the site. Based upon disputes about what they were allowed to do at the site, there has been some litigation between the owners and the lessees, and I think there was general fear that they're not allowed to do anything with the bays so no resources went into the property. There's been a host of issues there. Just to give you some background.

MS. UHLE: But all under other, not the current owner.

MR. TUDISCO: All under prior owners.

MS. UHLE: He's done everything right so far.

MR. VILLANI: After a determination and conversation with Margaret, I mean, the use of the site is pretty much set in stone. I mean, nobody is going to use it for pretty much any other use with the gas station there.

MR. CUNNINGHAM: You would be doing the outside of the building?

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MR. VILLANI: Everything, aesthetics.
MR. CUNNINGHAM: New, clean?
MR. VILLANI: Yes, new, clean. That's the whole intention.
MR. WEST: With the school right there.
MR. VILLANI: An effort, also, to make the building look more residential because it's in a residential neighborhood changing the fabric of the block.
MR. CUNNINGHAM: Correct. One of the problems with the parking in the back is that the neighbors that are on the back, the house that's on there, so the noise and what time the place is open until.
MR. VILLANI: All those restrictions. Maybe putting a solid fence in the back.
MR. CUNNINGHAM: Correct.
THE CHAIRMAN: You're right, it backs up on it. We're glad you bought it and have the desire to clean it up and make it a better part of community. That's certainly what we're looking for, because we've all been looking at it for 20 years now. So that's where we're.

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MS. UHLE: Again, because of the nature of this site, you may want to.
MR. PULASKI: I think that's a good idea.
MS. UHLE: We're going to ask you to notice it as a public hearing for the next meeting. So we can coordinate that as well.
THE CHAIRMAN: So everyone gets a chance to talk about it. Great. Thank you.
So the only other item is we could approve meeting minutes?
MS. UHLE: No, you can't, because Phil is not here. It was just you, Bob and Phil at the last meeting.
THE CHAIRMAN: Phil would be upset if he didn't get to comment.
MR. PULASKI: I can't speak for Phil.
THE CHAIRMAN: You can't speak for Phil. None of us can.
MS. UHLE: There's a comma missing somewhere on page 42.
THE CHAIRMAN: So then I make a motion to close the town of Eastchester Planning Board meeting of March 24th, 2016.

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going to leave it right now.
MR. VILLANI: I'm going to try to get the traffic study done and completed so that I could issue a submission.
MS. UHLE: If you want to coordinate with me tomorrow, and then I'll talk to our traffic engineer that can tell you exactly what he would like to see and the extent of the work.
THE CHAIRMAN: Traffic and circulation.
MR. VILLANI: In actuality, I would love to get the opinions so I could draw it, submit it in time to get on next month's agenda.
MS. UHLE: Sure.
THE CHAIRMAN: Thank you. That's it.
Is there anything else?
MS. UHLE: This is also preliminary.
At this point, do you also want to require that they notice this as a public hearing when it comes back?
THE CHAIRMAN: Hold on guys, don't go.

Standby.

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EASTCHESTER PLANNING BOARD - 3/24/16

MR. PULASKI: Second.
THE CHAIRMAN: All in favor.
(All aye.)

(MEETING ADJOURNED.)

DINA M. MORGAN, REPORTER
CERTIFICATION

STATE OF NEW YORK   
   ) Ss.  
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 13th day of April, 2016.

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