EASTCHESTER PLANNING BOARD - 5/26/16

THE CHAIRMAN: Good evening. This is the town of Eastchester Planning Board meeting of May 26th, 2016. If everyone would rise for the Pledge of Allegiance, please.

(Whereupon, the Pledge of Allegiance was said.)

THE CHAIRMAN: I'm going to do the roll call. Mr. Phil Nemecek.

MR. NEMECEK: Present.

THE CHAIRMAN: Robert Pulaski.

MR. PULASKI: Present.

THE CHAIRMAN: Bill West.

MR. WEST: Present.

THE CHAIRMAN: Jim Bonanno is here, and Mark Cunningham is somewhere not to be found. So we're going to start without him.

The first application is a project we've looked at previously, Application 15-17, 1 Corwood Road.

MR. ROGLIANO: Ready? Good evening.

My name is Luigi Rogliano. I am the owner and builder of 1 Corwood Road. I am here -- I actually don't feel I should be here -- but I am here because there was a question on the
pictures that you'll see of other houses on California Road, on Rittenhouse Road, and on the corner of Rittenhouse and California. These pictures show plants planted on these properties with very similar defects. The first three pictures are actually plants from Mr. Dubak's residence himself which show very similar defects as the Arborvitaes I planted where the bottoms of the trees are bare. Now, I'm not presenting these pictures to say that these people have poorer plants and so I should. I'm presenting these pictures just to show you that it's nature, plants have defects. It's a characteristic of the neighborhood in the sense that when you plant Arborvitaes sometimes they develop defects. You know, not to say that the trees aren't going to come back. So I'm basically here to request approval of the Arborvitaes. If not, I would like to propose two options that I would like to remediate this issue.

THE CHAIRMAN: While you're there, why don't you just tell us what the options are.

DINA M. MORGAN, REPORTER

MR. ROGLIANO: Well, the second packet I provided you with pictures -- I'll put it here. This first picture is of a white vinyl fence that I would like to install on top of the wall. As you can see, Mr. Dubak's vantage point is from 6 feet below my property. So just like his plants on his property, the defects aren't as prevalent because they're ground level whereas he's looking at my plants from the bottom. So he sees the worst parts of all of them. If you were to come on my side, you would see, because you're at eye level, the trees don't appear that bad. So by installing the 6 foot white vinyl fence, you would basically shade the lower portions of the existing Arborvitaes at the rear of the property and you wouldn't see the quote, unquote defects from his side. This is one optional fence.

MR. NEMECEK: I want to see fence number 2. This is a good one.

MR. ROGLIANO: This is a green screen fence I also propose.

MR. NEMECEK: You're not seriously

DINA M. MORGAN, REPORTER

proposing that, are you?

MR. ROGLIANO: I got to propose whatever I can.

MR. NEMECEK: Is that the vengeance fence?

THE CHAIRMAN: What is it? I don't even know what it is. What is it?

MR. ROGLIANO: That's a green screen fence.

THE CHAIRMAN: But it's fake ivy.

MR. ROGLIANO: It's like fake ivy.

The third option, actually when I met up with Margaret on the site and the town landscape architect, they actually proposed this, which is planting -- well, they didn't recommend the size -- but I would say 4 to 5 foot Emerald Greens, which stay narrow and have smaller balls, so I could plant them in between the two walls so that in the future they would provide the necessary screening. I'm proposing these options because the grass is established. Planting a 14 foot tree is difficult in the rear of the house where it's not easy to get to. So there would have to be a lot of damage.

DINA M. MORGAN, REPORTER

THE CHAIRMAN: What was on the approved plans?

MR. ROGLIANO: Well, I planted 45 12 to 14 footers. On the plan was 35 6 to 7's.

THE CHAIRMAN: So 35 6 to 7's?

MR. ROGLIANO: Yes, and I planted 45 12 to 14's.

THE CHAIRMAN: What are those; what size are those?

MR. ROGLIANO: These are Emerald Greens. These are 4 to 5 --

THE CHAIRMAN: That's 4 to 5?

MR. ROGLIANO: Yes. I mean, it's hard to tell from the picture. I'm 5 foot 10, so they would be --


Great.

MR. NEMECEK: Just viewing this option, if you were to plant these Emerald Greens, would you take out the Arborvitaes that are complained of or would you just put these --

MR. ROGLIANO: I would not take out

DINA M. MORGAN, REPORTER
EASTCHESTER PLANNING BOARD - 5/26/16

the Arborvitae. I would plant these in
between the two tiers of the wall. The reason
why I'm proposing the 4 to 5 foot is because
the balls are small and they will stay
contained. They'll grow high, but they'll stay
contained and allow me to plant them in that 2
foot 6 planting bed between the walls.
THE CHAIRMAN: Right.
MS. UHLE: So he's proposing on that
lower level so --
MR. ROGLIANO: I know they wouldn't
provide immediate screening, but they would
eventually grow to the proper height. Again,
you guys have to realize, plants are
subjective. If I sold this how tomorrow and
the plants at the back of this property died
and the homeowner didn't want to change them,
that's his prerogative because that's his right
as a property owner. You know, there are
certain things that are out of our control.
I'm mostly upset here tonight because
I felt I was doing -- I've done above and
beyond by, you know, planting 12 to 14's to
give myself additional screening from the
DINA M. MORGAN, REPORTER

EASTCHESTER PLANNING BOARD - 5/26/16
don't even come out and look at it. Anthony
Acocella did his due diligence on this project.
He actually made my landscaper, who planted all
my plants, return 50 percent of the plants he
had because he wasn't satisfied with them. So
Anthony Acocella did his due diligence. This
letter is not something that was just handed to
me. Anthony Acocella was out on site, he
looked them, he reviewed each one, and that's
why he only referenced 39 because, I guess, the
five or six in the front primarily he didn't
like so he wasn't going to reference them, but
I did plant 45.
THE CHAIRMAN: Did the town have
someone go and look at the plants?
MS. UHLE: Yes. We had a number of us
go and look at the plants. I did ask another
licensed landscape architect, Anthony Zaino, to
come out and look at the plants. He agreed as
a landscape architect, that those would not be
plants that he would have selected.
Unfortunately for Mr. Rogliano, the planting
notes do say, free and clear of defect or
healthy and clear of defect. So I guess it's
DINA M. MORGAN, REPORTER

EASTCHESTER PLANNING BOARD - 5/26/16
highway, and it seems as though even though
I've gone above and beyond, I'm still
suffering.
MR. NEMECEK: This board is acutely
aware of the difficulty sometimes of growing
Arborvitae, because I do recall a few years
ago we had an issue with Nature's Cradle, a
nursery, had difficulty growing Arborvitae I
believe it was in front of solar panels. We
understand your point --
MR. ROGLIANO: Yes.
MR. NEMECEK: -- That these are
organic, living things --
MR. ROGLIANO: Yes.
MR. NEMECEK: -- But have you had your
landscape architect or somebody with
appropriate knowledge of plants look at the
particular Arborvitae complained of and assess
whether the plant is going to
MR. ROGLIANO: Yeah, and you'll see in
Anthony Acocella's letter he only references
39. Listen, we all know the practices that go
on. Most landscape architects give you a
letter, they sign off, they say, here, they
DINA M. MORGAN, REPORTER
EASTCHESTER PLANNING BOARD - 5/26/16

front. You know, it's not like I -- if I was
- sitting here and telling you that I made no
- attempt to take out the poorer ones in the back
- from the fall, that would be false because, you
can ask Margaret, there was no trees in the
front in the fall. We took those from the rear
because we knew Mr. Dubak was not pleased with
them, and we placed them in the front and
planted better ones in the back. So we made
efforts. To say we haven't --

MR. WEST: But that's the way they
went in? The 8 foot difference, you know,
they're going to be more mature, they're going
to be further away from the ground so you're
going to lose the greens --

MR. ROGLIANO: As shown in the
pictures.

MR. WEST: -- But if you maybe planted
the small ones, which would have been low to
begin with, it wouldn't have been a problem for
eight years.

THE CHAIRMAN: I'm sorry, are you
done? What's the growth rate of those?

MR. ROGLIANO: The Emerald Greens grow

DINA M. MORGAN, REPORTER

about a foot a year.

MR. WEST: That's what I just said.

Thank you.

MR. ROGLIANO: They grow about a foot
a year.

MS. UHLE: When we first sort of
became aware of the situation, it was actually
late fall. So we did meet with Mr. Rogliano,
Mr. Dubak, an arborist, Alan Pilch, there was a
lot of us out there. Unfortunately, at that
time there wasn't any additional stock
available in the nurseries. We wouldn't have
had an opportunity to replace them. We didn't
want to have him remove them and replace them
with additional unhealthy stock. So we did
just say, look, we're going to wait until the
spring to reevaluate the condition of the
trees.

THE CHAIRMAN: Just so I get it
straight, the original plan said Arborvitae or
Emerald Greens?

MR. ROGLIANO: No, they said
Arborvitae. The original plan said 35 Green
Giants, but before purchasing the plants,

DINA M. MORGAN, REPORTER

we do allow substitutions and alternatives. I
agree with Mr. Nemecek, I did not think that
the green fence was appropriate. The white
vinyl fence, I was just concerned that you
already have 6 feet of the wall and then you
have another 6 foot of fence on top of that,
you know -- it would definitely screen the
damaged parts, the lower parts of the
Arborvitae and the root ball. I didn't feel
comfortable they put another fence on top of
that wall. I was going to defer that to you.
With regard to the Arborvitae in the lower
level, both Anthony Zaino and I felt that that
was a potential alternative to put narrower
trees on that lower level so that they would
eventually screen the root balls or maybe even
if you could begin them at 6 foot. I know Mr.
Dubak was not comfortable with that
alternative, which he could explain to you, but
that's where basically I said, okay, we're just
bringing it back before the board.

THE CHAIRMAN: What's the height
between the lower level and upper level?

MR. ROGLIANO: 3 feet.

DINA M. MORGAN, REPORTER
EASTCHESTER PLANNING BOARD - 5/26/16

MS. UHLE: The wall is 3 feet and then
- the Arborvitae are on top of that.

THE CHAIRMAN: Right. So 6 feet would
extend 3 feet above the --

MR. NEMECEK: And where these new
plantings could be planted is completely on
your property?

MR. ROGLIANO: Yes. He actually has 2
feet of my property.

MR. NEMECEK: I understood that, but I
just want to make abundantly clear you actually
can plant them if you want right now, if you
wanted to. You don't need our permission.

MR. ROGLIANO: And that's the thing,
at the end of the day, I really by doing this
and planting larger trees I never in a million
years thought that I would be here. Usually
people are here when they plant 2 or 3 footers
when they call for 6 or 7. I'm here because I
planted 14 footers.

THE CHAIRMAN: You're here because the
drawings that we approved said, healthy and
free from defect trees, and what you planted
was not. That's why you're here. If you put

DINA M. MORGAN, REPORTER

EASTCHESTER PLANNING BOARD - 5/26/16

1 going to say something else, but I forgot. I
think he is right that Mr. Dubak,
unfortunately, has the worst perspective.
MR. PULASKI: What about the matter of
the swale? He didn't build the swale.
MS. UHLE: Well, that's really --
MR. PULASKI: I don't know, this guy
is standing here and he's telling us how great
everything is and we haven't built the swale.

THE CHAIRMAN: I got it. So as far as
the drainage goes, the irrigation and the swale
and the berm, it's going to be resolved.
There's been separate conversations between
Margaret --

MR. ROGLIANO: Yes.

THE CHAIRMAN: Let me finish --
Between Margaret and the applicant that they're
going to address that. That's not what we're
here to discuss. We're here to discuss the
trees. Margaret and her people are pretty
confident that the drainage is being handled.

MR. ROGLIANO: In reference to the
swale, it was just a misunderstanding. I went
over it with Hector. I thought the berm of the

DINA M. MORGAN, REPORTER

EASTCHESTER PLANNING BOARD - 5/26/16

what was on the drawings, you wouldn't be here.
I appreciate that you did everything, but if
the trees were free of defects, you wouldn't be
here.

MR. ROGLIANO: But again, it's
subjective. It's subjective. Those are trees
that I would plant at my own house. So to me,
they're fine. To you, they're not. It's all
the way it's viewed. That's all I'm saying.

MS. UHLE: There's a couple of other
two, too, that I was just going to point
out. Under any circumstances in that 2 and a
half feet of the level area between the two
walls, that was not addressed on the landscape
plan, which the builder realizes he can't just
leave as dirt. So if he was required to
replace the Arborvitae at the upper level, he
would have to put some kind of ground cover --

MR. ROGLIANO: Yes, and I was -- we
spoke about it that I was going to plant
zinc (sic) -- Vinca.

MS. UHLE: Vinca. You confused me
when you said that. He already understands
that. I just wanted you to know that. I was

DINA M. MORGAN, REPORTER
I'm the owner of 561 California Road, which is adjacent to 1 Corwood.

I'm here tonight because of two non-compliance issues, as far as I'm concerned. One is regarding the landscape and one is regarding the irrigation or the flooding mitigation. I sent each of the members here a packet. Does everyone have a copy of it? I just thought I would summarize for it and include some pictures and what have you.

Basically what I'm suggesting here is that there is non-compliance right now with the plan for landscape development dated April 30th, which was approved by this board.

That's my contention. It's because there are numerous unhealthy, injured, and defective Arborvitae planted on the upper wall adjacent to my house and up and down the east side of the property on California Road itself. Okay.

Interestingly enough, Luigi referenced a letter that I sent him or e-mail that I sent him early on, about a year ago, saying that we had a great working relationship and everything. Just keep in mind that was before anything started. Okay. I think the intentions were good on both of our parts to do what's right, and I commend him for certain things, but on these two issues I believe they're non-compliant with what the board has approved.

So if you take a look at one of the attachments that I included, it's the general notes of the landscape plan, and it specifically states that all planting material will be vigorous, healthy, free of injury and defects, quality as per Sherman's Nursery, Greenwich Connecticut, Roth in Armonk or equal. Okay. Does everybody see that? So that's the premise of the non-compliance. It's not the number of trees that are the issue, whether it's 35 or 45 or whatever. That, to me, has nothing to do with the height. That was an arbitrary decision done by Luigi to figure out what he wanted to put in. I'm fine with the high ones. I'm not fine with unhealthy trees around the perimeter. I don't think the town should be happy with it either coming down California Road where everybody visiting our

DINA M. MORGAN, REPORTER
like February I start seeing some additional trees planted in the back where the five or six were missing. They were worse than the ones that were there already. So that was in total disregard to the conversation that we had where we should revisit this. I can tell you that every one of those trees the bad side is facing me, my property or to California Road. I'm not saying I wouldn't do that, but every one of them. So when we talk about a sign of good faith, I'm not sure that's a sign of good faith. The pictures are here. You could see all of them. From eyesight level from pictures taken from my house, as well as from down below and you could see they have a lot to be desired. The five that were moved from the back were moved to the front of Corwood and California Road, they don't affect me, but I think as a town Planning Board it would affect me. So I ask you to take a look at that.

The other interesting thing, you know, if you take a look at privacy fences in the ordinance that the town has, it's always the good side of the fence faces your neighbor. In

DINA M. MORGAN, REPORTER

this particular case, I know it's not a fence but it's trying to do the same thing have a privacy screen -- every one of the bad sides is facing us or the outside. We also took a look -- there's a picture in there that takes a look at the top of the wall bottom. You could see that it was nothing planted there so you see a lot of weeds and grass and what have you.

Now, I heard two options today, which neither one of them I'm happy with, I'll be very honest with you. To put a fence, an additional fence on top of two walls is going to look atrocious. I don't even know what that zoning law is but it would be like a 10 footer, and I think that would be horrible. I have an issue with that. We did talk when the town arborist came down, his name was Anthony Zaino, he is the landscaper that the town used, and we did a walk through of the property. He thought that the Arborvitaes on the upper level were horrible and had to be replaced. I have an arborist from Bartley Tree Company, and I've got a document which I gave to Margaret, that he recently looked at them and said that they

DINA M. MORGAN, REPORTER

are not going to grow on the bottom portions of them. What happens is the Arborvitaes are going to grow higher but not wider. So that's going to maybe even compound the criticality of how these things look.

I saw the letter that Anthony Accocella sent regarding the trees. There's nothing about the quality of the trees at all. It's only about the quantity and the height. So I go back to the premise that the board approved a landscape plan and had general notes in there that talked specifically about the health and vigorous and injury-free.

Now, Luigi, you might plant them at your house, I wouldn't plant them at my house, I tell you that, and I wouldn't pay for it. THE CHAIRMAN: Just tell us what the facts are.

MR. DUBAK: That's the facts. The fact is I wouldn't do it. That's the fact I'm bringing, okay.

So that's where I stand on this particular issue, and I don't know if it's appropriate now or later to discuss the

DINA M. MORGAN, REPORTER

drainage issue, which I also sent a package on because I believe it's a non-compliance and it's not just a --

THE CHAIRMAN: Just like I asked Bob to stay away from the drainage, unless you want to use it as an indication of workmanship, I think the drainage has been addressed by the Building Department and you, and I think Mr. Rogliano is going to do something to address the drainage.

MS. UHLE: Two things --

MR. DUBAK: If I could hear what he is going to do, I would appreciate that.

MS. UHLE: Mr. Dubak, he has to do what was approved on the plans and he's saying that he will do that. So essentially, the one remaining issue with regard to drainage -- and these are the only two issues that are holding up the CO at this point, everything else has been inspected and is fine -- is that he needs to more clearly define the swale at the rear of the property, which is in front of the Arborvitaes, meaning in front on his side of the property, make sure that that swale is clearly

DINA M. MORGAN, REPORTER
EASTCHESTER PLANNING BOARD - 5/26/16

1. directed towards the catch basin, which he's
   already installed. He's got to make sure the
   elevation of the catch basin is correct so that
   the water goes into the catch basin. So he's
   got to do that. He's already installed the
   catch basin and the pipe, it's just now a
   matter of defining the swale and directing it.
   Then in between Mr. Rogliano's property and Mr.
   Dubak's property between the stone wall and
   some stones that are on Mr. Dubak's property,
   there's kind of a little crevice or channel
   that's been formed there, there's debris, et
   cetera, that's been accumulating in there, and
   Mr. Dubak believes, and Hector DiLeo went out
   there, because of some rubble and stuff that's
   in there water is collecting and not flowing
   out. So Hector DiLeo, our Highway
   Superintendent -- this is not shown on any
   plans -- did ask him to clear that out and also
   try to direct it towards the street so that
   that won't accumulate between the walls. The
   applicant has agreed do to that, he's been told
   that he has to do that before he gets the CO.

DINA M. MORGAN, REPORTER

EASTCHESTER PLANNING BOARD - 5/26/16

1. think that is of the brown?
   2. MR. DUBAK: Well, that's the top of
   3. the wall. On the picture you see the wall a
   4. little bit, that's 6 feet high. That's 6 feet
   5. high from the ground and the Arborvitae is on
   6. top of that, so I'm saying the bottom, like, 3
   7. feet.
   8. THE CHAIRMAN: That's the bottom 3
   9. feet. Let's keep going. So that's 3 feet.
   10. Next, same 3 feet or --
   11. MR. DUBAK: Basically, yes, that's
   12. right, just another picture of a similar
   13. instance.
   14. THE CHAIRMAN: Similar condition. The
   15. e-mail you sent, what is that; where are those?
   16. MR. DUBAK: Which ones?
   17. THE CHAIRMAN: The March 14th e-mail
   18. with the attachment.
   19. MR. DUBAK: Those were the -- when the
   20. planting stopped and there were, like, 30 trees
   21. planted and the last six were vacant because we
   22. talked about the poor condition of the trees,
   23. these what were going to be planted or were
   24. planted, and when I said, guys, these are worse

DINA M. MORGAN, REPORTER

EASTCHESTER PLANNING BOARD - 5/26/16

1. is so approximate to the Arborvitae that he
2. really needs to get that issue resolved before
3. he does the swale.
4. MR. DUBAK: Okay. So I'm going to
5. take that that until that's done there will be
6. no C of O?
7. MS. UHLE: Absolutely.
8. MR. DUBAK: Okay. Thank you. Any
9. questions?
10. THE CHAIRMAN: Yes, there is one.
11. Could you just -- some of the pictures you took
12. of the trees and Arborvitae, I'm just trying
13. to get an idea of scale. Can we flip I guess
14. to number 2. Number 2, if you were to put a
15. dimension on that, honestly, what would the
16. dimension of that be above the top --
17. MR. DUBAK: I'm sorry.
18. THE CHAIRMAN: Photo 2 in your first
19. attachment --
20. MR. DUBAK: Yes --
21. THE CHAIRMAN: Showing the --
22. MR. DUBAK: There's like three of
23. them, the bottom parts of them.
24. THE CHAIRMAN: What height do you

DINA M. MORGAN, REPORTER
EASTCHESTER PLANNING BOARD - 5/26/16

one, two, three, four, five of them.

THE CHAIRMAN: And those are the ones that were removed from the --

MR. DUBAK: I don't know that for a fact, but I kind of heard that. I don't know where they came from.

THE CHAIRMAN: Okay. That's good.

MR. DUBAK: Then the last one, number 5, shows what's going on between the top of wall one and the top of wall two. The concern I have there -- I had a landscape guy come out too -- there's only -- here's the lower wall, here's the higher wall and there's 3 feet, approximately, in between them, to put even a 4 or 5 or 6 foot Arborvitae in there, the balls are so big --

THE CHAIRMAN: I understand.

MR. DUBAK: -- You need the space around it. My concern is that -- two things: 1, it doesn't address the non-compliance of the existing ones; and, number 2, any growth could affect the stability of that wall, which bothers me. Okay?

THE CHAIRMAN: Got it.

DINA M. MORGAN, REPORTER

EASTCHESTER PLANNING BOARD - 5/26/16

MR. PULASKI: I got one question. The condition of the Arborvitae presently, is that similar or essentially the same as what you saw planted initially?

MR. DUBAK: Yes. Yes. We had a very mild winter, so I don't think there was a lot of damage as a result of bad weather, but that's how they showed up.

MR. PULASKI: Okay. Thank you.

THE CHAIRMAN: Great. Thank you.

MR. DUBAK: Anything else?

THE CHAIRMAN: We're good.

MR. DUBAK: Thank you.

THE CHAIRMAN: This is a public hearing?

MS. UHLE: No, it's not.

THE CHAIRMAN: Just discussion and deciding?

MS. UHLE: That's right.

MR. PULASKI: I do not consider those -- I'm not an expert, but I've looked at a lot of Arborvitae in and around Eastchester, and I think the ones that are on this 1 Corwood property are in terrible condition. The reason

DINA M. MORGAN, REPORTER
EASTCHESTER PLANNING BOARD - 5/26/16

that he got me better trees.

THE CHAIRMAN: So just to back up, this isn't really about Mr. Dubak.

MR. ROGLIANO: I know that.

THE CHAIRMAN: None of this is about Mr. Dubak. It's about --

MR. ROGLIANO: I know that.

THE CHAIRMAN: May I finish?

MR. ROGLIANO: I'm sorry.

THE CHAIRMAN: It's really not about Mr. Dubak. It's about what was on your plans and what was on the approved drawings. Mr. Dubak has nothing to do with this.

MR. ROGLIANO: At the end of the day, I'm not saying that the trees are perfect. I'm here as a compromise, as I was a year ago, to give two options that would be easier for me to remedy the problem. I'm not saying that there isn't a problem. I'm not saying that -- to me, like I said, I would plant them at my own house. If you guys --

MR. WEST: So why isn't one of the options to remove all the dead trees instead of putting in another layer of trees?

DINA M. MORGAN, REPORTER

EASTCHESTER PLANNING BOARD - 5/26/16

regardless of whether I want to or not. Do you understand what I'm saying?

MR. NEMECEK: I think you're proposing alternatives --

MR. WEST: Why don't you just get rid of the dead ones?

MS. UHLE: Well, from his perspective obviously he's looking for a reasonable alternative that will be more cost effective for him. Again, I'm not saying that that's what you have to agree to. I think from his perspective --

MR. WEST: He put bigger, deader trees it looks like. They haven't changed since last fall.

THE CHAIRMAN: I don't remember, are any of them in a condition that we could say are free of defects and healthy?

MS. UHLE: There's probably a few in there. I think you would have to kind of pick and choose. I really do think there are three options regardless of people's motivations or whatever.

DINA M. MORGAN, REPORTER

EASTCHESTER PLANNING BOARD - 5/26/16

One option is to remove all of the trees and replace them with something that is vigorous, healthy, free of injury or defect, which could be just the 6 to 7 feet that were proposed initially. They won't provide as much screening. That's one option. From the builder's perspective, he's already done vinyl siding, he's done drainage improvements. It's going to be costly and somewhat difficult for him to do, and again, that may be fine. If it were an easy solution from his perspective, he would just do it I'm sure. From his perspective, that's costly and difficult.

The next, I think viable option, is allowing a fence on top of the wall. I think the concern with regard to that is you'll have a 3 foot wall and then you'll have essentially a 3 foot wall and a 6 foot fence. So, you know, totally that's going to be quite a bit of wall and fence.

Then the third option is to put the Arborvitaes in. Actually, there's two options there: Put them in at the 4 to 5 feet so that the root balls remain small but it will take

DINA M. MORGAN, REPORTER

EASTCHESTER PLANNING BOARD - 5/26/16

more time to screen the defects or put them in at the larger size.

MR. WEST: Instead of cover the brown, remove the brown trees.

MS. UHLE: I know, but that's a viable option. Let me put it this way, if the trees were turned and the defective side was facing towards Mr. Rogliano's house, I think a very viable solution would be to put some shrubs that covered it up. I mean, I think that's a viable solution. You may not agree with it, but that's why it's before you. You have those three options essentially.

MR. WEST: At the end of the day, you know, he could put in 30 more trees and they're still biological things that could potentially die. If you put in a vinyl fence, it's never going to die, but it doesn't have the beauty of green.

MR. PULASKI: A couple of comments on those alternatives. From the neighbor's side, that wall is about 6 feet. It's a step wall.

MS. UHLE: They're two, 3 foot walls.

So, yes, it's 6 feet high total.

DINA M. MORGAN, REPORTER
EASTCHESTER PLANNING BOARD - 5/26/16

MR. PULASKI: So now you're putting a 5 foot fence on top of that. That's huge.

MR. NEMECEK: I don't think anybody --

MR. PULASKI: I'm just responding to the comments.

MR. NEMECEK: Let's --

THE CHAIRMAN: Let's listen to him.

MR. NEMECEK: Okay.

MR. PULASKI: The neighbor has already said that he doesn't prefer that option. As far as the shrubs between the walls, I've heard somebody say that there's very little space for the bulb, and usually when you're dealing with conifers, you have roots that want to spread sideways instead of down. So if you only have a 2 foot space, I think you're looking for wall problems eventually. I happen to agree with West.

MR. WEST: Make sure that's in the minutes.

MR. PULASKI: It's an important item.

We're in agreement on this.

MS. UHLE: Anthony Zaino, who was the landscape architect that has been to the site.

DINA M. MORGAN, REPORTER

EASTCHESTER PLANNING BOARD - 5/26/16

THE CHAIRMAN: So I think the two options, and you were probably going there, is --

MR. NEMECEK: But I'm not asking you.

I already know your point.

THE CHAIRMAN: I think the two options are -- the viable options from my point of view, and when I'm done correct me if there are other options, are: Remove and replace what's there with those, which is what's on the drawing, or, if it's possible, to tag the trees that can remain, tag those to remain and replace the rest with comparable trees. I think those are the two options.

MR. PULASKI: What was that second one?

THE CHAIRMAN: Leave the healthy ones, the healthy tall ones in place, tag the ones that are in poor condition that have defects and then replace those.

MR. PULASKI: Okay. So then you would have to put a 14 foot tree --

DINA M. MORGAN, REPORTER

EASTCHESTER PLANNING BOARD - 5/26/16

THE CHAIRMAN: Yes. I mean, whatever.

That's an option.

MR. WEST: Not necessarily. I don't know if a person buys --

MR. ROGLIANO: Well, I would put a 6 footer.

THE CHAIRMAN: Or just remove everything.

MR. WEST: You still got to sell this property; right?

MR. ROGLIANO: What?

MR. WEST: You still got to sell this house?

MR. ROGLIANO: Yes.

MR. WEST: So it's got to be appealing to, you know, an owner. Are you going to buy another 14 foot tree or you buy a tree that grows up. You do one or the other depending on the owner. He's got to sell it, so he's got to get something that looks aesthetically good.

MR. PULASKI: Now, the tree in that photo is what height?

MR. ROGLIANO: That's a 4 to 5, approximately.

DINA M. MORGAN, REPORTER
MR. PULASKI: Okay. So it’s not a 6

MR. ROGLIANO: Those are not what was approved. That’s what Anthony Zaino recommended for between the walls.

MR. PULASKI: Between the walls.

MR. ROGLIANO: And again, I proposed to plant the 35, which would double the number of trees on the property, in between the walls.

THE CHAIRMAN: So then the option I was referring to is to put in whatever was approved on the drawing, which was again?

MR. ROGLIANO: 6 to 7 footers.

THE CHAIRMAN: 6 to 7 Arborvitae, right?

MR. WEST: Cutting out the existing trees and putting in replacements, how does that destroy the lawn?

MS. UHLE: They’re huge trees with big root balls. So --

MR. WEST: They’ve only been there a year.

MS. UHLE: Well --

MR. ROGLIANO: It’s not about

DINA M. MORGAN, REPORTER

actually -- it’s actually getting them out of the ground and getting them back there. I look like a strong guy, I can’t pick up a 14 foot tree.

MR. WEST: Chain saws.

MR. ROGLIANO: It’s getting plant material back there. No matter what we do, it’s going to basically destroy the lawn.

MS. UHLE: At this point, are you saying that you’re not considering the option with the Arborvitae at the lower level? You’re saying --

THE CHAIRMAN: I’m not.

MR. NEMECEK: I thought we were. That’s what I thought we were narrowing it to, either some form of replacement or as the one potentially viable option in my view was planting these things over here on the 3 foot wall. It sounds like the board is not enamored to that idea.

MS. UHLE: So what I understand, it’s either replace the unhealthy 12 to 14 footers with healthy 12 to 14 footers or replace them all with the 6 to 7 feet, as was approved on

DINA M. MORGAN, REPORTER

or, option two, remove the unhealthy ones and replace with trees of similar heights to what is already there.

MR. NEMECEK: I don’t want this issue to come back to us. Who is going to judge what is a vigorous, healthy, free of injury or defect plant?

MS. UHLE: We can have our landscape architect go out there and tag trees.

MR. ROGLIANO: I have just another question. So I was only required to plant 35, so --

MR. NEMECEK: That’s all you need to do.

MR. ROGLIANO: So that’s all I need to do; correct?

MR. NEMECEK: Correct.

MR. ROGLIANO: Provide 35, regardless, healthy trees, if that’s the --

MR. NEMECEK: 6 to 8 feet.

MS. UHLE: Also, just to clarify so that everyone is clear, there are some of the Arborvitae -- of course Mr. Dubak objects to the ones that he can see, and you’re right,
EASTCHESTER PLANNING BOARD - 5/26/16

removing it --
MS. UHLE: You just have to replace the unhealthy plants.

MR. ROGLIANO: The last five trees that were planted, were obviously the best. So if I have to remove, say, 10 in a row, I'm not going to remove those five healthy green in a row just to make them all 6 to 7 footers, unless -- that's what I'm asking. Unless you guys are telling me that I have to.

MR. NEMECEK: I think that's what we're telling you.

THE CHAIRMAN: We are. They have to be what's on the plan.

MR. ROGLIANO: So the healthy trees you guys want me to cut down is what you're saying?

MS. UHLE: If they're healthy and you could still transplant them, I think --

MR. ROGLIANO: I mean, they're not going to be transplanted. If you guys want them down, you want them all 6 to 7's, they're going to be 6 to 7's.

MR. NEMECEK: They're must bigger than

DINA M. MORGAN, REPORTER

EASTCHESTER PLANNING BOARD - 5/26/16

California Road, if they're not shown on the plan and you did that just to supplement the landscaping, the board is saying they still want those to be removed as well if they are unhealthy.

MR. ROGLIANO: But I don't have to replace those ones?

MS. UHLE: That's correct, you don't have to replace those. Just in accordance with the plan.

MR. ROGLIANO: I just did it, and that's the little confusion, because there are a lot of additional trees.

THE CHAIRMAN: We're going back to the approved plans. You got to do what's on the approved plans.

MR. TUDISCO: I think you're going to need to make a formal vote.

MS. UHLE: We haven't gotten there yet.

MR. NEMECEK: One other contingency.

If there's a healthy 14 foot that is in addition to the 35 6 to 8's that are required and it's gratuitous and you don't feel like

DINA M. MORGAN, REPORTER
MR. ROGLIANO: So that's why.

MR. NEMECEK: Okay.

THE CHAIRMAN: Just go back so it's clear, you said there's healthy trees that were put up there and I just told you you have to remove them; where are they?

MR. ROGLIANO: I think majority of them are healthy, but I know the five last ones on the end of the property -- looking at the wall, looking at the retaining wall, on the far left?

MR. ROGLIANO: Far left.

THE CHAIRMAN: The very end?

MR. NEMECEK: Yes. There are about 7 or 12 that are pristine. Pristine, pristine.

But again, in the middle section if I have to plant 6 to 7 footers, you're telling me I have to take out even healthy ones, so that's what I'll do.

MR. NEMECEK: If it mattered, if you literally could spray paint --

MR. PULASKI: Why are we spending so much time on this?

MR. WEST: Because we love trees, Rob,

DINA M. MORGAN, REPORTER

---

it was appropriate simply to make it very clear to Mr. Dubak that this would be on the agenda, but I did not think it was necessary to notify neighbors within a 200 foot radius with regard to this issue? So if you could indicate that -- you can waive a formal public hearing on this.

MR. NEMECEK: We have to vote on it or just a make statement?

MS. UHLE: You vote on it.

THE CHAIRMAN: I make a motion to state that a public hearing on this open to the public was not necessary for this application.

MR. NEMECEK: Make a motion to approve that statement.

THE CHAIRMAN: Make a motion to waive the need for a public hearing for this application.

MR. NEMECEK: Second.

THE CHAIRMAN: All in favor.

(All aye.)

THE CHAIRMAN: Now, as far as the motion for this, we're going to give two options of which the contractor could apply for

DINA M. MORGAN, REPORTER
EASTCHESTER PLANNING BOARD - 5/26/16

or agree to do either one?

MS. UHLE: Yes. Option one is --

THE CHAIRMAN: Leave the five, replace
the rest.

MS. UHLE: With the 6 to 7 feet.

THE CHAIRMAN: It's on the drawings.

MS. UHLE: Or to leave the five and
replace the rest with 12 to 14 feet as long as
they're healthy. Those are basically your two
options.

THE CHAIRMAN: Or replace the others;
or the third option is just remove everything;
right?

MS. UHLE: Yes. I think Luigi is
clear; right?

THE CHAIRMAN: All right. So those
are the three options. We're going to make a
motion to approve those, and whichever those
three is suitable for you, we're okay with all
of them. Margaret has it written. Just to be
clear again, run through them one more time.

MS. UHLE: Okay. One option is to
leave the five healthy 12 to 14 feet and
replace the others with healthy 6 to 7 feet.

DINA M. MORGAN, REPORTER

EASTCHESTER PLANNING BOARD - 5/26/16

The second option is to leave the five healthy
12 to 14 footers and replace the others with
healthy 12 to 14 footers. The third option is
to replace them all with healthy 6 to 7 feet.

THE CHAIRMAN: Actually, the second
option we said was if there are any other
healthy ones in between they could remove and
replace those also.

MS. UHLE: Just to make sure they are
all healthy. That's what it boils down to, all
healthy.

MR. PULASKI: I would not get into
that distinction which ones are healthy and
which are not. There are five, though, that
Margaret is talking about and the neighbor is
talking about that are over on the west side of
the property, they're all on the west side of
the property nearest the west side by the shed.

Those are the five.

THE CHAIRMAN: Make a motion to
approve the application with the three options
which Margaret has just presented --

MR. NEMECEK: With the one caveat that
you do not have to put any more than the amount

DINA M. MORGAN, REPORTER
EASTCHESTER PLANNING BOARD - 5/26/16

interrupt you for one minute? Did you submit anything to the board?

MR. SENOR: I didn't submit anything.

MS. UHLE: I don't think they have the part two in front of them, and I think that request was more to basically summarize -- it was a suggestion to look at the part two but really to provide a written summary to the board explaining what the potential environmental impact would be so that they would be in a position to make a SEQRA determination. Again, as I said at the meeting a couple of months ago, I don't think it's extensive but it's at least a cover letter outlining some of those issues, and I don't believe anything was submitted to the board regarding those issues since you submitted a couple of months ago. Because they don't have the part two in front of them at this point, I'm not sure going point by point is going to make much sense to them. So I just wanted to point that out.

THE CHAIRMAN: Just for the record, can someone at least state what some of those are?

DINA M. MORGAN, REPORTER

EASTCHESTER PLANNING BOARD - 5/26/16

points are so we know when you come back what --

MR. SENOR: The main -- I can go around -- the main -- basically this property is in an R-10 zone, and we want to develop to an R-5 zone. So basically we need variances for our effective square, our lot areas, our side yard setbacks, and things like that.

We also have a variance on the road because we can't maintain a property line radius at this corner because we don't own the property past the corner, which is a square corner now. So we need a variance for that.

We also show a radius of cul-de-sac at 50 as opposed to 55. But mostly it's just for lot areas and effective squares for the building.

MS. UHLE: Just -- can I interrupt?

Applicants for this type of application are required to submit a part one of an Environmental Assessment Form, which is included in your package, which gives you some information about the site. Then part two is something that technically the board or the lead agency looks at to make its determination.

DINA M. MORGAN, REPORTER

EASTCHESTER PLANNING BOARD - 5/26/16

with regard to whether there's potential significant environmental impact.

So some of those questions -- for example, one of them, will the proposed action result in an increase in the potential for erosion, flooding, or drainage problems. So I guess my intent was for you to say, we've met with our engineer, we've done deep hole tests, we know that the soil conditions are proper, that there is not a high water table, we're going to be directing drainage into the street drain. So those are the kinds of things that I think I was anticipating. Again, not to make it more complicated than it needs to be, but how are handling sanitary sewer; is there capacity in the street; is there any potential for flooding problems; or have you met with our engineer to evaluate. Even though this is subdivision approval, that's one of the requirements is to do the deep hole test.

You're creating a new roadway, are there any potential issues with regard to site distances. That's the kind of issue. The variances the board is aware of and the Zoning Board will be evaluating that.

I think with regard to the analysis about, say, consistency with the character of the neighborhood, you know, is there a map that shows all of the -- where we can readily see that all the lots that are colored yellow are the same size and ours are that way. I think it's kind of a simple analysis, but it's an analysis that just provides the board with readily digestible information.

MR. SENOR: Well, I mean our view was, and I think we've been going on this premises, that we have to go through the zoning requirements and that whole procedure at the time we come back. If we don't get any of the variances, then there's no point in doing all of that other, what we say, expensive work, of doing the deep test pits, of meeting with all the different representatives from the utility companies and the water company.

Generally, you know, the sewer, there is sewer in the street. It is available to us. There is water in the street. It is available to us. We never have found that as a problem.

DINA M. MORGAN, REPORTER
EASTCHESTER PLANNING BOARD - 5/26/16

in any of the subdivisions that we’ve done
where there not the capacity on an existing
service, and if there was, we would propose a
new one.
As far as ground water is concerned,
you know, our site is relatively flat. In the
full depth of the property we’re only going up
about 8 feet in height difference. So we’re
not very steep. We thought that this was
sufficient for the character of the
neighborhood, which we show all the lots in the
surrounding area, the lot areas, the
topography. We didn’t want to go and spend a
huge amount of the client’s money to find out
that we couldn’t get any variances. We talked
about that last year.

MS. UHLE: We did, and last year I
indicated that, unfortunately, SEQRA requires
that the Zoning Board cannot make a
determination until the lead agency makes a
determination with regard to SEQRA. So they
have to adopt a Negative Declaration. As I
indicated to you at the last meeting and I
think in previous conversations, there is just

DINA M. MORGAN, REPORTER

EASTCHESTER PLANNING BOARD - 5/26/16

a basic level of environmental review that’s
necessary in order for the board to get to that
position. I mean, a deep hole is test is
required as part of the subdivision approval
process for them to be able to say, we’re
satisfied the drainage conditions can be -- I
guess I’m still kind of confused. To me, it
doesn’t seem like you submitted anything new
since the first time you came before the board,
and at that meeting we had talked about
providing some additional information in
writing to the board that just addressed pretty
basic environmental conditions.
The problem that the board is going to
have is they can’t refer you to -- the Zoning
Board can’t make a determination with regard to
the variances until they’ve adopted a Negative
Declaration. So I think to say, we’re just not
going to take the time to evaluate whether
there are proper site distances at the entrance
to the cul-de-sac or we’re not even going to
consider drainage until we get our variances,
they’re very interrelated. I think the Zoning
Board is going to need to know some of that

DINA M. MORGAN, REPORTER
EASTCHESTER PLANNING BOARD - 5/26/16

Drainage problems so what's a big deal, but I don't think an applicant just saying, yes, we're going to take care of that and just something as simple as saying we're going to balance the impervious surface or there's not going to be that much of a difference, we're just taking your word standing up there and talking about it now. To me, most of these things are fairly easy to summarize and to explain to the board in writing, you know, to say these are the potential things that you would be concerned about and this is why we believe as an applicant you don't need to be concerned about this them and then provide something to back that up. To me, that's just standard practice as part of this review process.

THE CHAIRMAN: Right. So that being said, once that's presented and if we are agreeable to it, we could adopt -- MS. UHLE: The Negative Declaration. Then it goes to the Zoning Board.

THE CHAIRMAN: Then it comes back here.

DINA M. MORGAN, REPORTER

EASTCHESTER PLANNING BOARD - 5/26/16

Ms. UHLE: Then you look at things in much more detail.

THE CHAIRMAN: Then we look at storm water management and gallons and flows and all of the waste water and everything else. That's when we make sure everything is good.

MS. UHLE: Then you're looking at it just more site specifically and in more detail. I think you want to have some kind of evidence that you don't believe there will be any potential problems related to drainage or that, you know, it's not currently a forested property where you're going to be depleting so much of the green space on it. Again, to me -- I'm sounding like I'm asking for a lot, I thinking I'm asking -- you're essentially asking for a memorandum addressing the issues.

THE CHAIRMAN: So that's what we're asking.

MS. UHLE: But I also think with regard to trying to make an argument that the lot sizes are consistent, you're going to have to do this for the Zoning Board any way, if you're telling me that those five to seven thousand square feet so they could see immediately the entire neighborhood is yellow. But just you saying, yes, it's consistent because I have a map with some lots on it, short of them having to read every single lot area, I just think there are simple ways that you can illustrate this information.

THE CHAIRMAN: Right, because in the end I think from our point of view I think all the technical issues can be addressed but the character of the neighborhood is something that is somewhat subjective and that's the one that we usually hang up on, are we changing the character of the neighborhood. So anything you have would certainly help us agree with you.

MR. SENOR: We were thinking that was for the Zoning Board, but --

MS. UHLE: And again, I'm not trying to be adversarial here or anything, but I'm just confused because I feel like I made these very same comments three months ago or two

DINA M. MORGAN, REPORTER

EASTCHESTER PLANNING BOARD - 5/26/16

Two months ago. I have transcripts. I'm certain that I did. Also, in an e-mail that I wrote, I explained what, you know, as was discussed at the last Planning Board meeting it was recommended the applicant compare an analysis of lot sizes, provide basic information for regarding storm water management, sanitary sewers, traffic, etcetera. So that's the same e-mail that mentioned going over the part two -- the comments in the part two EAF. I think I would anticipate that those would be in writing and meaningful to the application.

THE CHAIRMAN: It gives us an opportunity to review it before you come back and sort of ask questions that help us make the determination and allows you to go to the Zoning Board.

MR. NEMECEK: And it creates a better record as well.

THE CHAIRMAN: So if you could do that and come back in June, that would be good, and if you're not back in June, it's not until September.

MR. SENOR: All right.

DINA M. MORGAN, REPORTER
EASTCHESTER PLANNING BOARD - 5/26/16

THE CHAIRMAN: Thank you. Next
application is --

MR. TUDISCO: Mr. Chairman, that
application is adjourned, the public hearing is
still not open?

THE CHAIRMAN: Yes. This is
preliminary, correct.

Next application is 16-23, 183 Beech
Street.

MR. MAIORANO: Good evening, board
members. My name is Adamo Maiorano from
Community Designs on behalf of the applicant,
Peter Albano. We are proposing a three lot
subdivision at 183 Beech Street.

The current lot as it stands there is
an existing residence with walkways and
driveway, adjacent it's a hundred foot by just
a bit over a hundred foot in length. Adjacent
to that is two 25 foot wide lots.

What we are proposing -- so basically
the existing site does currently have roughly
3300 square feet of impervious surfaces that,
to we know, doesn't have any known drainage
facilities.

DINA M. MORGAN, REPORTER

---

EASTCHESTER PLANNING BOARD - 5/26/16

What we are proposing. Now, the three
proposed lots will comply with all zoning
requirements. We did do deep hole and
percolation tests to check the soil and to see
if we can adequately drain what we are
proposing. Roughly, we did a calculation based
on 2500 square foot of each lot having
impervious surface. What is permitted is
roughly around 2700. What we have proposed
here is between 23 and 2400 square foot
impervious surface. We are adding CULTEC units
to capture a hundred percent of the water
runoff at each proposed lot.

MR. NEMECEK: What did you say the
difference in the impervious surface from
existing to proposed is?

MR. MAIORANO: Existing is around
3300, which obviously we don't think there's
any drainage going on right now. What we have
calculated for, I guess if you want to count
all three lots around 7500, it would be more
around 7200 in bulk, but we are going to
capture a hundred percent of that on site with
drainage CULTEC units at each lot.

DINA M. MORGAN, REPORTER
EASTCHESTER PLANNING BOARD - 5/26/16

have any observations. So this has to be a
public hearing. So let's open this to the

MS. UHLE: I'm sorry, I had to step
out for a minute because of the other
application. Did you indicate that Mr. Cermele
provided comment?

MR. MAIORANO: Yes.

MS. UHLE: You went over that. Thank
you.

THE CHAIRMAN: So then I make a motion
to open the public hearing on Application
16-23 --

MR. NEMECEK: Second.
THE CHAIRMAN: -- 183 Beech Street.
MR. NEMECEK: Second.
THE CHAIRMAN: All in favor.
(All aye.)
THE CHAIRMAN: Public?
(No comments.)
THE CHAIRMAN: So I'm going to close,
we're going to vote, and that's it.

MR. NEMECEK: Did we have to hear from
Mr. Cermele?

DINA M. MORGAN, REPORTER

EASTCHESTER PLANNING BOARD - 5/26/16

the application back in April. We had a number
of comments, majority of which were addressed
for the purposes of subdivision. We have very
minor details to work out with final design of
the storm water and some of the utilities. For
the most part, everything has been addressed.
We've witnessed the soil testing performed,
both deep and percolation. There's ample space
on site in the areas that he's showing for
infiltration, so we don't have any concerns
that we won't be able to finalize the design in
the footprints that he shows. Everything else
has been satisfactorily addressed. As I said,
we had maybe a half a dozen very minor
comments, dotting i's and crossing T's, but the
plan is fairly complete at this point.

THE CHAIRMAN: Since you're up, where
is ground water relative to grade and where are
the CULTECs?

MR. CERMELE: I believe in every test
hole that we did, there was no ground water
found in any of them, and we went as far as 8
feet deep.

THE CHAIRMAN: So you're way above

DINA M. MORGAN, REPORTER

EASTCHESTER PLANNING BOARD - 5/26/16

that with the CULTECs.

MR. CERMELE: We have plenty of room
for the system to be designed.

THE CHAIRMAN: That's unusual for this
town. Great. Thank you.

MR. NEMECEK: Especially Bronxville
Manor. We had some real issues with the
Deerfield properties years ago.

MR. CERMELE: He did six holes
throughout the site front and rear of each of
the proposed homes, and they were all suitable.

THE CHAIRMAN: Is it a different soil
type than other places?

MR. CERMELE: Yes, obviously.

THE CHAIRMAN: Great. Thank you.

MR. CERMELE: Everything is fine.

THE CHAIRMAN: Comments from the
public? That's you.

MS. UHLE: Sure. Yes.
THE CHAIRMAN: Please.
MR. SLOVENKO: My only comment is not
so much --

MR. NEMECEK: If you could --

MR. SLOVENKO: Oh, I'm sorry.

DINA M. MORGAN, REPORTER
MR. NEMECEK: We have a substantial viewing audience at home, and they all want to know who you are.
MR. SLOVENKO: Excuse me.
MR. NEMECEK: We have a substantial audience.
MR. SLOVENKO: I don’t want to hurt your ratings.
MR. NEMECEK: After this is over, they’re going to watch the NBA semifinals but not unless this is over.
MR. SLOVENKO: I was actually on Anderson Cooper and not a soul ever saw it. If this does it, then you really have pull.
MR. NEMECEK: Here’s your moment. Announce yourself to the world.
MR. SLOVENKO: Okay. I’m Glenn Slovenko. I’m known as Richard. I’m just down the street at 200 Beech. My comment isn’t so much about the development but the impact related with it, which is that this is a very popular cut through in the morning and in the evening. As a matter of fact, I counted it with a motion webcam, we get over 400 cars a day and often of high speed and we’re adding more homes that are backing out of driveways. Beech is the big avenue. So I just want you to be sensitive.
Another thing, Mr. Pulaski’s comment is well put, I didn’t think about it, but he is about right it is similar to the houses in the area. The problem is that like some people have gone to even putting out the little kid, green kid with the flag way out into the middle of the street because I assume the first tier efforts didn’t work. This is an area especially with the density of young families that are in there now, it kind of turned over in the neighborhood, I’m the old guy, so a lot of young kids and so forth and there’s a lot of heavy traffic and this Beech Street is like the main thoroughfare which that should be at least in your thoughts as you go forward with this. That was my comment.
THE CHAIRMAN: Thank you.
MR. NEMECEK: Thank you.
THE CHAIRMAN: So I’m going to re-close the public hearing now. So I make a motion to approve --
MR. PULASKI: Before we do that, just in response to the resident’s comment, the lot size permits this development, and the traffic, it’s a real issue, it’s all over the place, and I think that has to be solved some other ways, but legally that is a lot that can be subdivided and three houses can be put on it. Unless there is something that I can’t think of describing at this meeting, we’re held to that. MR. SLOVENKO: I’m trying to indicate it’s in an area where there is impact right now.
MR. MAIORANO: The owner is here so he could try and do everything in his possible way to try to minimize the interruption.
MR. NEMECEK: It’s a straight-away that happens to connect part of the town to some of the schools. So I think it’s naturally going to attract a healthy amount of traffic, and short of the Highway Department putting in some sort of impediments, I don’t think the little green kid holding a flag is going to slow too many people down.
But that said, we’re talking about a subdivision and contemplated building of two additional units, two additional homes, which, in the big scheme of things, I would be hard pressed to think would have a huge impact. Certainly it will have an impact; probably a very small impact. I think that’s what the comments were addressed to, it’s crowded already.
MS. UHLE: Just before you move on to a vote for this, you will have to adopt a Negative Declaration. I would just like to point out that in this particular application, the applicant very clearly identified trees that existed, trees to be removed, met with the
EASTCHESTER PLANNING BOARD - 5/26/16

1. engineer to do the soil tests, indicated, you
   2. 'now, that there's sufficient pipes that are
   3. proposed for sanitary sewer and water and that
   4. kind of thing. Again, it's not rocket science
   5. but those issues were addressed.
   6. MR. MAIORANO: I did bring the plans
   7. to Hector DiLeo at the Highway Department and
   8. there is one town tree, it's a pine in the
   9. front, that we are removing, and he was okay
   10. with the pine tree coming down.
   11. MR. PULaskI: You have a very large
   12. one to the left of the property, left parcel;
   13. no?
   15. MR. PULaskI: Must be like a 4 foot
   16. diameter. It's got multiple trunks to it.
   17. THE CHAIRMAN: Is that one remaining?
   18. MR. PULaskI: This is all the way to
   19. the north.
   20. MR. NEMECEK: It's near the road.
   21. MR. PULaskI: It's near the road.
   22. It's got limbs that stretch out for 50 feet in
   23. all directions.
   24. THE CHAIRMAN: It's a scary looking
   25. DINA M. MORGAN, REPORTER

DINA M. MORGAN, REPORTER

EASTCHESTER PLANNING BOARD - 5/26/16

1. tree on the north most side.
   2. MS. UHLE: I think it may not be on
   3. your property.
   4. MR. MAIORANO: Yes, he's right, it's
   5. the one you see in the picture right there in
   6. the middle.
   7. THE CHAIRMAN: So --
   8. MS. UHLE: Make a motion to adopt a
   9. Negative Declaration.
10. THE CHAIRMAN: So I make a motion to
11. adopt a Negative Declaration for Application
12. 16-23, 183 Beech Street.
14. THE CHAIRMAN: All in favor.
15. (All aye.)
16. THE CHAIRMAN: I make another motion
17. to approve Application 16-23 for a minor
18. subdivision at 183 Beech Street.
19. MR. PULaskI: Second.
20. THE CHAIRMAN: All in favor.
21. (All aye.)
22. THE CHAIRMAN: Great. Thank you.
23. MR. MAIORANO: Thank you.
24. THE CHAIRMAN: Next application is
25. DINA M. MORGAN, REPORTER

EASTCHESTER PLANNING BOARD - 5/26/16

1. 16-04, 33 Orchard Street.
2. MR. MAIORANO: Good evening, board
3. members, Adamo Maiorano my from Community
4. Designs on behalf of the applicant and owner,
5. Karen Fox.
6. We are proposing a two and a half
7. story side addition to the existing residence.
8. We did get Zoning Board approval for the
9. variances. In the addition, the basement floor
10. is going to be a two car garage; first floor
11. additional living space; and second floor
12. master bedroom and bath.
13. MR. NEMECEK: I'm sorry, I don't have
14. this. Which --
15. MR. MAIORANO: 33 Orchard Street.
16. MR. WEST: I don't have it either.
17. THE CHAIRMAN: It's from last time.
18. You guys weren't there.
19. MR. MAIORANO: It was on last month's
20. agenda. We were here.
21. MR. NEMECEK: I'll follow along here.
22. Thank you, Michael.
23. MR. MAIORANO: So basically we're
24. going to do all new materials throughout the
25. DINA M. MORGAN, REPORTER

EASTCHESTER PLANNING BOARD - 5/26/16

1. house. The exterior siding is going to be a
2. HardiePlank siding, AZEK white soffits and
3. vents, as well as the detailing brackets.
4. We're going to have an entirely new asphalt
5. shingle roof, it's going to be a charcoal
6. color. We're going to have new Andersen double
7. hung windows throughout.
8. As far as the Architectural Review
9. Board, they did have two comments: Try to
10. minimize the appearance of the foundation wall
11. in the front elevation on the left-hand side.
12. So what we did was we raised the grade about 8
13. inches to minimize that stucco wall of the
14. foundation. There will be new planting in
15. front of that as well.
16. The other comment -- I'm sorry -- was
17. the tree on the -- on the town property. So I
18. did meet with Hector DiLeo on site and he did
19. give the approval to remove the existing oak
20. tree and replace it with a 3 to 4 inch caliber
21. red cherry tree or oak tree in place of that
22. existing tree. It will be healthy, free of
23. defects.
24. MR. NEMECEK: And that will be planted
25. DINA M. MORGAN, REPORTER
MR. MAIORANO: It is on the town property, yes. Basically the street-scape of what the road would look like.

Any comments, we would happy to address them. These are the materials, colors, and I have a sample of the Unilock retaining wall proposed on the adjacent sides of the garage.

MR. NEMECEK: When you said in response to the Architectural Review Board's comments you raised the grade by about 8 inches you said --

MR. MAIORANO: Exactly.

MR. NEMECEK: Did you also have to raise the height of the retaining wall?

MR. MAIORANO: We did, about 8 inches.

MR. NEMECEK: I'm sorry, did you say you had to obtain certain variances?

MR. MAIORANO: Yes, we did. There's an existing front yard setback that's non-conforming of the existing residence, so the proposed addition needed a front yard setback, as well as the driveway, and the front
dinamorgan, reporter

portico on the existing house did exceed the front yard setback, obviously not for -- aesthetic reasons and sheltering the front door to tie in the front elevation.

MR. NEMECEK: The variances are largely related to existing non-conformities?

MR. MAIORANO: Exactly, yes.

Mr. PULASKI: And the peak of your roof is now higher?

MR. MAIORANO: No. We're going to drop down the addition, but the peak is going to stay the same. We're going to put new -- obviously change the materials on the existing house, new siding.

MR. PULASKI: I was just trying to understand that the lower right-hand corner elevation.

MR. MAIORANO: This is an existing gable.

MR. PULASKI: Okay. I couldn't read the fine print. All right.

MR. MAIORANO: You can't see the addition there. It's about 6 inches lower than the ridge, existing ridge.

dinamorgan, reporter

MR. PULASKI: All right. Looks fine to me. We have to open the public hearing.

MR. NEMECEK: Any other questions from the --

THE CHAIRMAN: Yes, just one question.

So the grade at the driveway is I guess called out here as 218 or it slopes down?

MR. MAIORANO: So we're going to be collecting -- there's going to be a trench drain in front of the garage and we're going to collect all the added impervious surface into CULTEC units in the rear of the property. So it will slope up a bit up until the property line, and then all of the impervious surface as far as the driveway slopes towards the garage door into the trench drain to the CULTEC units.

THE CHAIRMAN: So I'm just trying to understand the grade of the adjacent -- across the property line; is it about the same?

MR. MAIORANO: It's fairly flat.

THE CHAIRMAN: Looking at the elevation, it seems like the street slopes a little bit.

MR. MAIORANO: The street does, and

dinamorgan, reporter
EASTCHESTER PLANNING BOARD - 5/26/16

(No comments.)

THE CHAIRMAN: Make a motion to close the public hearing on Application 16-04, 33 Orchard.

MR. PULASKI: Second.

THE CHAIRMAN: All in favor.

(A ll aye.)

THE CHAIRMAN: Okay. I think it's a handsome house. It will be a nice addition to the neighborhood.

MR. MAIORANO: Thank you.

THE CHAIRMAN: With that, I make a motion to approve Application 16-04, 33 Orchard.

MR. PULASKI: Second.

THE CHAIRMAN: All in favor.

(A ll aye.)

THE CHAIRMAN: Great. Thank you.

MR. MAIORANO: Thank you very much.

THE CHAIRMAN: Next application is also from the last public hearing and it's 16-15, 9 Innisfree Place.

MR. DEMASI: Good evening. My name is Lou Demasi, I'm the architect on behalf of the

DINA M. MORGAN, REPORTER

EASTCHESTER PLANNING BOARD - 5/26/16

applicant, John Jennings. He's here tonight in the audience with me.

John just purchased the property a couple of months ago, and what we're looking to do is take this old 1950's style house and update it to a more modern look. The existing house has some brown shingles that are in disrepair. We're looking to change the whole look of the house, give it an updated look, like I said, change all the windows, change the siding, change the roofing.

Some pictures of the adjacent neighborhoods, and I also have a street-scape to show you. There are some nice looking houses in the neighborhood and I think this addition will compliment the neighborhood.

The Architectural Review Board had asked me to prepare a street-scape. It's a little difficult to see. This is in a cul-de-sac. So I did my best to take the existing two structures on either side and kind of superimpose what it would look like on a flat facade. The height, we're not raising the height. I have another diagram to show you.

DINA M. MORGAN, REPORTER
1 EASTCHESTER PLANNING BOARD - 5/26/16
2 the rendering?
3 MR. DEMASI: The street-scape.
4 THE CHAIRMAN: Yes. That's the best
5 to see colors. Oh, you didn't put any colors
6 on there. Okay.
7 MR. NEMECEK: Do you have any samples
8 for us?
9 MR. DEMASI: I'm sorry.
10 MR. NEMECEK: Any samples?
11 MR. DEMASI: I did not bring them. I
12 brought them to the Architectural Review Board.
13 They approved everything. It's HardiePlank
14 siding, white AZEK, all the normal stuff.
15 MR. NEMECEK: Did the Architectural
16 Review Board have any comments as to the
17 design?
18 MR. DEMASI: No, none to the design.
19 They just had asked me to provide a
20 street-scape to get a better understanding of
21 the neighborhood, to dot in where the existing
22 building was to get a reference, and pick a
23 light fixture, which we did. I could show you
24 that. Just a standard light fixture that we're
25 going to put on the front door and on the side

DINA M. MORGAN, REPORTER

1 EASTCHESTER PLANNING BOARD - 5/26/16
2 of the garage doors, which I had drawn into the
3 plan. A fixture here, a fixture here and here.
4 Every place with a door, what's required by
5 code basically. Also, I think two is enough on
6 this side to compliment and to give some light
7 and some accent to the side elevation.
8 THE CHAIRMAN: What's the stone at the
9 chimney and the base; what's the -- it's just
10 natural different colors?
11 MR. DEMASI: Natural, yes. It's
12 Connecticut stone. It's got some grayish --
13 there's no pinks or any kind of hues to it like
14 that.
15 THE CHAIRMAN: But is it consistent or
16 is it graduated?
17 MR. DEMASI: It's consistent. It's
18 like a gray color, yes.
19 THE CHAIRMAN: It's not different
20 stone colors --
21 MR. DEMASI: Yes.
22 THE CHAIRMAN: It's one typical color.
23 What's the cap on the chimney?
24 MR. DEMASI: The cap on the chimney?
25 THE CHAIRMAN: Yes.

DINA M. MORGAN, REPORTER

1 EASTCHESTER PLANNING BOARD - 5/26/16
2 MR. DEMASI: It's going to be --
3 THE CHAIRMAN: It's going to be stone?
4 MR. DEMASI: Flagstone in a gray color
5 to compliment it, yes.
6 THE CHAIRMAN: You said the fascias
7 are all --
8 MR. DEMASI: The AZEK white.
9 THE CHAIRMAN: AZEK. What about on
10 top of the gables, it sort or shows a little
11 bit of texture there, what is that going to be?
12 MR. DEMASI: The texture is just to
13 give -- they call this a fish scale or kind of
14 a scalloped siding.
15 THE CHAIRMAN: Right. And on top of
16 the dormers?
17 MR. DEMASI: Here?
18 THE CHAIRMAN: The dormers in the
19 middle.
20 MR. DEMASI: No, the dormers are just
21 AZEK. It's just a white -- there is no texture
22 to it. The way it reads it's a crown molding,
23 then you have a break, and this part is all
24 AZEK.
25 THE CHAIRMAN: So it's just molding

DINA M. MORGAN, REPORTER

1 EASTCHESTER PLANNING BOARD - 5/26/16
2 that we're looking at?
3 MR. DEMASI: Just molding, yes.
4 THE CHAIRMAN: Okay. We have to open
5 the public hearing.
6 MR. NEMECEK: I had a couple more
7 questions. Are you changing the footprint of
8 the house at all?
9 MR. DEMASI: We are changing the
10 footprint by adding a third bay.
11 MR. NEMECEK: Let me see that.
12 MR. DEMASI: Right here. Right now
13 it's a two car garage this way. We're changing
14 it to one, two, and three. We did add about
15 144 square feet to the footprint.
16 MR. NEMECEK: To the footprint?
17 MR. DEMASI: Overall we're adding
18 about 1300 square feet.
19 MR. NEMECEK: But most of that is on
20 the upper floor?
21 MR. DEMASI: Correct. Just filling in
22 some of the gables.
23 MR. NEMECEK: And how about the
24 impervious surface, what is the differential
25 between the existing and the proposed?

DINA M. MORGAN, REPORTER
EASTCHESTER PLANNING BOARD - 5/26/16

MR. DEMASI: The impervious surface right now is 3173, and we're adding -- it's going to be 48, so it's about --

MR. NEMECEK: About 50 percent more.

MR. DEMASI: I'm sorry.

MR. NEMECEK: About 50 percent more, but it's within the acceptable limits?

MR. DEMASI: Yes, it's within our coverage. It's actually a lot less. I mean, the parcel is fairly big. We're allowed 74 actually.

MR. NEMECEK: And whatever impervious surface you're creating, you're addressing that with your --

MR. DEMASI: CULTECs.

MR. NEMECEK: -- CULTECs. Okay.

THE CHAIRMAN: The site plan shows AC units or condensers in the back.

MR. DEMASI: Yes. Since I had upgraded this and added the CULTECs here, your site plan does not show that, but I do have on this plan a future location for a generator and two AC units that are going to be screened with some shrubs.

DINA M. MORGAN, REPORTER

EASTCHESTER PLANNING BOARD - 5/26/16

MS. UHLE: It does show on our plan.

MR. DEMASI: Sorry.

MS. UHLE: They're on our plan as well.

MR. DEMASI: Oh, it is. Good.

THE CHAIRMAN: So just in general, you screen the AC units and the generator doesn't get screened, I guess?

MR. DEMASI: Doesn't --

THE CHAIRMAN: Doesn't get screened?

We rarely have generators, I mean, you just leave them there? When they run, it's not for very long or it's intermittent, so they don't need to be screened just in general I guess?

MR. DEMASI: Okay.

MS. UHLE: I think your question is, are they proposing to screen.

THE CHAIRMAN: What do we do with generators?

MS. UHLE: Personally, with AC units and a generator with such a deep back yard, I don't think it really matters whether they choose to screen them or not. I think that's up to the applicant. I think typically with

DINA M. MORGAN, REPORTER
is John Iannacito, I'm an architect, and I'm representing Mr. and Mrs. William McCarthy this evening, the owners of the subject property. We are proposing additions and alterations to the existing single family residence located at 41 Rose Avenue.

The proposed scope of work will include a two story addition at the front of the existing residence, construction of a new entry portico at the front, and site alterations including the removal of paved areas on the side and the rear of the property, which will result in a decrease to the net coverage on the property.

Quickly go through the floor plans. The first floor with the addition at the front which will include expansion of the existing dining room and expansion of the existing entrance hall, and the addition on the second floor which will include expansion of the existing master suite, bedroom, sitting room, and bathroom.

The elevations. Front elevation, the two story addition with the new portico as

DINA M. MORGAN, REPORTER

viewed from the left side, the two story addition and the side view of the portico. At the rear, you'll only see the backside of the roof at the two story addition, and then the right side the two story addition side view of the portico.

Photo of the existing house showing the existing materials. On the proposed materials, we will be matching all the existing. So the siding will be vinyl siding to match existing, the roof surfaces will be asphalt to match existing, windows will be vinyl clad in a white finish to match existing, and the trim boards will be painted AZEK to match existing.

This application was presented to the Zoning Board and two area variances were granted on April 12th, 2016. The first was for a front yard setback to the principal building, which was deficient by 6.2 feet, and the second was for a front yard setback to the proposed portico, which was deficient by 4.5 feet.

The application was also presented to the Architectural Review Board on May 5th,

DINA M. MORGAN, REPORTER
MR. NEMECEK: Second.

THE CHAIRMAN: All in favor.

(All aye.)

MR. NEMECEK: Looks like a very nice addition you have here, and I think it's a nice design, and I like the fact that you're decreasing the impervious surface as well.

THE CHAIRMAN: There is no -- when you talk about trees, there's nothing there, it's open, I saw the picture; right? It's just a driveway; right? There's nothing there.

MR. IANNACITO: We'll be moving and relocating some of the existing landscaping in the front but that's about it.

MR. NEMECEK: Is that driveway a shared driveway with the neighbor?

MR. IANNACITO: The property line is right there. They both have 8 feet.

MR. NEMECEK: Yes.

MR. IANNACITO: I guess they might encroach on each other's driveway.

MR. NEMECEK: So there's a stripe painted down the middle?

MR. IANNACITO: I think it's a
dinA m. morgan, reporter

cobblestone divider right down the middle there. There are a few houses in Bronxville Manor like that.

Mr. West: At the furthest point the new front of the house extends how far beyond this overlay here? Did you need a variance from the front of the house to the street?

Mr. Iannacito: We needed the variance for this corner right here and the front portico.

THE CHAIRMAN: Right. So front yard existing is 31.8, 23.8, so the difference is the change. So it's 8 feet.

MR. IANNACITO: 6.2 is the front.

THE CHAIRMAN: Oh, that's all the way back to there.

Ms. Uhle: They're comparing the existing with the proposed. You're comparing the permitted with the proposed. They're two different numbers.

THE CHAIRMAN: Still, you got a variance from Zoning because they're nice guys. We're not that nice, but we will approve the application. So I make a motion to approve.

dinA m. morgan, reporter
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 14th day of June, 2016.

DINA M. MORGAN
Court Reporter

DINA M. MORGAN, REPORTER