TRANSCRIPT OF
TOWN OF EASTCHESTER PLANNING BOARD MEETING
JUNE 23, 2016

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

BOARD MEMBERS IN ATTENDANCE:

CHAIRMAN JAMES RONANNO
ROBERT PULASKI, MEMBER
MARK CUNNINGHAM, MEMBER
PHILIP NEMECZEK, MEMBER

EASTCHESTER EMPLOYEES IN ATTENDANCE:

MARGARET HILL, DIRECTOR OF PLANNING
ROBERT TOBISKO, DEPUTY TOWN ATTORNEY
MICHAEL YERBOW, ASSISTANT PLANNER

Dina M. Morgan, Reporter
21 Colonial Road
Bronxville, New York 10708
(914) 469-0353

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THE CHAIRMAN: This is the town of Eastchester Planning Board meeting of June 23, 2016. If everyone would rise for the Pledge of Allegiance, please.

(Whereupon the Pledge of Allegiance was said.)

THE CHAIRMAN: I’m going to take attendance here. Mr. Phil Nemecek.

MR. NEMECZEK: Present.

THE CHAIRMAN: Robert Pulaski is not in his seat next to me, but he’s on the way and promises to be here in 10 minutes. Jim Bonanno is here. Bill West could not be here tonight.

Mark Cunningham.

MR. CUNNINGHAM: Here. Present.

THE CHAIRMAN: Great. So we’re just going to -- since 504 New Rochelle Road we would like all to be present when we do that, we’re just going to jostle around the agenda a little bit and we’re going to start with 96 Stebbins Avenue, please.

MR. NEMECZEK: With a big grin on his face. He gets to go first.

THE CHAIRMAN: We’re going to get you.

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finish, and the gutters will be aluminum in a
white finish.
The application was presented to the
Architectural Review Board on June 2nd, and it
was approved with one minor recommendation and
that was to move these upper windows closer so
that they would align with the windows below
and we’ve done that.
Thank you for your time, and I’m happy
to answer any questions you have.
MR. NEMECEK: So there’s no change to
the footprint other than the portico perhaps?
MR. IANNACITO: Yes. The little red
pink area is the only expansion as far as on
the ground.
MR. NEMECEK: Okay. In terms of the
impervious surfaces, what is the difference
between what’s existing and what’s proposed?
MR. IANNACITO: The impervious
surfaces are increasing by 450 square feet, and
we will be adding dry wells to capture the
runoff. We’re still below the required. So
the property is a maximum of 2500 square feet
of coverage and we will be at 1811.

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to find out, those pillars at the front
entrance, the color?

MR. IANNACITO: The color?
THE CHAIRMAN: Yes.
MR. IANNACITO: White.
THE CHAIRMAN: They’ll all be white?
MR. IANNACITO: It’s going to be a six
by six post wrapped in AZEK.
THE CHAIRMAN: Got it.
MR. IANNACITO: In white.
THE CHAIRMAN: And the fake balcony on
top, the railing?
MR. IANNACITO: That will be a vinyl
railing.
THE CHAIRMAN: White also?
MR. IANNACITO: Yes, white also.
THE CHAIRMAN: But there’s no access
from inside?
MR. IANNACITO: No access. That room
up there on the second floor is a laundry room.
There will be no access up there.
MR. NEMECEK: There’s no change to the
building height?
MR. IANNACITO: No. The ridge height

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Are the dry wells shown
on the plan?
MR. IANNACITO: Yes. Two right here
on the Beech Street side.
MR. NEMECEK: How about air
conditioning?
MR. IANNACITO: The air conditioning
units will be located in this back corner here,
and there’s a little bit of an indent in the
footprint and the roof of the new second floor
will slide over and it will be supported by a
column and we’re going to squeeze the two air
handlers right in that space within the setback
lines.
MR. NEMECEK: Does it have central air
right now?
MR. IANNACITO: It does not.
MR. NEMECEK: It does not. Will there
be any type of shielding for the air
conditioning units?
MR. IANNACITO: Yes. We’ll plant them
out and landscape them, yes.
THE CHAIRMAN: On the elevation -- can
you just go back, please. I’m always curious

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1
2 the roof there. It's going to shingled?
3
4 MR. IANNACITO: This is all shingle.
5 MR. NEMECEK: Our sizable viewing
6 audience at home needs to be able to hear every
7 comment.
8 MR. IANNACITO: It will be an asphalt
9 shingle to match the rest of the roof.
10 THE CHAIRMAN: It's a very beautiful
11 roof.
12 MR. NEMECEK: Which black was it?
13 MR. IANNACITO: Moire black. It's the
14 top one there I think it is. The dark one.
15 MR. NEMECEK: Yes, I see it.
16 THE CHAIRMAN: Would you like to make
17 comments on this application?
18 MR. NEMECEK: I have no further
19 comments at this point. Open the public
20 hearing?
21 THE CHAIRMAN: We'll let Bob settle
22 in.
23 I'm going to do the public hearing.
24 So I'm going to make a motion to open the
25 public hearing on Application 16-36, 96
26 Stebbins.

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1
2 MR. NEMECEK: Second.
3 THE CHAIRMAN: All in favor.
4 (All aye.)
5 THE CHAIRMAN: Public commentary?
6 (No comments.)
7 THE CHAIRMAN: No. Then I make a
8 motion to close the public hearing on
9 Application 16-36, 96 Stebbins.
10 MR. NEMECEK: Second.
11 THE CHAIRMAN: All in favor.
12 (All aye.)
13 THE CHAIRMAN: Another good job, Mr.
14 Iannacito.
15 MR. IANNACITO: Thank you.
16 THE CHAIRMAN: We're speechless and
17 really don't have very much to say. We
18 appreciate your good work. Next time I think
19 you know they're going to want to line up the
20 windows.
21 MR. NEMECEK: That Architectural
22 Review Board will get you every time.
23 THE CHAIRMAN: That being said, I make
24 a motion to approve Application 16-36, 96
25 Stebbins.

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darkened area is the slight addition that is proposed to the building. The site alterations include a new dumpster location; additional and replaced fencing around the back areas of the property; delineated parking spaces, as there currently are none; landscaping improvements in the various curbed areas, some existing, some to be slightly enlarged. There is a change to the location of the crosswalk per discussions with the town’s traffic consultant and pedestrian safety in mind, and traffic flow is as agreed with ins and out appropriately. Architecturally, this is the proposed look for the building. The existing maintenance garage bay is in this area here, which would be replaced with storefront windows, and the proposed addition is off the back allowing for the roof line to continue in the downward angle. As far as finishes are concerned, it would be a Hardie Board plank siding in the color of heathered moss with Hardie Board trim in antique white and an architectural shingle.

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in a brown color. The darker green metal piece that I handed is that standing seam roof above the front door.

THE CHAIRMAN: You can continue. We'll just pass this around.

MS. MARTIN: Okay. I think that's about all that I could think of to tell you at the moment. I do realize that we've been going back and forth for quite awhile, and I believe this the first time you've seen it since 2013, so if there are any questions, I'm sure I'm forgetting some detail that you would like to hear, but please feel free to ask me.

MR. NEMECEK: Can you just highlight for us the change in the configuration of, let's say, the parking spaces and --

MS. MARTIN: Sure, I would be happy to.

MR. NEMECEK: And the overall use of the property.

MS. MARTIN: Yes. So currently the use of the property is an abandoned maintenance bay and a small convenience store with the gasoline distribution. The proposed use

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removes the maintenance bay and keeps the other functions, enlarging the convenience store function.

As far as the current sight plan is up on the screen here. As you will see, there are no delineated parking spaces. The curbing in this area is not there as it's shown on our proposes plan, there are no designated ins and out of New Rochelle or Hillcrest Road, which is changed in the proposed plan. There is a trailer located behind the building where my pointer is on the screen here. That would be removed and the area of the addition is taking up this particular piece. There will be some site lighting upgrades. So the canopy lights will be replaced with LED lights and site lights will be added at the locations discussed and approved through Zoning and ARB.

Up on the screen now is the proposed site plan that has gone through those approval processes. As you can see, there is some curbing upgrades and landscaping increased areas. The parking spaces are delineated. There is a variance for the number of parking

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spaces that has been granted, as well as for the backup aisle from the parking spaces and their distance to the pumps. Those have both been granted. There is some additional sidewalk in front and around the building to accommodate handicap access from the designated handicapped parking spot, as well as some striping throughout.

MR. NEMECEK: What's the size of the convenience store that exists right now and how does that differ from the proposed --

MS. MARTIN: Currently, the building is 1,735 square feet, and we are proposing an addition of 346 square feet.

MR. NEMECEK: The building is exclusive -- the 1,000 and change that you just mentioned, is that exclusive of the garage?

MS. MARTIN: That includes the garage.

That is the entire square foot of the existing structure.

MR. NEMECEK: Okay. So how much of the existing structure is presently being utilized as a convenience store?

MS. MARTIN: As a convenience store?

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MR. NEMECEK: Yes.
MS. MARTIN: I would approximate a third of it.
MR. NEMECEK: 3 or 400 square feet.
MS. MARTIN: It's 1,700, so I would say it's probably about 600.
MR. NEMECEK: Okay.
THE CHAIRMAN: It's being expanded to the new footprint of a thousand you said?
MR. NEMECEK: 1300 or plus?
MS. MARTIN: 17.
THE CHAIRMAN: 17. The retail items that are going to be offered for sale, typical convenience store items?
MS. MARTIN: Typical convenience store items. Walk-in coolers and freezers with sodas and beverages. In New York there would be alcohol sales, chips, snacks, bottles of water, newspapers, bundles of wood, ice, that sort of thing, as well as the typical automotive items that you would find. Basic household goods for convenience purposes, paper plates, paper towels, you know, small packages of things you might run out of.

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MR. NEMECEK: And how does that differ from what's being sold now?
MS. MARTIN: It would be a larger variety and a larger selection of what's being sold there now just by means of having a larger space. So more variety for customers and our clients.

THE CHAIRMAN: Any prepared foods or warming stations?
MS. MARTIN: Anything that we sell would be pre-prepared off site and brought in site for sale. So there would be no food prep on site, but there are typically buttered rolls and pastries and things of that sort.

THE CHAIRMAN: Food warmers, anything like that or not?
MS. MARTIN: It depends on the location. If there is, it's like a hot dog roller, that kind of thing. Nothing to the extent of preparing food on site. No hoods or anything of that sort.

MS. UHLE: If they proposed any food that required a hood to do the cooking, then they would need to come back to you for special permission.

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as is?

MS. MARTIN: Correct. It is possible that the units themselves might be swapped out for newer models, but it would be for like an upgrade that would be an equipment upgrade as opposed to a renovation.

MR. NEMECZEK: What are the present hours of operation of the gas station as well as the convenience store?

MS. MARTIN: I believe the present hours of operation are 6 a.m. to 11 p.m.

MS. UHLE: That's what I've been told, that 6 to 11 are the current hours.

MS. MARTIN: Based on my services from the operation side. Ideally when we renovate, we do push for a 24 hour operation, but after speaking with Margaret and your police department through Margaret, we understand that's not something feasible in this jurisdiction.

THE CHAIRMAN: And as you said just as far as curb cuts go, there is no real curb cut now.

MS. MARTIN: It's kind of a free for all.

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all at the moment. This would be designating more succinct entrances and exits and cutting down on the free for all.

MR. CUNNINGHAM: Has there been any sort of a study on this from the town for traffic flow here? It seems a lot of congestion to the front. There is one entrance into the building, there is no second form of egress, deliveries come through the front door, the parking to the side, they're backing out, everybody's parked to get gas --

MS. MARTIN: Yes, they're --

MR. CUNNINGHAM: -- Goes inside. It seems like there's a bit of congestion. That's my first reaction after looking at the old layout.

MS. MARTIN: Understood. There's been quite a bit of discussion with the traffic consultant from the town. We've gone back and forth many times, offered many different solutions. This is the one that has been selected through those discussions.

MS. UHLE: I think because it's an existing site, the goal of the Zoning Board, at

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1. shade. So the plan is to maintain and keep that clean.

Additionally, we looked at the hedge along Hillcrest here to make sure that it was not a line of sight issue for cars in and out and that is to be maintained as well. The firm that we used for landscape architecture is also licensed in traffic. So they made sure all of that flowed and worked properly. There is additional plantings shown around the price sign, which is on the corner of New Rochelle and Hillcrest. The sign itself is to remain there. There are no changes to that sign; location, size, content, etcetera.

There is additional landscaping shown here and to be maintained on the property line between the parking and the commercial building on the other side. There was originally some additional landscaping in this area, but that was removed when the condensing units were moved over to that area.

MS. UHLE: Can't you increase the landscaping in that area slightly, though, adjacent to the --

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1. our property to the others. So the wall packs are shown in orange.

As far as what a wall pack is, this particular fixture is a wall pack. So it is a wall mounted fixture, it's affixed to the side of the building and shines light downward. It's mainly for security purposes. There's no overly large amount of light shining outward.

THE CHAIRMAN: So back to the your photometric study.

MS. MARTIN: Yes.

THE CHAIRMAN: So that shows proposed lighting levels?

MS. MARTIN: Correct. So there are eight lights shown within the canopy. The most light would be directly under the canopy itself with some light resonating outward towards the rest of the site. There are four soffit lights within the overhang of the building in the front pointing downward, six wall packs around the building, and then there are three site lights, which are these blue ones shown here. This one here was an additional light added and moved specifically to this location for the

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1. crosswalk and pedestrian safety.

THE CHAIRMAN: So I guess this shows that the lighting as a result is no worse than I guess the green, whatever that measure is?

MS. MARTIN: So the numbers on here are foot candle measurements. So what this is showing is that there is no more than .1 foot candles of light along this particular border, which is the one on the residential side, which is the equivalent of moonlight. So we're not contributing any additional substantial light pollution to that property line, which was important. This is obviously the main road here. So there is a little bit additional light coming out in those locations, but all of the lights are shielded to make sure that we decrease that pollution as much as possible while maintaining safe light levels for operation in the nighttime hours.

THE CHAIRMAN: Just as a reference, .1 light candle you said is along the property line over there?

MS. MARTIN: Back here?

THE CHAIRMAN: Yes.

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MS. MARTIN: The foot candle levels here are 1.

THE CHAIRMAN: So what's a foot candle measurement like right next to a light?

MS. MARTIN: I can zoom in here.

Right next to a wall pack is showing between 4 and -- 4.3 and 5.3. If you have more lights, you know, it increases it. On the center of the site by the canopy, you have in the fifties, forties to fifties.

THE CHAIRMAN: Great.

MS. MARTIN: Something that really shows that well are these black and white images here. So you could see what that light flow looks like throughout the site.

THE CHAIRMAN: So I think Mark's question is: The indoor coolers and freezers, as far as their condensers, they're in the back; right?

MS. MARTIN: They're located on the side of the building.

MS. UHLE: They were originally located in the back and residents that are -- that's closest to the nearest residential

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property, so at the ARB it was recommended that they be moved to the side of the building, which is closer to another commercial property.

THE CHAIRMAN: Okay. Good.

MS. MARTIN: And all of the condenser units would be located together, so that's HVAC as well as refrigeration.

THE CHAIRMAN: As far as operations, deliveries, all the rest of that for the building, are you knowledgeable how that will work; times and all of that, etcetera?

MS. MARTIN: Within reason we're able to restrict deliveries, if necessary. So obviously we have a residential area nearby, so we would restrict to daytime hours when possible. The only one that's harder to dictate when it will be necessary is the gasoline distributions. So when fuel is needed in order for operations to continue, fuel is delivered. But, for the most part, it's box trucks coming in with deliveries, and they can be designated off-peak times, if needed, as well as during daytime hours.

THE CHAIRMAN: We can make that part

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MS. MARTIN: Correct.

THE CHAIRMAN: We'll cover those two when we continue.

MS. MARTIN: We had lots of discussions.

THE CHAIRMAN: I'm sorry.

MS. MARTIN: We had lots of discussions.

THE CHAIRMAN: About the snow removal and everything. What else did you guys discuss?

MS. MARTIN: Let's see, what else.

MS. UHLE: With regard to the traffic?

THE CHAIRMAN: Yes.

MS. UHLE: We have our traffic engineer.

MS. MARTIN: I think that would be best for your consultant to discuss.

THE CHAIRMAN: As far as fuel deliveries, they do them any time of day there now; it's not going to change; right?

MS. MARTIN: They're not set at a particular time of the day. It depends on when fuel is needed.

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MR. NEMECEK: But it will be during the hours of operation; right?

MS. MARTIN: Correct, yes.

THE CHAIRMAN: Just so you know we're going to talk to our traffic engineer first, but as far as fuel deliveries, just as a point of reference, do they schedule them? Like, what happens to the flow of traffic when the truck comes in; how does it get in, how does it get out? Is that something our consultant can answer?

MS. MARTIN: I believe that was discussed. Your consultant discussed that, yes.

THE CHAIRMAN: We'll listen to him. Okay. I think for now that's fine. I think we're going to listen to our traffic consultant now. Thank you.

MS. MARTIN: Sounds good. Thank you.

THE CHAIRMAN: If you would, please.

MR. GREALY: Good evening, Mr. Chairman, members of the board, members of the public. My name is Philip Grealy. I'm a professional engineer with Maser Consulting.

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We had been engaged to review this application back in the fall of 2014 relative to traffic, circulation, additional traffic generation for the facility.

So as part of our review, we did collect existing traffic count data. Some data was available from Westchester County. We did our own traffic counts primarily because of the situation with the operation of the station and the small convenience usage to see what was actually generated at the site today. When you're doing a traffic study, if there wasn't a site here we rely on what's called the Institute of Transportation Engineers. They develop and collect data for different types of uses. One where there's been a lot of data collection is convenience gas operations throughout the country. But in this particular case because it was an operating facility, we did our own traffic counts to see what this site generated today on a peak hour basis. So those counts were done primarily morning commuter hours, afternoon commuter hours.

In general, just to kind of give you a flavor, I mean, the traffic on New Rochelle Road is very heavy, almost 15,000 vehicles per day on that corridor passing this site. During a one hour period, let's say in the morning between 8 and 9 a.m., somewhere in excess of 1400 vehicles passing this site, you know, split along New Rochelle Road, but you have that number of vehicles there today. Coming out of Hillcrest today somewhere between 50 to 60 vehicles in an hour period. The station itself with the operation at the time we did our surveys generated somewhere between 40 -- approximately 40 to 60 trips per hour and of those trips approximately equally split. So of the 40, 20 inbound, 20 outbound in a one hour period.

In terms of the expansion area, and again, I think as the applicant pointed out, the area where the expansion is they're getting rid of the trailer which is used for storage, etcetera, in the back of the building, so in terms of additional trips, we look at the total square footage of the building as this use with the gas and convenience and based on ITE data.

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this site would generate somewhere between 60 to 70 trips per hour. So you're looking about a 20 vehicle increase, 20 to 25 vehicle increase. On a roadway like this, most of those trips are what we call pass-by trips. They're attracting people in off the traffic stream. So in the peak hours you find that a high percentage are pass-by trips.

In terms of the review of the plan and circulation, we did have pretty substantial reviews with the ZBA and with the applicant to try to improve circulation. You know, right now the site was functioning as a free for all. There's no delineated parking spaces. In terms of vehicle conflicts with pedestrians, when we did our traffic counts, we observed conflicts both with pedestrians and even with vehicles. Right now the driveway configuration -- and again, we suggested closing this driveway because traffic was found exiting from this driveway heading right on New Rochelle Road when you had left turn vehicles coming out of Hillcrest. So that was a conflict we were trying to eliminate to improve this. So when

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people are making this left turn, as it is
they’re looking for a break in the traffic on
New Rochelle Road, they didn’t have to contend
with traffic exiting from the station. So that
was primarily the reason for that change.
In terms of the entry area, again,
right now people park wherever. We had angled
parking spaces some distance into the site
before the first space so that if a vehicle was
backing out the same time someone was entering,
there is at least some storage area.
The crosswalk, which the applicant
mentioned about relocating that, there were two
reasons for that: One was for vehicles making
a left turn in here, they could make that
maneuver at the same time there was a
pedestrian crossing. Right now, it's in
conflict. The other reason was the plaza next
door when traffic is coming out of there -- and
again, this is where the traffic signal is at
parkway plaza -- coming out of there they would
come out the driveway and then all of a sudden
they will upon the crosswalk. So by having it
here, more standard, perpendicular, you have a

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better visibility from exiting the adjacent
property. So that was part of that.
In terms of fueling deliveries, the
applicant did provide information, including
turning tracks, etcetera. We did talk about
being able to see if it could be restricted so
that, you know, in the morning rush hour when
the facility is busy, not to have a delivery at
that time period. Now, to a certain extent
it’s self enforcing by the applicant because
they don’t want to disrupt their operation with
delivery, especially on a tight site like
this. We had talked about that more middle of
the day is better for a delivery as opposed to
when you have your highest volume on the
roadway and on the site. We talked about the
snow removal because there is not really areas
to store snow in a significant event. A lot of
this discussion came up in the winter of ’14
into ’15 when we had a lot of snow. This past
year we didn’t have that situation, but, you
know, it’s a problem on a site where you don’t
have snow storage areas. So again, I think
Margaret mentioned that was a concern of the

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2 generating around 40 trips, 41, 42 trips; 20
3 in, 20 out round numbers.
4 MR. NEMECEK: That's peak hours?
5 MR. GREALY: That's in the peak hours.
6 That was I think roughly 8 to 9, 7:45 to 8:45
7 in terms of the highest in and out of the
8 station. So that 40 would go to approximately
9 60 in terms of trips. So you would have an
10 increase of 10 in, 10 out over the course of
11 the hour.
12 MR. NEMECEK: Again, that calculation
13 is based on the ITE figures --
14 MR. GREALY: Yes.
15 MR. NEMECEK: -- Based on the expanded
16 convenience store?
17 MR. GREALY: Based on the square
18 footage of the entire facility with the number
19 of gas pumps that are there.
20 MR. NEMECEK: The number of gas pumps
21 will remain the same --
22 MR. GREALY: That's correct.
23 MR. NEMECEK: -- So any increase would
24 be attributable either to the wonderful parking
25 spaces that people felt the need to use or more

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2 added to the gas and convenience store, it
3 really depends on the area. In areas that
4 don't have other Dunkin Donuts, it's a
5 tremendous generator. In terms of the items
6 that are proposed here, the database is pretty
7 good and accurate for the northeast and
8 especially the New York area.
9 MR. NEMECEK: Okay.
10 THE CHAIRMAN: So the increase in
11 trips is not proportional to the increase in
12 floor area?
13 MR. GREALY: Well, the floor area
14 increase in the building I think is only 380
15 some odd square feet, but part of that space
16 today is not being used to its fullest extent
17 because it was the former bay areas. I think
18 some of it is being used for storage if I
19 remember when I was there at one time at least
20 part of that area of the former bays were being
21 used for storage. So in terms of the trip
22 increases, it's really -- if you didn't have
23 the existing facility we'd be looking just at
24 the square footage and the number of pumps.
25 The reason for the net differential being in

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2 likely the increased square footage of the
3 convenience store and the attractiveness of the
4 convenience store and all that's sold there.
5 MR. GREALY: Yes. And I think the
6 generation figures of what's there today is
7 because there is some convenience operation the
8 numbers were a little higher than if there's
9 was no convenience operation. So that's why
10 the differential. Again, the database takes
11 into account the square footage of the
12 convenience store with the expanded area.
13 MR. NEMECEK: Just out of curiosity,
14 is that data -- is that data neatly calculated
15 per region or is it just nationwide? I would
16 think that people's habits in the northeast are
17 a little more refined than in other areas.
18 MR. GREALY: It's nationwide, but if
19 you look at the breakdown of the data, a lot of
20 it is collected in this area. We also have
21 done a lot of reviews of other facilities
22 before and after in this area and with the
23 exception of the convenience stores that have a
24 Dunkin Donuts in it, these data points are
25 pretty accurate. When you have a Dunkin Donuts

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MR. GREALY: They would have to make a
turn to loop back around and come out, yes.
MR. NEMECEK: There's a traffic light
just, I guess, west of the crosswalk, right;
there is an existing one leading out of the
plaza next door?
MR. GREALY: Yes.
MR. NEMECEK: There is no traffic
light down on Hillcrest; right?
MR. GREALY: On Hillcrest, no.
MR. NEMECEK: There is just a stop
sign at Hillcrest?
MR. GREALY: Yes.
MR. NEMECEK: There is no stop sign,
though, on the New Rochelle Road area going
east; right?
MR. GREALY: No. No. Anywhere in
this stretch coming out other than at the
light, you know, the queues from the light do
back up past Hillcrest today. As I said,
there's approximately 50 to 60 vehicles an hour
that come out of here, I forget the exact
split. In the morning, there were more left
turners, of course, than right turners.

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MR. NEMECEK: And there's a CVS across
the street; right?
MR. GREALY: Yes.
MR. NEMECEK: When did that open or
has that opened?
MS. UHLE: Yes, it's been open for a
long time.
THE CHAIRMAN: So although I made that
inquiry about in and out, it's really no
different than what's there presently, is it,
as far as gas?
MR. GREALY: The gas volume --
THE CHAIRMAN: Is the same?
MR. GREALY: Pretty much the same,
yes.
THE CHAIRMAN: As Mr. Nemecak said,
the increased volume is attributed to the
increased --
MR. GREALY: What happens is you
may -- you can't really fully differentiate
because somebody will say, you know what, I'm
going to stop, get a cup of coffee, but I'll
get gas here while I'm stopped. So you may
actually have some gas usage increase, but it's

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1 effect of this increase in traffic on the site
2 and whether the site as presently configured in
3 this application that's before us today can
4 handle that?
5 MR. GREALY: Yes.
6 MR. NEMECEK: What is that opinion?
7 MR. GREALY: I'm sorry.
8 MR. NEMECEK: What is that opinion? I
9 asked if you formed an opinion.
10 MR. GREALY: Oh, yes. They've
11 incorporated the changes that we suggested in
12 terms of circulation to allow vehicles to exit
13 to keep those aisles open, the turning tracks
14 were looked at, their engineer also provided
15 that information to us, so from a circulation
16 standpoint and being able to handle the volume,
17 yes. One of the things at a site like this, if
18 all the spaces are full and I'm coming by, our
19 numbers don't, you know, take any reduction for
20 the fact that there is maybe fewer spaces here
21 than at some other sites, so typically what
22 happens is people say, I'm not going in because
23 there's no place to park. So from a generation
24 standpoint they may actually be lower, but the
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1 applicant has to live with that in terms of
2 operations. We've tried to create a
3 circulation pattern that flows well, has
4 aisles, takes into account the pedestrians, in
5 the areas that were tight adjustments were made
6 so that the sidewalk and the vehicle paths work
7 together. Again, I think the site distance
8 here is an important thing that the board still
9 has to work into this. We talked about it
10 briefly with the ZBA, but again, they weren't
11 reviewing the site plan.
12 MR. NEMECEK: One other point I would
13 like to revisit, I think you -- I don't recall
14 the precise terminology, but most of the people
15 who would stop at this gas station are not
16 people -- this isn't a destination onto itself,
17 it's people who are part of the traffic flow to
18 begin with who look down and say, hey, you
19 know, I have a quarter of a tank, maybe I could
20 fill my gas tank up and get a cup of coffee
21 while I'm there. So what's --
22 MR. GREALY: The studies show that
23 ranges anywhere from 45 to 75 percent of what
24 goes into the driveways is what's either a
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1 pass-by --
2 MR. NEMECEK: Pass-by.
3 MR. GREALY: -- Or a diverted link
4 trip. So diverted link trip may be if somebody
5 was at CVS and they may come up here and they
6 will still show up at the driveway but they
7 were already on New Rochelle Road. So they
8 could be in this section diverted somewhat.
9 The pass-by is strictly where they're passing
10 by, they come in, and they go back out.
11 MR. NEMECEK: Okay. That data,
12 without delving too deeply, is that based on
13 the same ITE?
14 MR. GREALY: ITE, yes. Typically, the
15 higher the average daily traffic or the volume
16 that's on the road, the higher that percentage
17 goes. If you had a road with very low existing
18 volumes, then it does become more of a
19 destination trip in more rural areas. When
20 you're talking about ADT's of close to 15,000
21 and, you know, 14 to 1500 vehicles an hour,
22 it's usually a pretty high percent of what are
23 pass-by or diverted trips.
24 MR. NEMECEK: So I guess -- you said
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1 45 to 70 percent were pass-by's or the other the
2 link --
3 MR. GREALY: Diverted link trips.
4 MR. NEMECEK: Yes, diverted link. So
5 basically if you're talking about an increase
6 of overall usage of about 50 percent, in terms
7 of the overall traffic flow you're probably
8 only talking about maybe a 25 percent increase.
9 MR. GREALY: Or even less.
10 MR. NEMECEK: That's not even fair.
11 Based on 1500 or 1400 an hour during peak, it's
12 a relatively -- because it's not a destination,
13 it's principally a pass-by or diverted link,
14 you're not necessarily going to be increasing
15 the traffic flow very much on New Rochelle
16 Road. What you might have a problem with is
17 more people will be making that left turn.
18 MR. GREALY: They're going to be
19 turning in and out of the driveway.
20 MR. NEMECEK: That's the principal
21 traffic issue?
22 MR. GREALY: That's why when we refer
23 to those numbers, we don't reflect the pass-by
24 because they still have to come in and out of
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the driveways. They're just not added to the traffic stream on the roadway.

MR. NEMECEK: Okay.

THE CHAIRMAN: So to continue that point, is there -- I think due to the usage or increased usage of the space, it's not going to have an effect on the traffic on New Rochelle Road; what about the turning in, turning out, queues backing up into the street, is that a consideration or that's been studied?

MR. GREALLY: Yes. You're talking about increased turning movements at the driveway, increased traffic on Hillcrest coming out, so you're looking at approximately one additional exiting trip every 2 to 3 minutes, you know, during those time periods.

THE CHAIRMAN: So that doesn't cause any change in the flow of traffic on either road, that one or two --

MR. GREALLY: Well, in terms of right now getting out onto New Rochelle Road, you have to wait to get out, of course, because of the heavy flow. Traffic on the site will have to wait to get out to Hillcrest. They will

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have to wait for the one or two cars that distance wise will be able to stack for them to clear. Again, we think it's a better situation than the conflict point that was here. If this was left open, those vehicles wouldn't come on to Hillcrest and out, but it created a lot of conflicts.

THE CHAIRMAN: So what I'm hearing is that actually in the end because you've made the circulation pattern a little bit better, gotten rid of some of the entrances, it's actually a better condition, maybe a little bit more cars but in the end no worse than what's there?

MR. GREALLY: The control should be better than it is today in terms of that or the conflict points.

THE CHAIRMAN: Okay.

MR. NEMECEK: I suspect we may hear from our in-person audience today on this point, but does diverting all of the exit traffic out to Hillcrest, given the fact I guess the southbound Hutchinson River Parkway entrance is -- I don't recall the name of the

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they continued along New Rochelle Road, most of those trips. So we would expect that pattern to continue but there will be some increase. Again, I think the pattern's there is not going to change drastically whether you come right out here or whether you come out onto Hillcrest. It's not enough of a diversion from where you want to go to.

Again, we did look at keeping that driveway open. One of the earlier recommendations was to at least reduce the width of it to try to control that traffic better so that there was some separation between the point of where they are exiting today and where people are coming out of Hillcrest. So that was another alternative. We did look at that. But we really felt that it needed to be tightened up so it wasn't the free for all that was there. So that's something the board could look at further, but I think this seemed to be the best controlled relative to pedestrians and vehicles.

MR. GREALLY: Okay.

THE CHAIRMAN: Although this is the

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1 application we're looking at now and this
2 is the site plan we're asking to examine, do
3 you recall what this looked like back in 2013;
4 was it significantly different?
5 MR. GREALY: Well, the size of the
6 expansion was significantly more. The building
7 expansion. They were expanding the building to
8 the west and I think more to the south, if I
9 recollect. I think they were up around
10 2200 square feet is where they started from.
11 MS. UHLE: It was --
12 THE CHAIRMAN: That's what I'm going
13 to get to next. So as far as traffic and
14 parking, is this the same, better, worse?
15 MR. GREALY: Well, it's a lot less
16 square footage. Parking is better. The
17 original plan, I believe, had just regular
18 parallel parking spaces here and there wasn't
19 enough room to maneuver when you had a vehicle
20 stopped at the pump. So the angle of the
21 spaces was changed to improve that flow. So
22 there are numerous changes. This sidewalk
23 actually came out where this was a choke point
24 where if someone was parked at that pump you
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1 couldn't get by. So those are the types of
2 things that are reflected on this plan.
3 MR. NEMECEK: And consistent with your
4 figures if you had a bigger convenience
5 store --
6 MR. GREALY: Significantly more
7 traffic, yes.
8 MS. UHLE: When it appeared before the
9 Zoning Board, their absolute primary concern
10 was circulation into and out of and around the
11 site, to facilitate that as much as possible
12 without causing unintended consequences out on
13 New Rochelle Road. That's really from day one.
14 So the plan was modified pretty significantly
15 in response to those concerns.
16 THE CHAIRMAN: Since we've seen it
17 last, it changed quite a few times.
18 MS. UHLE: Exactly. Also, as Mr.
19 Grealy said, the extent of the variances have
20 been reduced because the extent of the addition
21 was reduced.
22 MR. NEMECEK: I think it was -- was it
23 2014?
24 MS. UHLE: Well, the initial
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1 application was made in 2013. By the time it
2 got to you, it might have been 2014. It had a
3 little bit of a slow start.
4 MR. NEMECEK: I think, Mr. Grealy, you
5 said you first looked at this in the fall of
6 '14?
7 MR. GREALY: 2014, yes. And I believe
8 it was over 2200 -- 2100, 2200 feet is my
9 recollection.
10 THE CHAIRMAN: Okay. Any more
11 comments? No.
12 Just, I mean, the public knows that
13 you are working for the town of Eastchester and
14 your review is on behalf of the town. So
15 you're looking at everyone's best interest as
16 far as what's going on at this site.
17 MR. GREALY: Yes.
18 MR. NEMECEK: That's one of the
19 reasons I like to question the expert retained
20 by the town as thoroughly as I try to, because
21 you're something of a neutral in this.
22 Actually, your interest is to protect the
23 interest of the town and its citizens. So it's
24 that much more valuable. You're not an
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Mr. Greatly: Thank you.

Chairman: Okay. So if there are no more questions up here, we're going to move on to the public hearing. Don't leave. We'll come back to you, Mr. Greatly, if necessary.

So then we're going to read the letter into the record as part of the public hearing or -- we're going to open the public hearing then. So I make a motion to open the public hearing on Application 13-36, 504 New Rochelle Road.

Mr. Nemeczek: Second.

Chairman: All in favor. (All aye.)

Chairman: Comments from the public. Please come up. Just for everyone, please come up, state your name before you start speaking and your address.

Mr. Urbina: Certainly. My name is Julio Urbina. I live at 19 Hillcrest Road.

That's the property that abuts this property on the south side.

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So I had a couple of concerns, and I don't know if it's under your purview, but the stockade fence that the owner is proposing, you know, I ask that you consider having a vinyl fence. The reason for that is because it's less maintenance, and the reason I'm concerned about maintenance is that since this organization took over that property, they've failed to maintain that property. We've had to call on a number of occasions to get snow removal from the sidewalks and from the driveways. We've also had to call on numerous occasions because of the litter that is in and around the property. We also had to call -- not just myself but the neighbors also -- with the failure to maintain the shrubs that along Hillcrest Road. So I know it kind of affects me the most, but I ask that you consider requiring a vinyl fence, because I have little confidence in this owner's ability to properly maintain a stockade fence. So that's the first item.

The second item has to do with hours of operation. I think that the community

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The hours of operation in conjunction with what Mr. Urbina said, CVS only operates until 10:00 p.m., we ask the same of this convenience store. Also, CVS has the same functionality. You will be able to go in and buy some sort of air fresheners or a bottle of soda, whatever, there's a duplication of function there, therefore, why do we need a convenience store that's open until 12:00 at night?

Now, with that said, you're also opening up the fact of our neighborhood, which has remained consistently a quaint little residential area for many, many years, you're opening up the concern of a large increase in crime. You're going to have many cars, additional traffic coming up Hillcrest Road that could potentially cause some crime issues.

So with that being said, with regard to the fuel deliveries, there have been many occasions where we have experienced being woken up in the middle of the night from the trailer's backup indicator that a fuel delivery is taking place. So sometimes it is in the

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corner of New Rochelle Road and Hillcrest there are what appears to be two very large flood lights. Whether or not those are excessive, I'm not an engineer to make that determination, but certainly given what appears to be the need for lighting in that location and the amount of it, I would urge some of you to at least reconsider the volume of lighting that's going to sit on that corner.

The third concept is obviously congestion. Having listened this evening to the work that was done, it sounds considerable and a lot of effort went in and thought went in to putting together a suitable arrangement, but everything that has been done here only serves to make a bad situation a little less bad, and I don't know that that's something to get all that excited about. We know we have a severe congestion problem and we know we have issues with traffic and the flows that have been proposed are less bad than the ones that were proposed earlier. That's better but it's certainly not good.

I guess the fact that there's a CVS

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across the street that basically offers the same essential items for sale or many of the similar items, I mean, arguably there could be a better brand of paper towel at the convenience store, I would suggest that what have we really accomplished? In other words, how have we made the community better? Is there any way that the site could have been somehow designated in a way that actually improves things and gives folks something that they don't already have. We may be past that point but, unfortunately, it's still something worth mentioning and we appreciate your consideration.

MR. NEMECK: Thank you.

THE CHAIRMAN: Thank you.

MR. PARISI: Mike Parisi, 16 Lockwood Avenue. Has a traffic study been done about the engine company, Engine 30, that's in Chester Heights, how it's going to affect that engine company? And I didn't hear anything about how the buses are going to be affected.

Is the bus stop going to be moved? There's one in front of the gas station and there's one on

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2. could think about that.
3. Lastly, the noise pollution as it
4. relates to the generators as well as light,
5. because I do live behind there with some of my
6. other neighbors, whatever you could do to
7. restrict that would be greatly appreciated.
8. Thank you.
9. MR. ITRI: Good evening. My name is
10. Bill Itri. I live at 22 Alta Drive in
11. Bronxville. The concern I have is on your
12. drawing the entrance coming in off of New
13. Rochelle Road, you want everybody to make that
14. left turn, but what's going to prevent
15. everybody that's coming in off of Hillcrest
16. exiting out of there? What's to stop them? If
17. I was somebody that came in on Hillcrest, got
18. my gas facing out, why am I going to make a
19. U-turn to go back out to sit in traffic? I'm
20. going to go back out the same way I came in off
21. of that entrance. Now, the reason I bring that
22. up is that I come down off of Alta, I walk my
23. dog, I go around CVS, when I walk past the J &
24. G parking lot, there's cars parked on the
25. sidewalk. Nobody gets a ticket. What's going

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2. to prevent a car from parking on the sidewalk
3. in front of the gas station now when they can't
4. get into those designated spots because there's
5. not enough? Now when you got somebody at the
6. pumps at the parking also, where are they going
to park? On the sidewalk. We called the
7. police. You go down there any given night, there's cars parked on the sidewalk. So I
8. don't know if your one way in off of New
9. Rochelle is going to be good without another
10. way coming out on New Rochelle. But I do agree
11. with you, I'm sorry, that Hillcrest when you
12. come out busy time, any time, I've sat there
13. 5 minutes, 10 minutes. Unless there is some
14. kind soul that will let you get in to make the
15. left onto New Rochelle, you're not doing it.
16. So to increase it and make it only one way out,
17. I don't think that's such a great idea. Please
18. consider it. Go down and sit there and see
19. what the traffic is like.
20. MR. TUDISCO: I just have a question.
22. MR. TUDISCO: Again, I'm not part of
23. the board. As the Deputy Town Attorney, I deal

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2. mostly with enforcement. My question is just
3. to clarify what your question is or your
4. concern is. Is it that it is unenforceable or
5. you think it's a bad idea?
6. MR. ITRI: I think it's both. One,
7. you can't have police down there 24/7. I walk
8. down there with my dog, there are policemen
9. sitting alongside on the side street by the
10. liquor store or the wine bar, those cars are
11. parked there on the sidewalk, they don't get
12. out and ticket them. So why would they get out
13. and ticket the ones that are blocking maybe on
14. New Rochelle Road because there are no parking
15. spaces? Either way, it's a no win situation.
16. Be realistic. If you want to run in there to
17. get something and there's no place to park,
18. you're going to do the obvious, you're going to
19. park on the sidewalk. Everybody does. If you
20. can't get out -- if you want to come out onto
21. Hillcrest as your only way out and you know
22. that you got to make that left onto Hillcrest,
23. make a left onto New Rochelle Road, and you see
24. what that traffic is like in the morning and
25. then from 2:30 in the afternoon until 6:30 at

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2. night, you're not going to do it. You're going
3. to start cutting through. The traffic light,
4. the pedestrian walk, people are going to get
5. run over. Go down there now, the walk sign
6. does not work all the time.
7. MR. TUDISCO: The reason I bring that
8. up, just to bring up another example, in town
9. the hardware store on Highland and 22, okay,
10. that has a one way flow for safety purposes
11. with a one way sign. Unfortunately, there are
12. people who cut through the other way, but I
13. think to set it up the safest way it has to be
14. one way traffic, at least designated. I mean,
15. there always are going to people that
16. MR. ITRI: Right now again -- I'm
17. sorry for interrupting -- Mr. Vincent's parking
18. lot is set up one way in and out onto Alta
19. Drive. Because of the deviation that they put
20. with those cones, we can't make a right into
21. Alta. Tonight we have a little fair going on
22. by the Mount Vernon High School, I can't tell
23. you the number of cars that have cut through
24. Mr. Vincent's parking lot, came out on the
25. other side to make the right onto Alta. Again,

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1. I walk my dog, I can't tell you the number of times I've almost been run over. In Vincent's lot there's a stop sign. They don't stop. People are people, let's face it.

So we want you to take into consideration -- all your paperwork looks great, all your proposals look great, it looks really beautiful compared to what it looks like now, but when the actual working function gets going, go down there then and see if it's still the same. See if it's what you proposed. It's not going to be. We've live there for 20 years. People don't follow laws and rules. They don't. It's obvious. Go down there. Just take a look, a good look.

You did your study almost three years ago. Once they put those cones up that you can't make a right, that traffic on the parkway is down by Mount Vernon High School field at any given time. The Hutch gets backed up, they come to New Rochelle Road. Go do your study when New Rochelle Road is all backed up because the Hutch is closed and flooded. We got enough traffic. You're only say 20 cars in and 20

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1. It work?

2. MR. ITRI: Not really. But either way, it's not good. All I'm saying is your idealistic thinking, great, we'll have you come in off of New Rochelle Road and come out here, ideally that's not going to work. Nobody is going to do it. If they had the opportunity, they're going to. Go to that traffic light when they're coming out of J & G --

3. MR. NEMECK: I've seen it work right over here at the -- where the Dunkin Donuts is right over here in Eastchester. That used to be -- the current entrance used to be a two way and they changed it, and once in awhile I do see a car going out that way but the flow has almost exclusively been fixed so that you --

4. MR. ITRI: Yeah, but you also have a wider area. When you're trying to get out of that gas station and you already have three cars waiting, then you're going to block off so you can't make the left off of New Rochelle Road to go up Hillcrest --

5. MR. NEMECK: Sure. It's a less than perfect situation and there isn't a magic

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1. cars out, but that additional 20 cars in and 20 cars out when I'm trying to walk my dog or he's trying walk his kids, it's a pain. It could kill us.

Get the functioning traffic lights down there or walk signs, that will help. Make it so you could at least get across the street, not when you're halfway through the damn thing changes and people are trying to run you over.

11. It's difficult.

We know it's a busy thoroughfare. Like someone said, we moved there, we knew this, but to add to it, we don't need to. If we could minimize it -- but I don't think your one way out is a great idea. Is it great to go back out the other way onto New Rochelle Road?

18. Probably not. We're lucky that no one has really been run over. Thank you for your time.

MR. NEMECK: Could I just ask you a question? Do you think that the -- putting aside what we heard about opening a convenience store increasing the number of trips, in your view does the traffic flow that exists now with the exits and entrances as they exist now, does

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what are the proposed hours of operation
because I haven't really heard that. You said
some things are before the board, but what are
the exact hours that are in this proposal
because I haven't heard that? I know there's a
lot of concern in the community about it, and I
would like to know what's before you.

THE CHAIRMAN: Right now there are
several proposals. One is 24 hours, one is --
MS. UHLE: No, no. The applicant has
already been told that the 24 hours would not
be permitted. What they've expressed on the
record -- I don't believe it was in writing
here unless it was buried somewhere -- what
they did express on the record and what I've
repeated is they would like 12 to midnight. So
that's what the applicant is --

MR. NEMECEK: 6 to midnight?
MS. UHLE: I'm sorry.
MR. NEMECEK: What I heard the
applicant say, because I asked the question:
What are your current hours of operation, I
think --

MS. UHLE: 6 to 11.

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MR. NEMECEK: -- 6 to 11 right now,
and I heard that in an ideal world they would
have liked to have that 24 hours but
recognizing that they're not going to get that,
I thought I heard them say they would like to
stay open until 12:00 midnight.

MR. DECHANCE: I didn't hear that. I
listened very intently for that number. I
would like to concur with my neighbors that I
would ask the board to limit their operational
hours to 10 p.m. All the other businesses in
the area, and we understand small businesses,
I've lived there 30 years, that they all close
at 10. This is a residential area, this is
where we put our heads down at night, and when
you open your windows, especially in the
summertime, the horns honking, the loud radios,
and the cars, you hear that. We don't want --
we want to go to sleep at night. We don't want
to have that continuing on until midnight.

Also, second concern that I had is the
rear area that has been -- borders my property,
it needs a little bit more than tidying up.
The reason why nothing could grow back there is

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So in terms of being a good neighbor, Chestnut has not been a good neighbor, and therefore, that's why I think their hours of operation should be limited until 10 p.m. at night. There is no business in our neighborhood that's open past 10:00. There is a gas station up the street, Hanna Sunoco, who closes at 10:00 at night. So I don't see why -- what incremental revenue they will gain by being open past 10:00 at night. The only effect will be additional crime and additional traffic maybe into the neighborhood, and this is not that type of neighborhood. They're asking the community to put up with a lot in terms of -- the traffic engineer said the number of trips is going to increase 20 trips but 50 percent. Let's use the percentage. It's 50 percent. New Rochelle Road is a nightmare almost any hour of the day, okay. Now, he mentioned 8 to 9:00 in the morning, I would like to know what those rates are from 7 to 8 because that's when people go to work. You know, 8 to 9 basically you're already at work. To me, that's a specious endeavor.

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number, 8 to 9:00, but that's been said. Quite frankly, their website right now for the gas station has them closing at 11 and on Sunday nights closing at 10. So I don't understand what that extra hour of incremental revenue is going to get them other than asking the neighborhood to put up more of an uproar, quite frankly.

I know the plan says there's plenty of, you know, turning radius and all that stuff, but if you just look at it sensibly, there is no way with two sets of pumps on that site that you're going to have traffic flow smoothly through that site. So, I mean, you know, it's kind of hard to say, no, let's shut this down, it's not going to happen, I know that's not going to happen, but I think as Bob Marzziotti said, we're making a very bad situation a little less bad.

I think part of -- in terms of being a good neighbor, Chestnut should probably be a little bit more flexible -- not flexible but should adhere to the request of a 10:00 curfew for their business. So thank you.

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MR. NEMECEK: If I could correct something that you said. I think you said that none of the businesses in the area are open past 10:00. I just did a quick search of Elia Taverna, which is wonderful restaurant right next door, and it does have -- it lists hours until 11:00 on Fridays.

MR. MOSCHETTA: And most nights it's closed at 10, even on weekends.

MR. NEMECEK: Friday and Saturday.

I've been there. There are lines at 6, 7:00.

MR. MOSCHETTA: For practical purposes, it closes at 10, and it's a restaurant. It's not a convenience store.

MR. NEMECEK: I'm just staying.

Gordy's is down the street, I don't know what the hours of that are. I was just checking that. Just to be clear, there are businesses --

MR. MOSCHETTA: Quite frankly, we negotiated with CVS to close at 10:00 as well. They came in, they want to run, I believe, until midnight, if not longer. So, you know, precedence is there.

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MR. NEMECEK: I get your point. Okay, thanks.


MR. BAMFORD: Kirk Bamford, I live at 10 Charles Place in Chester Heights. I agree with what all the residents have said so far about if there is a need to expand the business, which is duplicating a business already in place. Obviously, I understand small business as well and that it is important for communities as well. I don't believe, again, as they said, about the hours of operation, that they should be extended to beyond 10 p.m. We talked about the impact on traffic. It would be interesting to know exactly the impact on traffic later in the evening and from a factual standpoint. Even still, I don't believe it's in the best interest in the community to have the operation open later than 10:00.

The other thing you got to think about as the summer comes in and time grows longer.

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and daylight stays later, it does become an
opportunity for youths and younger people to be
looking for somewhere to go to get, you know,
convenience products, candy and drinks and
things like that, and there's a park and a
softball area just to the other side of the
road, which is potentially giving them an
excuse to be somewhere where they don't need to
be at that time of the evening and potentially
give them the opportunity to extend that stay
in that community when, obviously, the parks
close down at dusk and things of that nature.
So that is a potential risk of having a
business that is convenient for that age group
to be able to take advantage of, and therefore,
stay out longer in the community, and
therefore, potentially lead to other nuisance
factors that none of the community or residents
need. That was my point. I don't think it's
been addressed, but I thought I would bring it
up.

MR. NEMECEK: Thank you.

THE CHAIRMAN: Thank you.

MR. NEMECEK: We also have the letter

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from Mount Vernon.

THE CHAIRMAN: Why don't you read that
into the road.

MR. NEMECEK: I'll read that. It's a
letter from -- is it --

MS. UHLE: It's Shawyn.

MR. NEMECEK: Shawyn, S-H-A-W-Y-N,
Patterson-Howard, and she's the Commissioner of
the Department of Planning and Community
Development Mount Vernon Urban Renewal Agency,
and it's addressed to Linda Laird, Town Clerk
Town of Eastchester:

Dear Ms. Laird, since our first
written communication to you by letter, we
understand that an application and an amendment
concerning 504 New Rochelle Road was approved
by the Eastchester Zoning Board of Appeals and
the Eastchester Architectural Review Board. We
are also aware that this application is before
the Eastchester Planning Board for
consideration. Our position remains that the
city of Mount Vernon has never been made aware
of this application, and therefore, has not had
an opportunity to opine on the application as

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made a number of phone calls that have gone
unreturned. I think we fulfilled all of our
legal obligations with regard to certain
requirements. I think there are also some
misstatements in that letter.

All that being said, I have always
indicated that we are happy to have Mount
Vernon comment on the application and they're
certainly welcome to.

I will point out that their letter
dated June 23rd references the letter dated to
me or to Ms. Laird on March 30th also basically
saying we still are claiming that we are
unaware of this application, but they were
unaware of it in the letter on March 30th as
well.

In response to this letter that they
sent on March 30th, they requested that I
contact the law department or that Linda Laird
did, but I did. I contacted them, spoke to an
individual, discussed the letter, and was told
someone would get back to me and nobody did.

So again, we're happy for Mount Vernon
to comment on the application. So far the only
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correspondence I've gotten from Mount Vernon
has indicated they are still unaware of the
application. So, you know, I will continue to
follow up with them.

MR. NEMECEK: I think you told me that
based on a phone discussion you had with Ms.
Patterson-Howard today, that she's only been --

MS. UHLE: She's fairly new. I think
she's been there about three months, so she's
still coming up speed. I had reached out to
the former Commissioner of Planning, his name
is Jaime Martinez. Actually, on February 1st,
2016, I left a phone message for him indicating
I would be happy to send him any information or
discuss the application with him, and he never
returned my call as well. So I think we really
have a lot of documentation that we have
reached out to Mount Vernon --

MR. NEMECEK: As I would expect,
Margaret, given your thoroughness.

MS. UHLE: I will say once again, they
are welcome to comment on the application. I
did send them the complete application that was
submitted to all of you in a PDF format so they
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sort of taken on a different light from our
point of view, and I think it needs some more
review from all of us on the board. So I do
not believe that anyone here is in any position
to decide on this application tonight.

MS. UHLE: I was just going to say,
because I think most of the residents that are
here are probably so much more familiar with
the application than you are, and even I had to
remind myself and I had to remind the applicant
that -- and I stand corrected -- it first
appeared before you in June of 2014, which was
two years ago. So I think even though, you
know, some of the issues have been discussed
exhaustively, it still is sort of new
information for you guys to sort of digest and
absorb and visit the site. I also think, based
on, again, comments that I've heard previously
but now we're getting to the point where if you
were to consider -- first of all, you have to
consider your vote, but if you were to consider
approving it, formulating conditions of
approval that will make people feel more
comfortable with the application.

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MR. NEMECEK: There may be some suggestions that were made by the members of the public that the applicant may want to consider. An easy one, Mr. Tudisco just pointed out maybe the vinyl fence is something that -- I don't know if it's better than the stockade fence or --

MS. UHLE: I actually missed the last Architectural Review Board meeting -- which I honestly never do but I did -- I know that I had also mentioned to the applicant that I preferred vinyl. I mean, you sort of have an intuitive --

MR. NEMECEK: Vinyl is canceled, the HBO show.

MS. UHLE: I heard that. I think the problem with the wood stockade fence is they just look terrible very quickly. The individual slats break off. We get complaints about them all the time. So that's a concern of mine as well. I was going to ask that we have a larger scale landscape plan so it's a little bit easier to evaluate the plants list, and I think I would like to get some comments.

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on there that talks very clearly about the maintenance of existing trees and that could become a condition of approval as well.

MR. NEMECEK: This is a tricky application because there's an existing gas station there and it has a convenience store and the owner wants to make enhancements. From the sounds of it, really nothing is going to happen at the gas station, it's going to remain in its present configuration, but they do want to expand the convenience store, and as a result of that, we've brought in the expertise of our parking consultant, we've solicited and received, I'd rather suspect that the members of the public have addressed certain of the concerns they raised today before both the Zoning Board and the Architectural Review Board, but this is the first time that we're hearing them. I do remember two years ago this application briefly coming before us, and I think it was the very start of the process and I think we just pushed it on to the Zoning Board recognizing that there would be a number of different variances that would be required.

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before it could even come back to us.

There are a number of different issues here that do require us, I think, to consider this a little more carefully. When I looked at the site recently, I wasn't even focusing on the buffer of trees in the back and what condition that was in and, quite frankly, it was only in looking at this map here and looking at the relation of this particular property to the southbound entrance on the Hutchison River Parkway that it struck me that there were different traffic flow issues then I certainly was considering when I first looked at this property. I think, you know, recognizing that this is our last meeting until September and that it does present something of a temporal hardship, I think I, for one, would appreciate a little more time to digest what we've heard today and see if there's an opportunity to address certain of the issues that were raised by the public from the applicant. Maybe there are some compromises in there that could be reached. Otherwise, table this until September when we all should be.

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in -- I know I, for one, will be in a better position to deliberate on this.

MR. TUDISCO: Mr. Chairman, there is something else I wanted to address, and I was trying to get at it earlier with some of the question that came up to kind of separate issues involving the plan, which is certainly your purview, versus issues involving enforcement. There have been a number of concerns that have been addressed by the public tonight and at all meetings about the maintenance of the property itself and potential violations. I could honestly say I prosecute the Building Department violations in town, that the Building Department is very responsive to complaints from the community in terms of coming out, enforcing. We have a code enforcement officer.

Additionally, a large percentage of the traffic violations that I prosecute in town involve things that occur in that corridor, and so, to the extent that there are parking issues, someone had mentioned that there are cars that are improperly parked and they're not
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ticketed cars or that issue is not being addressed, I would encourage you to contact me in the Law Department, and I will certainly, if it comes down to it, arrange a meeting with the police department about enforcement issues because I think regardless of what the board does, the enforcement issues is something we could address if people are not following what they're supposed to be following. I certainly take that stuff seriously. So I just wanted to put that out there as well.

THE CHAIRMAN: So, Mr. Tudisco, just so I understand, is going out an in entrance an enforceable -- is that something the Police Department enforces?

MR. TUDISCO: Yes, it can be. For instance, the example that I brought up, there is a one way designation going into the hardware store on Highland and 22, there's a one way sign at the mouth of that and a do not enter, there are cars from time to time that will violate that, and if the police are there, I've certainly prosecuted cases. But I believe that the plan to route the traffic one way.

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going through there makes it a much safer intersection and a much safer driveway. So I think there has to be a difference between whether or not the plan makes it safer versus are people actually going to do what they're supposed to do on the site. I just wanted to make that distinction, that's all.

THE CHAIRMAN: Thank you. I appreciate that.

MR. TUDISCO: That's why I addressed that question earlier.

THE CHAIRMAN: Any other comments up here from us that we would like to ask of the applicant, who has left?

MS. MARTIN: I'm here.

THE CHAIRMAN: There you are.

MS. UHLE: One thing with regard to Mount Vernon. If you keep the public hearing open -- and this is just kind of in a side -- I think I am going to request that -- I do feel like I've reached out to them, and I am going to request that if they have comments they could certainly come to the public hearing in September, but ideally I think we would like to.

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receive their comments sooner rather than later, especially since we have two months.

There are circumstances when planning boards -- we've never done this before and I'm not recommending that you do this, but there are times when planning boards say, we're going to keep the public hearing open for additional written comments say until August 15th or something. You don't actually have to have the public hearing occur for oral comments at the next meeting and sometimes boards do that so it allows people to get additional written correspondence in but then at the following meeting you're not hearing all sorts of new information or the same information.

MR. NEMECEK: There is a particular danger that if a municipality like Mount Vernon can't get it back together and submits something last minute which is impactful, it could further delay this, and that's not our objective particularly given the timing. So I'm in favor of that.

MS. UHLE: You could do two things:

You could continue the public hearing in

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September and then that way residents may have an opportunity to respond to some of the compromises and that kind of thing, which I think is fine, but I also think in addition I'm going to put something in writing to Mount Vernon requesting that if they do have actual comments on the plans, not on the notice process but on the plans, that they try to get those to me within a month because we were fortunate, or unfortunate, depending on how you look at it, we have two months. So I think I'm going to request that specifically. I just wanted to let you know that. That way if they do have comments, I could circulate that to people and you could respond to those.

THE CHAIRMAN: So, Margaret, I'm seeing all the comments we have today and I'm thinking the next two months is a good work period to work through all of this with our consultants and come up with an application that might incorporate some of this or, as you said, conditions of approval based on what we've heard today.

We are going to leave this public
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1. Hearing open and we'll pick it up in September.

2. MR. NEMECEK: Do we want to put a requirement that any written comments --

3. THE CHAIRMAN: I think she did already.

4. MS. UHLE: I think typically if you're going to leave the public hearing open until September, they could respond until September, but I'm going to just request if they can, that they get us the comments earlier. The other option would just be to say the public hearing is only open until August 15th and only for written comment, but I think you want to take public comment in September any way.

5. THE CHAIRMAN: Great. So see you in September.

6. MS. MARTIN: Okay then.

7. THE CHAIRMAN: Very good job with the presentation, by the way.

8. MS. MARTIN: Thank you.

9. MR. NEMECEK: Do you have any comments?

10. MR. TUDISCO: The public hearing is out of the way, and then I could go through the project. Basically what we have is an existing...

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2. house.

3. I'll flip this over and show you a
4. rendering I did. Sorry. So we tried to give
5. it a face lift. Again, it's a center hall
6. colonial as it stands today. The main roof
7. line stays exactly the same. It actually looks
8. a little squatter. The second floor is only
9. framed at a 7 foot tall plate instead of 8 foot
10. even though they are 8 foot ceilings. So it
11. does drop down a little bit further in front.
12. So to break that up a little bit, we added
13. these little dormers, which as you drive around
14. Eastchester they're everywhere. This is kind
15. of like, I guess, the basically facade of
16. Eastchester with the little dormers on top. We
17. added a nice porch across the front. We
18. rebuilt the entire home office to the left. We
19. put a bay on there. Again, we added a lot of
20. character, a lot of scaling elements to the
21. project.

22. The entire right-hand side was also
23. reconstructed. So the addition at the second
24. story, which continues to house a master
25. closet, the master closet got slightly bigger.

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2. just a little bit more appropriate for what the
3. homeowners wanted, and we also were able to
4. give them a true one car garage. The garage
5. that was there was about 9 feet wide. It was
6. pretty tight. So now it's a little bit wider.
7. I believe it's 11 feet across.

8. Again, follow with the same thing with
9. the little gable across the top. We kept the
10. brick veneer, which is at the first story which
11. sits behind this porch. We basically took off
12. a little glass vestibule that was added on at
13. some point right at the front door and behind
14. that there is some beautiful trim work that the
15. homeowner wanted to expose. So we're leaving
16. the porch sloped so that way when you access
17. that porch, you're looking up and you're seeing
18. all the trim work. Here it's kind of hidden
19. behind the roof line, but if you walk up to the
20. house, you'll actually look up and under and at
21. it. We don't have a picture of it because it's
22. still buried behind the little --

23. MR. NEMECEK: It's the semicircle I
24. see in the back?

25. MR. FINELLI: Yes, that's it. So we

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MR. NEMECEK: And the porch is as well?

MR. FINELLI: And the footprint of the porch, correct. We are doing some site work in the back as far as a patio. There's a large on-ground porch deck, we're removing that. We're going to be doing a patio on grade. We're adding a little porch on the rear of the house as well. As a matter of fact, if you look at the drawing right below there, you can see the porch. It will be coming off the rear of the house. That porch actually steps out of the back yard onto the new on-grade patio. For the most part, other than the additions getting wider, that area, even though it's all new work, it will be smaller than what was there. We took the theme of the bays and all the appendages and the box bays that we added on the house, we kind of wrapped that all the way around. So even from the rear of the house -- we added a bay window off the breakfast room. We kind of played with it. It's not just a flat box all the way around.

There's a little something going on all the way

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around. It just kept it playful and a little bit more interesting.

MR. NEMECEK: You had bay windows in the front on the existing --

MR. FINELLI: Yes. They're still there.

MR. NEMECEK: They're still there?

MR. FINELLI: They are still there.

We thought about removing them but --

MR. NEMECEK: Bay windows under a porch?

MR. FINELLI: Well, they're existing bay windows that sit inside of the brick. We were going to remove them, but then we found that the cost to do that and remove all the brick it just didn't make sense. We actually like the look better. They only stick out about a foot and a half. So with an 8 foot porch you're still looking at 6 and a half feet.

THE CHAIRMAN: Where are the CULTECs going?

MR. FINELLI: I'm sorry? Oh, Mr. Mastrogiacomo will answer those questions for

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you.

THE CHAIRMAN: Great. Thank you. The dry wells, the CULTECs, where are they going to be going?

MR. NEMECEK: Introduce yourself formally.

MR. MASTROGIACOMO: Sure. Michael Mastrogiacomo, I'm the engineer for the project. The way we've designed it is a net zero increase. So any new impervious areas we're collecting all the rain off and we've come up with two CULTECs required to handle the additional flow.

MR. NEMECEK: What's the overall increase in impervious surface?

MR. MASTROGIACOMO: Approximately 400 square feet.

THE CHAIRMAN: Thank you. That's the only question we had. So everything is going to that, right, the driveway drain, the trench drain plus everything else?

MR. MASTROGIACOMO: Yes. We've also designed the overflow in case we get more than the hundred year storm it's got some sort of

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relief, and it's set 10 foot back from all property lines as per the state code and also DEP regulations, Westchester County regulations.

THE CHAIRMAN: That's the overflow to the left there. I see it.

MR. MASTROGIACOMO: Correct.

MR. NEMECEK: Currently there's no system for accumulating the water?

MR. MASTROGIACOMO: Not that we know of.

THE CHAIRMAN: Great. Thank you.

Other comments, guys?

(No comments.)

THE CHAIRMAN: I'm going to open the public hearing. So let me just go through the public hearing and then we'll get back to you.

MR. FINELLI: I'm sorry.

THE CHAIRMAN: I said let met just open the public hearing and then we'll continue.

MR. FINELLI: Sure.

THE CHAIRMAN: I make a motion to open the public hearing on Application 16-32, 6 York

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MR. NEMECEK: Second.
The CHAIRMAN: All in favor.
(All aye.)
THE CHAIRMAN: Comments?
MR. NEMECEK: Public, this is your big opportunity. Huge viewing audience at home.
(No comments.)
THE CHAIRMAN: Make a motion to close the public hearing on the same application, 16-32, 6 York Place.
MR. NEMECEK: Second.
The CHAIRMAN: All in favor.
(All aye.)
THE CHAIRMAN: Can I just see the Hardie Board sample, please?
MR. FINELLI: Sure.
The CHAIRMAN: It's a very nice job.
MR. CUNNINGHAM: Yes, well done.
MR. NEMECEK: Going back to the issue of the bay windows underneath the porch, is that purely a money issue?
MR. FINELLI: No. I think the cost versus the benefit just doesn't make sense.

MR. NEMECEK: If money were not an object at all, would you flatten it?
MR. FINELLI: I'm not -- you know what it is, I kind of like the old bay windows that are there myself. We kicked it around a little bit, but I don't think you're going to gain anything. They're aesthetically pleasing.
MR. NEMECEK: It's an attractive house. You did yourself a disservice by putting the existing house with all these beautiful azaleas in front of it, and it looks pretty nice, and I understand functionally the additions that were put on it were what initially prompted the request for your services and you've done a fine job, you know, building that out into something that I'm sure is quite an improved functional home, but the one issue I sort of have, and I'm not on the ARB, I know people who are, the -- it seems like you lose the area -- you know, you said you have this very nice finish above the door, I can see it here, even though it's somewhat hidden by the existing piece that they put in front, a portico or whatever you want to call it. I don't see it in your illustration, I don't see that, and I can't really see the bay windows coming out from your illustration there, but it strikes me if you have a porch, particularly one, as you said, where you're going to put rocking chairs out there, the thought of having windows protruding out --
MR. FINELLI: It's been done in the past. This isn't the first time that we'll see this. It's been done throughout history. If I knew this --
MR. NEMECEK: Throughout history, huh?
MR. FINELLI: Yes, throughout history.
If I knew the question would be asked and you wanted examples, I would have had them. It's actually been done. And again, just to remove them just to --
MR. NEMECEK: I understand. It's a very substantial cost and the owner is okay with it, I'm more inclined to think, who am I to insist on imposing a large additional cost when, you know, there are so many more important renovations being made here. I just wanted to confirm what the impetus for this

MR. NEMECEK: Any other questions?
The CHAIRMAN: No, I don't have any more questions, so we'll move forward because I think you're up again.
So I'll make a motion to approve Application 16-32, 6 York Place.
MR. PULASKI: Second.
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2 THE CHAIRMAN: All in favor.
3 (All aye.)
4 MR. CUNNINGHAM: Very nice job. Well
5 done.
6 MR. FINELLI: Thank you.
7 THE CHAIRMAN: Next, Application
8 16-33, 36 Hewitt Avenue.
9 MR. FINELLI: Good evening, again.
10 Second project here this evening. Again, Mike
11 Finelli, the architect for the project, and,
12 once again, Mr. Michael Mastrogiacomo, engineer
13 for the project. We have our second project
14 we're going to show you this evening that we
15 are presenting is an addition that we're doing
16 to a home on 36 Hewitt Avenue. There is an
17 existing colonial home which sits right on the
18 corner of actually Hewitt and Hewitt as it
19 turns the corner. So if you're coming off of
20 California Road, right before Hewitt makes the
21 left it's the home that sits on the corner. So
22 the grade naturally slopes up from the bottom
23 of the hill up and around the house. If you
24 see that the rendering that I have here
25 depicted, the garage sits on the lower side and
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2 as the street swings up and around the grade
3 climbs up and to the right.
4 This home came to me because of a
5 retaining wall that was failing right by the
6 side of the garage and the homeowners hopes of
7 actually turning this home into a
8 Mediterranean. We literally had an entire set
9 of drawings prepared, filed, and we had to pull
10 it based on cost issues. The costs, they were
11 literally astronomical. So we came back and we
12 took a lot of the design personality of the
13 house that we were going with and we brought it
14 more into a simpler more of a colonial -- I
15 wouldn't even call it a colonial -- more of
16 a -- I'm not sure -- more of a Tudor, I would
17 say, Tudor-ish colonial style home. So we
18 basically brought a lot of the flavor, that
19 being the stone veneer that we were trying to
20 get into the house. We really wanted the home
21 to be stucco. The home, we wanted to have a
22 pitched roof. In this case we ended up going
23 with a hip roof all the way around. The arched
24 segmented casement windows, again, these are
25 all elements tying back to that initial design,
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2 and then we were trying to translate them
3 through and bring them to this design here. We
4 did a wrought iron railing across the second
5 story to mimic balconies, more of Juliet
6 balconies which is more reminiscent of the
7 Mediterranean style, but that detail came
8 through and, funny enough, I said it at the
9 ARB, I'll saying it again, the color scheme and
10 even the actual wrought iron rail, if you see
11 Mickey Spillane's on 22 they've used the same
12 color pallet and the same style of wrought iron
13 railing on their balconies. So it's very
14 similar. I know that's a commercial
15 application, this is more residential. So we
16 were trying to bring all that detailing down
17 and through.
18 So in repairing that retaining wall at
19 the front of the house where the garage
20 currently sits, we decided to pull the entire
21 house forward 8 feet. When it was initially
22 designed and built, it was set back on the
23 property to give it more of a front yard and,
24 in essence, it kind of shrank the width of the
25 house. So we widened it by pulling it forward
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2 8 feet. To give it some character, I stepped
3 and jogged the front elevation. I've created a
4 two story portico, which we clad in stone, and
5 that was again just to add some more relief to
6 the house, a little more character, and really
7 bring this idea of the arched segmented
8 vertical shafts of windows all the way through.
9 As far as coloring goes, just very
10 quickly to go through some of that, the stucco
11 is going to be beige in color, the railings --
12 all the railings on the home are going to be
13 wrought iron, they'll all be black. The stone
14 is actually a Westchester granite. I have
15 samples of that as well. You go through
16 Eastchester and Tuckahoe, Westchester granite
17 is all over the place. It's the stone you see
18 on everyone's house. So it's that grayish
19 color. The windows are Andersen white vinyl.
20 We're going to do a mahogany stain door, as
21 well as the garage door will be a stain door to
22 match, again, with the lights inside of it.
23 There's actually a little roof overhang with a
24 couple of brackets to accentuate the garage a
25 little bit and kind of break it apart to add a
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1 little more horizontality (sic) to that
2 vertical element being that there is that step
3 down right there because of the wall. The door
4 is a Clopay door. Like I said, it's going to
5 be stained.
6 We got approval at ARB for this one as
7 well on June 2nd, and they also asked for
8 samples for the light fixtures, which I brought
9 with me as well. We only have two sconces at
10 the front door and there will be a pendant
11 light hanging in the entryway, and I have
12 those. If you would like, I could pass them
13 forward if you want to see them, or I could
14 just kind of flash them to you like this.
15 MR. NEMECEK: The hanging light is in
16 the portico?
17 MR. FINELLI: Yes. It will hang from
18 the top, and it will be in between the window
19 above the door and the door itself. So in
20 between that brown panel it will be hanging
21 right in there. Beyond that, once again, any
22 questions I could answer or samples I could
23 show you, I'll be happy to do so. Mr.
24 Mastrogiacomo is here also to answer any
25
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2 MR. CUNNINGHAM: It's the same stone
3 you're going to carry around --
4 MR. FINELLI: All the way around. The
5 same Westchester stone. Like I said, I have a
6 sample of it if you would like to see it.
7 THE CHAIRMAN: Yes, bring that over.
8 Is it a big piece of stone? I've never seen
9 it. You called it Eastchester stone or
10 Westchester stone?
11 MR. FINELLI: That's the actual name.
12 I thought someone made that up.
13 THE CHAIRMAN: Where's Westchester
14 stone from?
15 MR. FINELLI: This Westchester stone
16 is actually from Dutchess County.
17 MR. NEMECEK: Fraud.
18 MR. FINELLI: The quarries that used
19 to quarry that from around here are all closed
20 down now.
21 THE CHAIRMAN: There were local
22 quarries where it came from?
23 MR. FINELLI: I'm sorry.
24 THE CHAIRMAN: There were local
25 quarries where it came from?

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2 MR. FINELLI: Thank you very much.
3 MR. CUNNINGHAM: Nice job. Good luck.
4 THE CHAIRMAN: Have a nice summer.
5 Last application is 15-84, Barnes & Noble.
6 MR. NEMECEK: Don't forget your --
7 MR. TUDISCO: Your elevations.
8 THE CHAIRMAN: They're coming back.
9 MR. WIMMER: Good evening. My name is
10 David Wimmer. I'm a development manager with
11 Barnes & Noble. We are here with an
12 application to make a change from a previously
13 approved plan to change our restaurant from a
14 Type 3 to a Type 1 restaurant.
15 When we originally brought our plans
16 before the board and the ARB, we had noted that
17 we were in the process of developing a new cafe
18 prototype for this store and a couple of other
19 stores that we're doing around the country this
20 year. So in the intervening period of time,
21 we've now flushed out a lot of detail about
22 that and that has caused us to come before you
23 with this change in increase cafe capacity, as
24 well as occupancy as well.
25 A few drawings. This was what was

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2 MR. FINELLI: It used to come from
3 local quarries here, but the one that remains
4 it's actually -- I think it's Pawling, but it's
5 in Dutchess County where they actually quarry
6 it, and they still call it Westchester stone
7 because it's the same color. Anywhere you go
8 in Eastchester, in Tuckahoe, any stone you see
9 on a veneer on someone's house, that's what it
10 is.
11 THE CHAIRMAN: Learn something new
12 every day. That's something you remember,
13 Westchester stone. Any other questions, guys?
14 (No comments.)
15 THE CHAIRMAN: Great. Very nice
16 application.
17 MR. FINELLI: Thank you.
18 THE CHAIRMAN: Thank you for the
19 second nice addition to the neighborhood. So I
20 make a motion to approve Application 16-33, 36
21 Hewitt.
22 MR. PULASKI: Second.
23 THE CHAIRMAN: All in favor.
24 (All aye.)
25 THE CHAIRMAN: Great. Thank you.

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2 previously presented. The exterior of the
3 building has not changed fundamentally. This
4 was all previously approved by the ARB and the
5 Planning Board. These are some of the original
6 conceptual images of how the -- on the top left
7 is the current entrance elevation from what was
8 the former Border's location. The bottom left
9 is what we're creating for the new entrance, I
10 would say a cement panel and frameless glass
11 system to create this sort of jewel box
12 entrance, and then some conceptual images of
13 what the outdoor patio space would be for this
14 facility, which is a really unique and
15 wonderful opportunity for us here to have that.
16 We don't typically get just a very nice outdoor
17 space to work with and we're really looking
18 forward to having that become part of the real
19 success of this project.
20 The design firm that we've been
21 working with to help develop the cafe concept
22 separate from the book store portion of it, has
23 put together these renderings. The top left is
24 the -- as you approach into the restaurant at
25 first. The restaurant plan is a sequence of

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1 spaces. The first one, the top left -- that's
great, Greg -- on the bottom left is where you
would enter the space coming down the
escalators, and then turning left, and then to
your right that circular element that you see
that is your bar and coffee barista station and
the grab and go kind of area. So it will be
pastries, pre-prepared elements and you could
come, get your coffee. Then during the day as
that rotates into the evening, that becomes a
bit more of a beer and wine opportunity as
well.

Then the next space back is sort of a
group work area where you could just come and
congregate, you could plug in whatever device
you have and just have a social interaction in
that regard.
The next space, which is sort of the
reversed C shape that you see there, is a
little bit more of a lounge, you know, it's a
little bit more informal, very casual seating,
throw pillows, very relaxed kind of environment
that we developed there.

Then the last grouping off to the far

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1 plates, bits of tapas offerings, in addition to
beer and wine offering. The main shift, I
think that's causing -- the main item that's
causing the shift from Type 3 to Type 1 is
blending the two occupancy categories together
in that it now has a much larger seating
capacity. Typically, our cafes are held at 49
seats, which keeps us within the realm of an
accessory use to the space. This now being
more of a full service type of establishment
breaks beyond that. I believe we have just shy
of a hundred seats interior and some additional
seats out on the exterior. So that causes a
change in occupancy classification, which,
therefore, takes us to bringing us into the
Type 1.

MS. UHLE: Actually, from a zoning
compliance standard, the difference is based on
the type of cooking facilities that are
permitted. So with a Type 1 food service
establishment, you're allowed to have a Type 1
hood, and that allows you to do cooking -- not
that they're going to do this -- that produces
grease or smoke. It permits griddles, fryers,

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1 right is what would be a more traditional
restaurant set up of tables and chairs.

Then heading out to the outside,
again, different types of groupings of soft
seating and two top and four top tables, and
then we've got a Bocci court and we're working
out some of the other elements as far as what
would occur into the landscape out there.

MR. NEMECKE: Can you provide us with
a summary of the difference between the Type 3
food service establishment that was previously
approve back in February and the Type 1 food
service establishment for which you're now
seeking approval; what are the differences from
a practical standpoint?

MR. WIMMER: In our case, most of
it -- our restaurant is not going to be a cafe,
it's not going to be a place where you're going
to come get a cowboy bone on rib eye. It's not
that. It's definitely expanding far beyond the
food offerings that you're used to at current
Barnes & Nobles, which are mostly pastries and
paninis in addition to the coffee. We're
expanding into, you know, fresh salads, small
because it's larger than what you approved. So they kind of go together. Then I think from a building code compliance perspective they have other issues that they have to deal with, but those aren't really before you, those are before our plan reviewers. For you, it's both the cooking facilities and the increased number of seats. The increased number of seats actually has no impact on parking, because we calculate parking for restaurant areas the same way we do for retail spaces, but it is a different use within that building.

THE CHAIRMAN: For the floor plan with the increased area of facilities, that took away from the retail space on the north side I guess? Which way did this grow?

APPLICANT: Believe it or not, it took away from our backhouse features. This is the new plan -- my name is Greg --

MR. TUDISCO: If you could just use the microphone.

MR. NEMECEK: So our substantial viewing audience at home could hear every word.

APPLICANT: So the new cafe really

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expanded further back. The kitchen area got moved up. These areas, backhouse features, got reduced significantly. The way the economy has gone, they feel they could accommodate the customers and whatnot. So we really have not reduced the retail sales area but we've increased the size of the kitchen.

MR. NEMECEK: So basically those would be warehouse or storage areas and that's been reduced, the backhouse area; what is it that has been reduced in the backhouse area?

APPLICANT: Well, we had larger break rooms, we had larger offices. We've taken some of those features out. We added additional restrooms and taken them out of the stock room. We didn't have the ability to make the restaurant larger and reduce the sales area. It's kind of a very tricky, delicate balance that we've been working for several weeks now trying to make this work.

MR. NEMECEK: I think the town is -- I can speak for people in my family, they're a little more interested in the books than the food.

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vote on the change ourselves?

MS. UHLE: That's correct.

THE CHAIRMAN: So then I make a motion
to open the public hearing on Application
15-84, Barnes & Noble, 680 White Plains Road.

MR. NEMECEK: Second.

THE CHAIRMAN: All in favor.

(All aye.)

THE CHAIRMAN: Last gentleman in the
back there, nothing?

(No comments.)


THE CHAIRMAN: So then a motion to
close the public hearing on Application 15-84,
Barnes & Noble.

MR. PULASKI: Second.

THE CHAIRMAN: All in favor.

(All aye.)

THE CHAIRMAN: When are you guys
opening? Not soon enough.

I make a motion to approve
application -- no, not to approve
application -- to approve the application which
includes the change in service special permit

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from Type 3 to Type 1 on Application 15-84,
Barnes & Noble.

MR. NEMECEK: Second.

THE CHAIRMAN: All in favor.

(All aye.)

THE CHAIRMAN: Great. Thank you.

MR. WIMMER: Thank you very much.

MR. CUNNINGHAM: How long before the
opening?

MR. WIMMER: We're shooting for
mid-October.

MR. CUNNINGHAM: Okay. I know a lot
of people looking forward to Barnes & Noble
being back in that space.

THE CHAIRMAN: And serving wine and
beer.

MR. NEMECEK: I have some comments.

There's a few revisions. I'll send them to you
and circulate them among the group.

MS. UHLE: Okay. So you want to
approve the minutes at the next meeting?

MR. NEMECEK: We probably ought to at
the next meeting.

THE CHAIRMAN: So then I make a motion

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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 14th day of July, 2016.

DINA M. MORGAN
Court Reporter
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