

**WHITE PLAINS PLANNING BOARD  
MINUTES FOR MEETING OF  
SEPTEMBER 19, 2023**

**NEXT MEETING OF THE BOARD** – October 17, 2023

**ADOPTION OF AUGUST 15, 2023 MEETING MINUTES**

**SCHEDULE PUBLIC HEARINGS**

(242-23) **T-Mobile Northeast LLC** – 3 Barker Avenue; CB-4 (Core Business-4) – **Special Permit for a Public Utility Antenna Facility.**

David Kenney, attorney, described the new facility and noted that T-Mobile merged with Sprint. Sprint's installation on the old White Plains Mall was removed with demolition of the mall. 3 Barker is owned by the previous owner of the White Plains Mall. The Hamilton Green buildings are too tall to provide the needed coverage. The proposal is RF compliant. The cumulative emissions study includes emissions associated with the approved installation at 5 Barker Avenue. The DRB review has been done yet.

The public hearing was scheduled for October 17, 2023.

(247-23) **Azul Bar & Grill** – 6-10 South Kensico Avenue; B-3 Zoning District – **Special Use Permit for a Restaurant.**

Jon Turnquist, R.A., and Juan Moran, applicant, described the proposed restaurant. Westchester County approved tapping into the water line for sprinklers. No additional parking is being provided.

The public hearing was scheduled for October 17, 2023.

**PUBLIC HEARINGS**

(229-23) **1148 Mamaroneck Avenue – Site Plan Amendment for Installation of an In-ground Swimming Pool.** Environmentally Sensitive Site.

The public hearing was reopened. No public comments were made. The public hearing was adjourned.

(232-23) **1024 Hall Avenue;** R1-5 Zoning District – **Site Plan Application for a Single Family House.** Environmentally Sensitive Site.

The public hearing was opened.

Ms. Russell recused herself from this application.

Ernest Tartaglione, Sr., Ernest Tartaglione, Jr., and Esmat Mekael, P.E., described the site plan.

Ms. Oliva noted that the site is too overgrown to walk. Mr. Tartaglione agreed to trim it and to escort the members around the site at their convenience.

*Amy Cassidy, attorney representing some of the neighbors,* said that, in 2019, the owner of 1028 Hall Avenue experienced violent shaking and serious structural damage to his house, resulting from rock chipping at the 1024 Hall Avenue. She said this was confirmed by two structural engineers who observed cracks in the basement slab, which had dropped several inches. The engineers attributed the damage to disturbance of the rock ledge that extends under 1028 and 1024 Hall Avenue. Drilling into the ledge on one site affects all of the other properties that are on it. A "Stop Work Order" was issued by the Building Department until the vibration issue is resolved. No documents have been submitted showing that moving the house 15 feet will stop vibrations from damaging her clients' properties. She recommended that the Board obtain an independent geotechnical engineer to evaluate the rock and make sure that rock removal will not cause vibration damage to adjacent properties. Also, she noted that the site is environmentally sensitive, and she said that conditions requires a heightened standard when evaluating impacts. She said that it is essential that the Board fulfill its SEQRA duties and investigate conditions itself to ensure that there will be no additional environmental harm or structural harm to the surrounding properties. In addition to hiring an independent geotechnical engineer to do an additional SEQR review, she asks that the developer provide full insurance to the neighboring properties that the geotechnical engineer deems may be affected by the continuation of the project and that a bond be posted for the potentially affected properties.

*Dias George, 1028 Hall Avenue,* said that he bought his home in 2012 and that, in 2019, during construction activity on the project site, his driveway was vibrating, a retaining wall crumbled, sheetrock cracked, and a chandelier and picture frames were on the floor of his house. He said two engineers attributed the damage to his house to the construction activities on the Project Site. He noted that his house is his primary asset, like many of his neighbors.

*Paul Beekan, 1204 Hall Avenue,* said that he has lived in his house for 50 years. He said the rock is gneiss, which he described as very hard, which carries vibration. He said that dynamite was used for installation of municipal sewers years ago. He noted that the applicant has changed the plan several times.

Mr. Tartaglione, Sr., said that the previous owner of 1028 Hall Avenue dug a water line 10 feet from the house and 16 feet down, and that the damage was done before his construction work. He asked why, if his construction activities caused damage, Mr. George did not seek compensation for the damages. He noted that the building inspector's report did not mention a fallen chandelier. He

said that the owners of 1028 Hall Avenue and 1012 Hall Avenue would not allow inspectors into their homes to see the damage. He described the houses that he builds as assets to White Plains.

Ms. Oliva said that comments regarding the previous owner of 1028 Hall Avenue are hearsay. She also said that she was not in favor of approving the fourth lot during the Board's review of the 1020 Hall Avenue Subdivision.

Chairman Ioris asked Mr. Saiz how the City addresses vibrations. Mr. Saiz said that an independent company is hired to install and monitor seismographs in surrounding houses. Access is needed to the adjacent properties in order to assess the preconstruction condition and to assess any changes. If the property owners refuse access, damages cannot be attributed to the builder.

*Mr. Beekan* said that blasting was done during sewer installation in Hall Avenue, and that seismographs were placed in his basement and other neighbor basements.

There was discussion about construction monitoring and bond issuance, and whether that is within the jurisdiction of the Planning Board or the Building Department.

Ezmat Mekael, P.E., described the onsite rock as fractured; not hard, and he proposed the use of seismographs to monitor vibrations from rock removal.

*Ms. Cassidy* said that addressing construction impacts should not be deferred to the Building Department because it is a Lead Agency responsibility, and the Board should determine the environmental impact *before* it gets to the Building Department. Hiring its own geotechnical engineer would allow the Board to have an independent assessment of potential impacts prior to making its environmental findings.

Mr. Gutekunst said that he does not necessarily agree with Ms. Cassidy. He suggested that the Building Department would have the expertise to review a geotechnical report, rather than the Planning Board.

The public hearing was adjourned to October 17, 2023.

## **OTHER**

### **(243-23) 106 Old Mamaroneck Road; R2-4 Zoning District – One Year Extension of a Two Lot Subdivision Approval.**

Stephen Formica, applicant, requested an extension of the subdivision approval, noting that there are no site changes other than the clearing of trees, and that he is considering his options before filing the plat.

Ms. Russell made a motion to approve the extension; Ms. Cabrera seconded the motion, and it carried unanimously.

- (244-23) **Verizon Wireless** – 1 North Broadway; CB-3 (Core Business – 3) - **Special Permit Amendment to Upgrade Cellular Antenna Facility. Eligible Facility Request.**

Michael Sheridan, attorney, described application and the proposed changes to the existing installation as an eligible facilities request that complies with RF emissions requirements.

Ms. Russell made a motion to approve the Special Permit Amendment as an eligible facilities request subject to the conditions of the original approval and verification by the Department of Public Works that the change is RF emission compliant. Ms. Morris seconded the motion, and it carried unanimously.

- (245-23) **Verizon Wireless** – 70 Ferris Avenue; RM-0.4 (Residential Multi-Family) Zoning District - **Special Permit Amendment to Upgrade Cellular Antenna Facility. Eligible Facility Request.**

Michael Sheridan, attorney, described application and the proposed changes to the existing installation as an eligible facilities request that complies with RF emissions requirements.

Ms. Russell made a motion to approve the Special Permit Amendment as an eligible facilities request subject to the conditions of the original approval and verification by the Department of Public Works that the change is RF emission compliant. Ms. Cabrera seconded the motion, and it carried unanimously.

- (246-23) **Don Coqui** – 107 Mamaroneck Avenue CB-2 (Core Business – 2) Zoning District - **Special Permit for an Accessory Cabaret.** Common Council referral.

Rene Rodriguez, applicant, noted that he had a cabaret license but that it lapsed, and that he has restored an emergency exit out the side of the building.

Ms. Russell made a motion to send a letter to the Common Council stating no objection to approval of the Special Permit for an Accessory Cabaret; Ms. Cabrera seconded the motion, and it carried unanimously.

The Planning Board's letter to the Common Council is attached hereto.

## ADJOURNED

- (223-23) **56 Primrose Street – Site Plan Application for a New Driveway.**  
Environmentally Sensitive Site.
- (104-22) **Farrell Estates at Ridgeway Subdivision** – 336-400 Ridgeway, \_ Gedney Esplanade, 213-223 Bryant Avenue; R1-30 Residential Single-Family Zoning District – **106 Lot Subdivision.** Environmentally Sensitive Site.
- (234-23) **154 Purdy Avenue;** R1-12.5 Zoning District – **Site Plan Amendment for a house Addition.** Environmentally Sensitive Site.
- (239-23) **101 Hillair Circle;** R1-30 Zoning District – **Site Plan Amendment for an In-ground Swimming Pool, Patio, and Driveway.** Environmentally Sensitive Site.



## **PLANNING BOARD**

MUNICIPAL BUILDING · 70 CHURCH STREET · WHITE PLAINS, NEW YORK 10601  
(914) 422-1300 · FAX: (914) 422-1301

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September 20, 2023

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: DON COQUI - 107 MAMARONECK AVENUE - SPECIAL PERMIT FOR AN  
ACCESSORY CABARET USE

At the Planning Board meeting held on September 19, 2023, the Board considered the application filed on behalf of DC White Plains, LLC, for a Special Use Permit for an Accessory Cabaret at Don Coqui, located at 107 Mamaroneck Avenue.

The Board has no objection to approval of the Special Use Permit for an Accessory Cabaret at Don Coqui.

Planning Board members voting in favor of sending a letter to the Common Council stating no objection to approval of the Special Use Permit for an Accessory Cabaret at Don Coqui: J. Ioris, A. Cabrera, L. Morris, L. Oliva, and S. Russell (5); Opposed: None (0); Absent: J. Kirkpatrick and V. Yadhati (2).

Respectfully submitted,

**JOHN IORIS**

John Ioris, Chairman

White Plains Planning Board