Minutes of the ***Regular Meeting*** of the Planning Board of the Village/Town of Mount Kisco held on ***Tuesday, August 9, 2022*** at 7:30 pm in the Frank J. DiMicco Board Room and via Zoom Teleconference

Members Present: Michael Bonforte, Chair
William Polese, Vice Chair
Crystal Pickard
Michael McGuirk
Maggie Downey
William Beltran
Barbara Roppolo

Staff Present: Jan K. Johannessen, Village Planner (via Zoom)
Peter J. Miley, Building Inspector
Anthony Oliveri, Village Engineer (via Zoom)
Whitney Singleton, Village Attorney (via Zoom)

Michael Bonforte: Alright. Good evening, everybody. This is Mount Kisco Planning Board, and tonight is Tuesday, August 9th, 2022 work session is completed at 6:30. We started and is completed. And this is the regular planning board session at 7:30 p.m. and Michelle is with us tonight. Welcome back. Alright. We have minutes from May 24th, 2022. Do we have a motion to adopt the minutes from May 24, 2022, please?

William Polese: I'll make the motion to adopt the minutes of.

Michael Bonforte: Do we have a second?

Crystal Pickard: I'll second that.

Michael Bonforte: Okay. Thank you, Crystal. And I guess we should all vote. Does everybody want to vote aye? Any nays or Aye? Say aye, please.

The motion carried by a vote of 5 to 0.

Michael Bonforte: Okay. Good. Thanks, Mike McGurk. Michelle.

Barbara Roppolo: There's abstention.

Michael Bonforte: Okay.

Maggie Downey: They'll pass the abstentions. I I'm just abstaining from it. Sorry

Michael Bonforte: Yeah. You should probably abstain since you weren't part of the meeting. To the last meeting. It's May 24th. Were you here at May 24th?

William Beltran: No. No. I was not. Sorry.

A. Mount Kisco Country Club – 10 Taylor Road
PB2021-0422, SBL 80.62-1-1
Site Plan

Michael Bonforte: Okay. So William will abstain, but they passed nonetheless. Okay. Good. We have Marcus Country Club 10 Taylor Road. They're asking requesting a for a site plan. They got they have an approval, and they're asking for an extension due to certain circumstances. My computer screen went blank, so hold on a second. Peter, do you want do you want to is it it's a date, sir, in October 2023 is the request. It didn't.

Peter Miley: its one year. They're requesting. I believe its October 15, 2023 but we'll confirm. If you want to just I'll make vote on the one year from the date of their last updated approval? October 10th, correction.

Michael Bonforte: Thank you, Michelle. Okay. I'll make the motion to the board to approve the request for an extension. We can hear you, Mike.

Mike McGuirk: Yeah. It's loud and clear. Yeah.

Michael Bonforte: We can hear when you do that. That's fine. It actually comes across quite clear. So I'll make the motion to approve the extension from Mount Kisco Country Club, 10 Taylor Road, approval for another year to October, 10th, 2023 Do I have a second, please?

William Polese: Second, the motion to extend.

Michael Bonforte: Mister Polese, thank you. And can we get a vote of the board? I'll say, I didn't think you heard it all.

Michael Bonforte: That's good. Any opposed.

The motion carried by a vote of 7 to 0.

B. SCS Sarles St, LLC II – 180 South Bedford Road
PB2021-0395, SBL 80.44-1-1
Site Plan, Special Use Permit and Steep Slopes

Michael Bonforte: Thank you for that. I always forget the whole thing. No, no, no opposed unanimous Michelle. Okay. And I'm just going to ask the folks for the Moger Barn Apartment at 79 North Moger to just allow us to put the SCS SORL Street, LLC 180 South Bedford Road. It's a site plan special use permit in steep slopes before you. We do have a representative here. So in the work session well, first of all, the board received it's good. Thank you, Philippe. The board received a letter from the applicant. Now this is for the solar field and only the solar field. That's the SCS Sarles Street application at 180 South Bedford Road, a request to extend, or it should say, adjourn the positive declaration of significance that the board had prepared and was planning to vote on tonight. So we gave the applicant a sense of where we stand during the work session, and we came up with a couple of I won't call them conditions, but factors in in our in our thought process. And, and one is that the escrow the escrow count has not been replenished.

Mr. Null: Mister Chairman, I'm.

Michael Bonforte: Well, wait, Mr. Bill, just wait.

Mr. Null: Sir. I apologize.

Michael Bonforte: This way, yeah, we'll allow you to speak on that. And one, one factor is, you know, the escrow hasn't been replenished for. I don't know how long and it's and it's probably a sizable amount. I forget the amount and it's not something I'm asking for from staff, but it's at the discretion of the board to grant this extension or should say adjournment of the, of the vote. And then the other factor is we can't have the applicant speak or it should say, represent at the meeting in any manner until the escrow is paid. And, I mean, arrears and replenish an escrow amount. Upfront in the future. And the other factors were just the public hearing is closed. That was back in May 24th I have in my notes. And also, we allowed written comment for a period after the public hearing comments were closed. And I believe that ended in June. I can't read my writing, but it's sometime in June that written comment period. Ended. So the public hearing is clearly closed on the secret determination. We are as a board required and mandated to process a secret determination within a certain time period. We're over that. But here we are. We're at this point in time, Mr. Null, why don't you representing the applicant, why don't you go ahead?

Mr. Null: Thank you, Mister Chairman. Bill Null, partner in the firm, Cuddy & Feder, on behalf of the applicant. I just want to state to the board that we will arrange for escrow funds be paid within 10 days of this meeting. And I'd confirm that with our client before coming here. And what we're asking, what we're doing, two things. We're asking, did this matter be adjourned for 60 days? And we're granting an extension for the adoption of any environmental determination for that same period of time. So that it addresses the, the, the time that you mentioned Mister Chairman on after the close of the public hearing at the time within which determination should be adopted. So we're doing both and we understand that there are discussions with the village regarding the use of that property and our belief is that it would be detrimental to those discussions to have a positive declaration adopted at this time. And there's no adverse impact, no pun intended, to the board or the village, if there isn't a determination adopted tonight and instead it's deferred for 60 days. So we're asking your courtesy and consideration in doing that.

Michael Bonforte: Okay. So I I'll just stay state for the public record that I we appreciate I appreciate as one person, the offer to, to settle up on the arrears and replenish the escrow account. Of course, the replenishment of that portion can always be given back if you decide to change your mind or whatever about representing or so forth. But I know that's not your intention. But let's put it to, to a vote of the board. Do we want to grant this extension or not?

Mike McGuirk: Can I ask 1 question so I understand what we're agreeing to? Is it is it am I correct in understanding that the applicant is offering to pay the back escrow, and that's conditioned upon the board taking action to delay our vote on the determination of significance? And would that also mean that if we were not to decide to delay that vote that they would not be willing to pay in the 10 days?

Michael Bonforte: I'm keeping those separate. So I was trying to choose my words carefully, Mike, and, and just say that's a nice offer from the applicant. But until it is taken care of, it's to me, it's independent.

Mike McGuirk: So Well, it I guess, it bears on something I would suggest, which is it I, we don't necessarily I mean, they've, they've made a request. We don't necessarily have to take that action. I mean, we could withhold action kind of pause until just the next meeting. And see if it's been paid, and then make a decision on at least from the board's perspective committing to a, to a fixed term of delay.

Bill Polese: Are we 30 days from our next meeting?

Crystal Pickard: One more.

Michael Bonforte: Just about, September 13th.

Bill Polese: So the accommodation, Mike, is just we defer any decision and then you guys agree to a 30 day deferral. Does that work the math adds up?

Mr. Null: It I think that the suggestion that we that we're, we're trading horses here, I mean, we're, we're we understand the obligation to make the payment. We understand that there are different time periods when applicants make the payments even though they're due. We're making a commitment that will make that payment in 10 days, and we're asking that a 60 day extension in a German be granted so that have the latitude of not coming back here at the next meeting or asking, you know, a week from the meeting for another adjournment. We're not looking for a fast resolution here. We're looking for a resolution that's long lasting and to work with the village to find some resolution that that is beneficial to all sides.

Michael Bonforte: So, Mike, I understand what you're saying, and I personally just want to keep it separate. If the applicant's willing to pay, let them pay, and if they don't, we come to the next. We come to the if we so choose as a board to vote in favor of the extension for 60 days that's been presented, we just come back and we put the positive declaration of significance and vote on the next board meeting. So in terms of timing, Michelle, Michelle, its September 13th is what? That's about a month what's the next meeting after two meetings after that? And then we'd be in October. So what meeting would be 60 days, hence? It would be Probably, I wouldn't talk.

Michael McGuirk: October 14th Yeah.

Michael Bonforte: I mean, its close. It might be a day or 2 off. The 60 days, but we would want to we'd want to actually do a date certain.

Mr. Null: As far as the date certain, if it's October 14th, that is the date.

Whitney Singleton: Sorry. It's October 11th. October eleventh.

Michael Bonforte: I don't know. Okay. I don't have it in front of me. I only have what caused the deck.

Mr. Null: October 11th would be 6 would be approximately 60 days your next meeting.

Michael Bonforte: That, that's okay. Just to be clear, the next the meeting then would be October fourteenth.

The Secretary: No, the meeting is October 11th. Yes.

Michael Bonforte: And that is also 60 days? Okay. So I think that lines up with what I would like to have the board consider as a vote to approve, and I won't make the motion. But a vote to approve the 60 day extension request quote from the application.

Mike McGurk: Michael, can I just ask, I think I might have gotten something garbled on my end with the sound where you were saying you would like to vote on the 60 day extension with the intention of acting after the 60 days if the escrow is not, is not paid or acting immediately if the escrow is not paid. I didn't hear that clearly.

Michael Bonforte: It all depends. And, and the reason I'm thinking that way, Mike, with and again, I'm separating the escrow from this. I'm just saying I'm in favor of granting the 60 day extension. We come back on October 11th and we have a different set of factors possibly, paid, not paid. But I think that allows the applicant enough time to see what the Village Board is accomplishing or not accomplishing with the other activities on the site, meaning the cell tower. Okay? That's what I am looking at.

Mike McGurk: Okay.

Michael Bonforte: And I don't think it puts us in a negative or a poor position going forward. In any manner.

Mike McGuirk: And Whitney said be prior that once we commit to those 60 days, then then the Board actually is going to be held to that commitment, we wouldn't be able change course.

Whitney Singleton: Right. Your board has discretion to grant any extension you want or no extension at all. Because withdraw. I'm sorry. No. Once you grant an extension, you grant an extension.

Mike McGuirk: Right. Okay. That's, that's basically yeah. Okay. I'm clear now. Thank you.

Michael Bonforte: So, so just to go on design I'm suggesting as one Board member that we vote on the extension request from the applicant for 60 days. And the reason being there are discussions on the Village Board level regarding the cell tower application. And it has an impact directly on the solar field application in a myriad of ways. Think is a good way to put it. You know, there there's buffer issues between the 2 applications on the same site per our code. So I think we'll accomplish the same positive declaration of significance whether we vote on it tonight or we grant a 60 day extension, but to allow the village board to possibly come up with a better solution. Maybe not the greatest, but maybe a net positive solution that's better than where we are today. So that's why I feel the way I do about supporting this request.

Mr. Null: Mr. Chairman, may I make sure of this one of it all? In addition, there's the possibility that there'll be changes to the plan within that 60 day period that could affect whether or not you adopt a positive declaration.

Michael Bonforte: Now are you speaking directly about your plan for the solar field or the south?

Mr. Null: The entire the plan for the property. What the discussions with the village are to influence and effect the plan for the development of the property. So what, what you are looking what you drafted addresses the current proposal for the site. And what I'm saying is during that 60 day period because they're going to be continuing discussions, there's the possibility of the plan for development of the site being altered. And that may or may not affect what this board chooses to do.

Michael Bonforte: And, and hopefully, I'm saying the same thing in so many words, and I'll reiterate, yes, this is my understanding. And again, it could come out to be a different set of factors in 60 days. And that's why I think 60 days is a useful period of time for those to develop. Okay. So look, let's move on. I'd like to would anyone on the board like to make the motion to grant the extension for 60 days to SCS Sarles Street 180 South Bedford Road.

Crystal Pickard: I'll move to grant the requested extension of SCS Sarles Street, LLC for 60 days to the October 11th meeting.

Michael Bonforte: Do we have a second?

Barbara Roppolo: I'll second.

Michael Bonforte: Thank you, Barbara. Barbara, what's the.

Crystal Pickard: are there any questions.

Michael Bonforte: Are there are there any questions on the board? Let's vote. What's the best way to say that vote on the board? All in favor. Say Aye.

The motion carried by a vote of 5 to 1. Mr. McGuirk voted nay.

Michael Bonforte: By anybody abstain or and we didn't, Mike. I didn't I know you're on Mike McGuirk. We have a nay show.

Mike McGuirk: Yeah.

Michael Bonforte: Okay. That was clear. And that was consistent with the work session, Mike. But thanks for your input. Understood. So Michelle, that motion passes. And, and again, I hope there's a really better situation or set of factors that are here before us on October 11th when you

Mr. Null: Thank you very much for your time and consideration.

C. Moger Barn Apartment (Anthony & Angela Giardina) – 79 North Moger Ave
PB2019-0382, SBL 69.73-3-5
Site Plan and Change of Use

Michael Bonforte: Thank you. Have a good night. Thanks, everybody. Alright. Anthony and Angela Giardina Moser Barn apartment, 79 North Moger Avenue here. Welcome. This is for a site plan and change of use. Peter Miley has, you know, written a memo on this and he can bring us up to date once the applicant's ready, if you're ready. Peter, why don't you go ahead, please?

Mr. Miley: Sure Chairman. As discussed in the work session 79 North Moger is an existing 4 family dwelling located on our property, as well as a garage with a barn, excuse me, with an apartment above. That's parallel to Carpenter. If you know the properties are through lot, it runs on two streets, it runs on Carpenter and runs on North Mosier. Facing North Moser is the 4 family dwelling. And if you look at the elevation of the site, isn't the only access to the rear apartment where the best access would be from the carpenter avenue. So this property was before this Board one other time. Myself, Jan, Whitney, Anthony, I

believe. We all met and discussed his property at length and trying to figure out a way to get this thing legalized originally was flagged for an unlawful apartment located above the garage. So we had deep discussions of trying to date the time the actual the apartment actually appeared. We weren't we weren't able to do that. The applicant can indicate they purchased it in that manner. It does not have a certificate of occupancy on file, which would mean 2 things. Would be either pre date, 1928 which I was not able to certain. And second would be the work was done with that apartment. So it came to a conclusion that because it's in a district which allows multi dwelling and multi structure, meaning more than 1 that would allow him to come to the plan board without the need for a variance for the second dwelling unit, or excuse me, second principal structure. And I think that Anthony will get in depth on when it was there, how long it's been there, and how it's currently being utilized, So we talked about how to improve this lot and parcel with regard to parking, landscaping, as mentioned earlier, there's 4 spaces that crossed the public right away. And when they brought up a good point about the approval process, it needs to go through the border trustees. So before you today, to explain some of the improvements they are proposing, some of the improvements that myself, Jan, Anthony, Whitney, discussed already, which would include. The garbage disposal containers that I'm that I think they're cemented into the ground. They're going to be removed. Going to be replaced with landscape and the garbage cans are going to be located through the rear of the barn so they'll no longer be visible. I recommend that they construct some sort of containment so they don't move from that location. Second thing, they're going to where the retaining wall is provide some wheel stops. Essentially allow the car to overhang the retaining wall. So essentially take that extra 2 feet and put it more on their property rather than village property. And the third thing was to improve the landscape and well, this is combined. Third thing, landscape and lighting for both the existing property and the apartment above the garage. So the applicants here before, she's going to explain and answer any questions with regard to it's used. With regards to parking, most of the parking there is let me take that back. Most of the parking was existing by virtue of the at 1 point according to our records, A 4 car garage, but it cannot fit 4 cars. So that's why you see a 3 car for you. And then the additional 4 spaces were created probably from what I could tell, at least by 1976 according to the GIS mapping. Again, parking is compliant because of most of the space there. The 4 families almost pre code didn't require parking up until 1954, they're proposing 8 parking spaces. When they originally proposed 10 we asked them to remove one or two of the spaces and relocate another because of the way it was pulling in out. It just didn't work. Again, they would before this board at least a year ago if not longer. So here we are. Anthony, present your application.

Mr. Giardina: You've covered it pretty well.

Michael Bonforte: Yeah. Just introduce yourself. You want to add anything to that or respond? We didn't we didn't see your responses in writing. Right. Yeah. Just introduce yourself with your names.

Anthony Giardina: I'm Anthony Giardina and my wife Angela Giardina. As my parents heard, we were trying to legalize an apartment above the board and the property that we bought. Quite a few years ago. In the process of doing this, it came to be or our attention that we had to appear before your board for a site plan approval. We've had a site plan drawn a while ago, and we had other meetings with the building department and have revised that site plan. You I'm sure you have the revised site plan in front of you now showing the planting area, showing the removal of the garbage pales, and showing the wheel stops and the parking lot, which is at present, plenty wide enough for illegal with to make the parking spots legally wide. Actually, it's a little wider than the need to be. We have plenty of depth off the road if you allow for the foot and a half overhang over the bumpers. So I think I hope that we've satisfied requirements that the billing department has asked for and hopefully what you're going to be asking for. And we could hopefully get this finalized and put the bid. If there's anything other than what we discussed tonight and what Peter described to you, please let us know we'll be happy to entertain your suggestions and do whatever we can to expedite this approval.

Michael Bonforte: Okay. Yeah. Do you weren't here for the work session. Correct?

Anthony Giardina: No. I was not.

Michael Bonforte: Right. So

Anthony Giardina: I didn't know what was I supposed to be?

Michael Bonforte: Well, it just helps sometimes you get sort of forewarned. You not allowed to speak during the worst section, but you're absolutely here to listen and hear the board deliberate with the staff. And discuss your, you know, your application. So a few things came up. 1 is that, you know, probably most well, not in any particular order then. The, the, the, the parking right up against Carpenter Avenue.

Anthony Giardina: Right.

Michael Bonforte: We're very close to it. It's in village it's on village property.

Anthony Giardina: Well.

Michael Bonforte: As board may Well, let me just.

Anthony Giardina: Okay. Go ahead.

Michael Bonforte: Through these things. Okay? Because this is something you can go to staff with and work out, but this is what the board's been told. Okay?

Anthony Giardina: Okay.

Michael Bonforte: So you may have a different process there. Okay? It's number 1, hold on. Just and that's space is 5 through 8 Correct? Yeah. 5 through 8 Alright. Maybe even 4.

Anthony Giardina: Okay. 4 4 spots. Correct.

Michael Bonforte: Yeah. Just the ones along the road. Right? And how much they're in the village right away is, I forget, development coverage. I just made a note. The, the building coverage is fine, but the development coverage on the site is Let's see. It's if line 8 is less in line, equal to k. Your development coverage is over. So just Keep that in mind. It's a small amount.

Anthony Giardina: No. I know that.

Michael Bonforte: Okay. Good. And then there was a lot there was a the better talk about backing up cars parking and backing out into the street. Okay? You know that? I know it's been existing, but we have a safety, you know, a responsibility to think about the safety. You have 2 high density apartment buildings across the street from you, meaning there are entrances and exits for those tower close and the Carpenter Avenue apartment buildings.

Anthony Giardina: Right.

Michael Bonforte: So you got to take that into account and let's see. Am I missing anything? Anybody else on the board, the landscape plan. Yes. I think you provided that here. That I had 1 other item. On space number eight. Anthony and Angela, I I just drove by tonight. There's a walkway along the property line. A cement walkway with a with a with a handrail that goes down to the main house. Right?

Anthony Giardina: That's not off of off of Bossier. There's a what there's a stairway that goes down to Moger, whether that.

Michael Bonforte: Goes down to Bossier or up to the main house from Moger.

Anthony Giardina: Front Moger up to the main bus. That's not where the parking is thought. And where the parking area is, there is no there is no walkway there.

Michael Bonforte: Is there, is there a walkway to your main house on Carpenter revenue? Or does that belong to the elite? It goes to your main house.

Anthony Giardina: from the parking lot. Just walk down the driveway.

Michael Bonforte: So the walkway goes to your main house.

Anthony Giardina: Yes. From the parking lot.

Michael Bonforte: And the way this site plan shows, it, it just shows parking space proposed, number 8 would be replacing that walkway. I.

Anthony Giardina: I don't think I don't think that's the way I see it.

Michael Bonforte: Well, it's not on the site plan, but just keep this in mind because if you're planning on taking that walkway out, do you want my copy? You don't have to look at it?

Anthony Giardina: I got it, I got it.

Michael Bonforte: Okay.

Anthony Giardina: Okay. Are you talking about the walkway between the garage, barn, etcetera, and the main building. This this shows macadam walk.

Michael Bonforte: I don't see a walkway.

Anthony Giardina: Is that what you're talking about?

Michael Bonforte: No. That's in between them.

Anthony Giardina: 2 buildings.

Michael Bonforte: Between the 2 buildings. That's in between the garage and the main building.

Anthony Giardina: Yeah. Right.

Michael Bonforte: I'm talking about the walkway that goes down from Carpenter Avenue where parking space A is, although it's not delineated. And goes to the main house. It's not on here.

Anthony Giardina: There is no walkway there. This is just that's, that's, the other people's property. Can I do you mind taking moments?

Michael Bonforte: No. You don't need to. That was my question. It looked as though it was.

Anthony Giardina: No. No.

Michael Bonforte: You're.

Anthony Giardina: There is no walkway there.

Michael Bonforte: Okay, Anthony. I'm not here to debate anything. Just work on it because when I when I went to look at the site, that walkway goes to your main house or your residents use that to get to the main house.

Anthony Giardina: I'm, I'm totally confused really? I really am.

Michael Bonforte: Okay. So maybe I'm wrong.

Anthony Giardina: Because it's.

Peter Miley: I'm on Google Earth right now. There's no walkway from Dubai.

Michael Bonforte: Where's Carpenter?

Crystal: This is Carpenter. There's a wheelchair.

Michael Bonforte: This is proposed. There's a walkway that goes down and curves into the house.

Peter Miley: So the walkway when you use it when you put down the macadam driveway that that is indicated on the site plan. After the garage, it goes behind the garage. Because there's no walkway on those 4 spaces that are on.

Crystal Pickard: this walkway?

Peter Miley: There's no walkway. That's the North Moger. We're sorry everybody. We're looking at a Google Earth on go to Carpenter. So we have the property. He just no. That's the wrong property. Yeah. No. That's the wrong property.

Crystal Pickard: No. That's it.

Peter Miley: There's a blue car from.

Crystal Pickard: With the garbage stunk down there in in the garage with the 3 openings? That's at the house. That's white. That house. Right. For 3 hours.

Michael Bonforte: Okay. Let's move on. Just I'll, I'll look at it again. Again, I was just there I was I had my map. Alright. How can I meet you there if you'd like it? We could go over it again. No problem.

Anthony Giardina: There's such well on it.

Michael Bonforte: Okay. Anybody else I'm looking at my list. Anybody else want to weigh in on this. We'll start with the staff and then we'll come back to the board. I know Peter already talked about this, Jan, you're back. Thank you. I know you had something you had to take care of personally.

Jan Johannessen: Yeah. The only thing that we included in our comments was while there was an indication on the plan that there would be landscaping along the driveway. We're actually looking for a landscaping plan that would identify the planned material proposed. Also, a trace into the parking spaces along the road there. There's a hedge that the applicant during our meeting indicated they would be willing to replace or supplement or clean up. So looking for a little bit more detail on the landscaping plan. The rest of the issues really deal with zoning, and I I defer to Peter on that. There was, I think, 1 additional wall sconce proposed on the garage. And I thought that was appropriate. That just seemed like a nice residential down lit. Wisconsin would provide a little lighting along the building there.

Michael Bonforte: Okay. So just sum up for the applicant where what their next steps are, what they need to do. They heard some just comments from me, from Peter, right, and, and review.

Jan Johannessen: Yeah.

Michael Bonforte: Can we I know those steps because, you know, sides development coverage? What else does the board have to approve site plan?

Jan Johannessen: Yeah. You'll be approving or looking at a change of use application and a site plan. It sounds like there's some zoning board variances that should be evaluated before you act. And it sounds like the parking in the Village right of way requires some action of them. Village Board, whether that's a condition or whether they go to the Village Board. Now I can defer a Whitney on what comes first, what's better procedurally, but there's definitely sounds like 2 boards that need to weigh in on this. I viewed this as a type 2 action under speaker for at least the Planning Board's component. Because that's a change of use and that is now a designated type 2. There's limited site work. It's just landscaping and removing that the garbage containers and moving that to the back of the garage. So I think from your perspective, it's a type 2 action. There's no your obligation, but the ZBA or the bill of form, they, they might be viewed differently from a seekers perspective. Whitney, do you have a position on where they go next or if the village board has to way I'm going to play it on this now?

Whitney Singleton: I mean, as my prior comments, or that the Planning Board has no authority, as Peter pointed out, just memo to approve parking in a public right of way. I don't know what relief that the village board can give them. The village board is not going to give them an easement, a permanent easement that's giving away public property. Village Board can give them a license to use it, but that's not that's revocable at any at any point in time. So…

Anthony Oliveri: Maybe if I could interject. We had talked about wheel stops. And, you know, if you look at the photos, I'm looking at the Google Earth, there might be some room that could If they could show 16 and a half feet within the property line up to the wheel stops, maybe they could demonstrate they have, you know, sufficient space there for a, for a spot. The applicant seem to think that he did have space there. So maybe that's something to look at. Yeah.

Whitney Singleton: That would be preferable.

Michael Bonforte: Okay.

Peter Miley: Chairman, just on my end. I didn't identify any variances. A lot of this coverage was existing. I'm not sure when it appeared. However, you know, we could go back with the applicant and some of those things that were identified the landscape in, you know, proposing that the spaces we move forward, which we'll stop to get that 16 and a half and removing impervious wherever we can to help reduce some of that impervious surface. As far as the garbage bins, those been located, I mentioned that there should be some sort of protection or cover. Snow accumulation area, I indicated, which could be identified, and that's pretty much it. Those are the 4 main topics that occurred at our discussion.

Michael Bonforte: So, so specifically, if we first of all, it's the studio apartment that needs to be legalized, and then that creates a parking space calculation, correct? Yeah. And what's the deficiency there?

Peter Miley: There isn't any. So because the one-family dwelling was constructed prior to 1954. So at the time, and it said and the code is very specific. It said, may provide parking 1 minimum 1 per unit. So I assumed, obviously, I wasn't there when they created a code that at least 1 space was dedicated to each apartment unit, so we could come to a conclusion that the bare minimum is 1 per each apartment dwelling. Yeah. Then the new space, the apartment above the garage would require a minimum of 1.25 but in addition, I also added a half a space for visitors. Let's just round it up to 2 which would give 6, he's proposing 8 so in other words -- Right. Most of it predates.

Michael Bonforte: Okay. Good. Alright. So what is the next step? Contacting staff. Who are going to find out more about whether it's the village board, zoning board, or both, and how to go about that?

Anthony Giardina: Correct. Okay.

Michael Bonforte: Alright. And that that could be well, you know, again.

Crystal Pickard: First step might be looking at if it's possible to pull those 4 spots in to your site. I don't know who your engineer is.

Peter Miley: I think the next step is to speak to your engineer. Yeah. Take some of the comments from the board. Look at the review memos, have them adjust or amend the app excuse me, a site plan and send it over to us. We'll take, you know, another look at it.

Anthony Oliveri: We usually allow two feet to overhang on the wheel stop. Well.

Michael Bonforte: Anthony, can you repeat that?

Anthony Oliveri: I didn't quite digest that. Probably allow for a 2 foot overhang on a curb or a wheel stop. So as Peter said, 16 and a half feet, so if they could squeeze that 16 and I have feet in inside the property line, then they're they'd be good.

Michael Bonforte: Anthony, the, and Angela Giardina, there it's a steep slope. Right? Like, where the parking is now?

Anthony Giardina: There's a change. There's a change. So yeah.

Michael Bonforte: Now you got to think about obtaining more possibly.

Anthony Giardina: Right.

Michael Bonforte: But I think Crystal's point as well to is a good one. You know, start there and then work your way with staff. Okay?

Anthony Giardina: Sure.

Michael Bonforte: That's the way you go. Okay.

Mr. Miley: It's about 30 inches. 6 inch block. So it's not all that much.

Michael Bonforte: Well, they have to go deeper back as.

Mr. Miley: Yeah.

Michael Bonforte: How they Yeah.

Mr. Miley: He comes some more.

Michael Bonforte: We'll definitely be less than 4 foot. No doubt about it. 0 good. Yeah. Okay. Well, it's just good. So because there's rules around that. I think you know, however high a wall is at a certain point, it has to be approved. So you will be back here.

Anthony: Could be. Yeah.

Michael Bonforte: Yeah. And it come to the planning board, but Anthony and Jan will look at that for you. So

Mr. Miley: No. I can send him an email with the list of comments from everybody. Okay. And let him work on a pending site plan. Any other questions?

Angela Giardina: No. This is what go on this. Yeah. Landscaping, did they want to answer?

Anthony Giardina: oh, yeah. On the landscaping, where the where the planter is going to be, can we pick out what plants we want to put in there? Or does the village have specific ideas? Or how do you work that? What is the process to, to determine what's going to go into that plant there?

Jan Johannessen: You can select you need to select them, but you just need to specify them so we can make sure they're appropriate in terms of size and specie types. So it's you get to develop the plan, but it's something you have to, you know, identify the spacing, the size, the species, and we'll review it for appropriateness.

Anthony Giardina: Because I'm not the landscape person. My wife is an artist and she's, she's good with plants. I Alright. I mean, talking about letters, research that and fix something.

Angela Giardina: I'm around them. I'm not good at these.

Michael Bonforte: Yeah. And, and just in that right in that that area there, Anthony Angela Giardina. I made a comment in the work session. Parking space 3 that comes out and turns to the road. Right? Is there enough of a turning radius? And, you know, I noticed the cars that the vehicles that were there were rather large so, you know, you might have to work out who can get space straight.

Anthony Giardina: Right. No. There is. There is.

Michael Bonforte: There's enough turning radius. Right.

Anthony Giardina: Turning radius there.

Michael Bonforte: Visually, I saw.

Anthony Giardina: I because I've done it myself. I've done it myself.

Michael Bonforte: Just follow me. I saw 3 large pickup trucks. Very large.

Anthony Giardina: Pickup trucks.

Angela Giardina: Pickup trucks.

Michael Bonforte: What would you call them?

Anthony Giardina: On our property? I have not.

Michael Bonforte: Yeah. I was just there.

Anthony Giardina: A couple of SUVs.

Michael Bonforte: Well, actually, maybe I wasn't at the right point. It's a yellow house. Right?

Anthony Giardina: No.

Michael Bonforte: Okay. No more. Okay. Exactly. Sorry about that.

Anthony Giardina: What am I what am I trying to tell you is SUV, a Subaru SUV, which is big but not super huge. So

Michael Bonforte: Anyway, just make sure the turning radius was.

Anthony Giardina: Yeah. No. I don't check it. I know it is because I've driven it out of that part. And.

Michael Bonforte: What color is the house?

Anthony Giardina: Well, the bar is the barn is a brown shingle collar and and It's a.

Angela Giardina: It's a beigey color.

Anthony Giardina: And it's more beige.

Michael Bonforte: I went to the house with the yellow paint on it.

Anthony Giardina: No. No.

Michael Bonforte: My fault entirely. Now you know why I was talking about the walk. The walk right now.

Anthony Giardina: You know, that that I'm sorry to say that that that threw me when you said the walk away.

Michael Bonforte: Yeah. I mean, I did type it in. Okay. Anyway, move on. My full, apologies.

Anthony Oliveri: I think I found the house. You went to mister chairman. On Google Earth. There because it has down the road with a walkway on the left side of the park.

Michael Bonforte: Yeah. Okay. Thank you.

Anthony Giardina: You got it. Thanks. Let's move on. Is that it? Thank you very much. Thank you, Alan. Thank you. Thank you.

Michael Bonforte: Okay. We have we're back on order, of course. We have a public hearing, Rivera, Rosemar.

Bill Polese: Nope. ShopRite.

Michael Bonforte: Somewhere.

Bill Polese: ShopRite.

D. The Park (ShopRite Expansion) – 333 North Bedford Road
PB2018-0365, SBL 69.50-2-1
Site Plan, Special Use Permit, Change of Use, Subdivision, Steep Slopes

Michael Bonforte: Sorry. I did skip something. And I know that applicants here. So we have next the Park, which is 333 North Bedford Road, site plan, special use, permit, change of use, subdivision, steep slopes. And we received a very large document traffic study and site plan changes. So why don't you bring yourself up? And introduce yourselves, Mister Spina.

Steve Spina: Good evening, everyone. Okay. Steve Spina from JMC. We're the site engineer on the project. Here with Mark Petroro from my office as well as Jay Black and Jim Diamond from Boundary Properties. Like, am I close enough? So just going to load this up. Let me bring this up first. Okay. Alright. Can everyone see that? Just to reorient the board, I know most of the members here were involved in the prior approval. The property here is park 333 also known as the ShopRite expansion. We received the approval in January of 21 And since then, we've been working on construction drawings, some value engineering, coordinating with all the other members of the project team, some who, you know, weren't as closely involved when we were going through the site plan approval process. So there's been some changes we want to review with you tonight. And the project came back in May to this board for an extension, you know, because we've been working through those changes. You know, since this board approved, we had gotten approvals from the DEP for storm water. We've gotten our DEC storm water permit. We've also we're really close on the DOT. They had always approved our design we're working on some easements for some of the traffic signal equipment just right along the right of way, sidewalks, things like that. So that unfortunately is taking a while. So we requested that extension, but we're back here to talk about some changes. And I guess just to state before we get into that, the last time we went through this process, this board was lead agency. I know there was a lot of coordination between Mount Kisco and Bedford on that, and ultimately, it ended up as Mount Kisco. And we were thinking that that would be the direction again. And, and also just to let this board know we went to Bedford last night for our first appearance. They happen to be 1 day before you guys in terms of their calendar. So We're kind of going to give the same presentation we gave last night. And, you know, we're going to be going back and forth to them as also, hopefully, with the board here and with Whitney, we can work out the secret process and, and we're thinking this board would declare itself the intent to be a lead agency again. So I don't have to go too much into the aerials here. But the project is the property is in yellow here, and then the town line is in red, separating the all Kisco and Bedford. Let me just bring up the site plans we submitted. Just wanted to kind of start with an aerial to give everyone a little frame of reference. Just in case. Sorry. I'll do it the old fashioned way. Alright. So we provided a revised plan here. This is an overall layout plan. Some of the changes may be pretty obvious to some of the board members who are involved with the initial process as well as staff. But just to just to kind of revisit it, you have a proposed ShopRite building here in the upper corner of the existing building. And we have some parking lot modifications as well as some modifications to front retail space, internal driveways, And the next plan will really show it'll, it'll make it a little more little it'll stand out a little bit more. So what this plan shows is the items in red are what was previously approved. And anything showing red is has been modified to the kind of the black below. So a few changes that we've made as discussed, you know, as developing the project a little further and some outside agencies and some other factors we'll get into. When we presented to this board and went through the process initially, there's a large retaining wall here sort of that helps achieve extending this parking lot along the eastern and northern portion of the ShopRite corner of the building. This retaining wall. We're proposing right now to push it a little bit closer to the building, which would reduce its height and reduce impervious area. It would be a slight reduction in parking spaces. So that'll be a detail we'll have to work through. Another change we made towards the end of the approval process or sometime close to it, FEMA had remapped the flood plains going through the site. So what that enabled us to do was work with this board and, and the village engineer and the DEP on modifying grading. And we were able to fill in the site where previously we were not because it was in a flood plain. So what we would like to do and what we would propose would be to reduce some of the earthwork because installing this retaining wall cuts into this slope And by doing that, we would create we were creating an excess of earth that had to be chalked off the site. So the new design pushes the wall out a little bit, which helps, but it also we're proposing to fill in part of this parking lot by a couple of feet. So most you probably wouldn't even notice it when it's built, but it makes a big difference over the size of the parking lot. So modifying that and raising it up would bring the parking lot a little closer to the existing buildings finish floor, elevation. Because the building is a a few feet higher than the parking lot currently. So creating that or revising the grading there helps with the earthwork, helps mitigate some of those some of the disposal of the soils, keeps it on-site, It also slightly reduced the size of the vestibule. This vestibule on this side and this side also served as a ramp. To get from the parking lot up to the doors of the building, which were a few feet higher. So we could shorten that up a little bit because of this raised grading. So there's some positive impacts there that we're proposing as well. And then I guess we'll get into the, the changes towards the front of the site. So the after the approval process, there's been some delays through caused by 1 of the tenants in the building at 309 North Bedford Road. And it's made it's made progressing with the project difficult and, and, and, and made it so that this southern driveway realignment it would be would not be possible because we couldn't demolish that building and, and, and build that driveway. So basically, we looked at this and, and thought about it, and it, it basically became an opportunity that's come out of a challenge that we've had. And we feel that looking at that southern entrance, you know, not being able to implement the approved plan, we feel we now have something even better creating 3 means of egress to further enhance flow in and out of the site and also

along 117 there's some what we're what we're showing here on the southern end is it's in red here previously proposed, and now we would keep this driveway as is, but propose turning restrictions to it, which combined with this other addition up here of this enhanced roundabout and extension to the northern property referred to as the Kohl's lot, when you do that, you actually improve operations in this driveway. And overall, along 117 it's about equal to what we previously approved. We did the analysis we looked at it. It's been submitted to the board and to the consultants for review. And then 1 other point I just want to make is that this Kohl's line up here was very recently purchased by Diamond properties. So which helps make that connection pop possible? So a lot of things kind of came together. You know, and unfortunately, there was a change that we didn't, you know, didn't see coming, but we're looking to, you know, find a still realigning and try to make the, you know, progress the project and, and even improve it in in our eyes. So those are the main changes that we've made. I think Mark now will really try to take you through some of the traffic details and some of the truck turning as, you know, that would be impacted by the changes we've made.

Mark Petroro: Good evening. My name is Mark Petroro from JMC. So we did prepare a memo, which was included and in our submissions sent to the board as well as the consultants. In that memo, we conducted a traffic analysis, which kind of further evaluated what was the previously approved traffic study. So we focused in more on the 2 side driveway locations and the Norm Avenue location because outside of those areas, the representative intersections would see similar operations as what was the previously approved since there's no change of use It's really just diversion of, of traffic flow between those 3 intersections. So the analysis looked at those intersections looked at the no build condition from their previously approved traffic study as well as the build condition of the approved plan and compared it to the build scenario with this proposed action, which would be implementation of an internal connection to the Kohl's property to the north and the maintaining the southern driveway with turning restrictions. So the Southern driveway would maintain the existing entrance northbound and southbound turning left and right into it. However, and exiting traffic would be restricted to right turns out only. You would not be able to make left at that location. The northern driveway would be operating as was previously approved. Will you be realigning that, providing full movements there, signal and everything? And then the connections of the Kohl's property allows vehicles to exit out onto norm Avenue. So, essentially, you can travel from the southern driveway all the way up to Norm Avenue without going on to 117 vice versa. You could do it the same. Go on north or south. Well, what was summarized in our analysis is with the proposed plan with maintaining the existing driveway a, with the Kohl's connection and the turn intersection driveway a, you get, overall, the intersections operate the same or better as what was previously approved for the project. At those 3 analyzed intersections. I know you haven't received your review yet from your traffic consultant. We look forward to hearing them, but this is just to give you a synopsis of what we mentioned in our traffic analysis. And then also as was discussed by Steve before me is that I just wanted to briefly discuss the truck turning movements for the property. So at the so as you may recall, trucks that were entering the property from the north. We were previously having them enter into the southern driveway, which is being realigned and wide into bid to allow for those right turns off of 117th to enter in at the southern driveway. Since we're no longer proposing to realign that and widen that driveway. We are utilizing the existing Norm Avenue intersection. to allow those left turns to facilitate that maneuver to enter in from the north. So, trucks, as they do today, to access the loading docks for Kohl's or ShopRite would turn from 117 onto Norm Avenue. There would be a modification slightly to the curb in this over here show that I'm circling over on the aerial portion on the Kohl's property. We'd have to widen out the curve to facilitate that move of the truck. However, then it would traverse across the parking lot and then come through the new proposed Kohl's connection and through the roundabout, and towards the loading dock. So that would be the alternative truck delivery for that maneuver that was previously proposed to be using the southern driveway. And then similarly, we have the exiting maneuver that we show here. This is just the same just exiting from the site. However, we'll note that the trucks will still be able to utilize the northern realigned driveway to exit the development onto 117, as that's what was previously approved and they'll be able to make those maneuvers as well. And the, additionally, at the northern driveway, per the previously approved plans, trucks were able to make that left turn into the northern driveway as well. So, they'll continue to be able to use that maneuver or that turn location as well too. And at the southern driveway, trucks coming from the south can either take that northern driveway, as I mentioned, or they can enter in from the south, southern driveways they currently do. That's really a synopsis of the traffic and the truck turning that I just wanted to demonstrate to the Board. And I guess if there's any other specific questions or comments that the Board may have, we'll be happy to answer that. But of course, we look forward to continuing with the Board and discussing this with your traffic consultant.

Michael Bonforte: Just realize there was a lot of information presented to us and some of the staff couldn't get to read all of it, especially the traffic study…

Stephen Spina: Yep.

Michael Bonforte: Same with some Board members. So just FYI, do we want anybody on the Board want to go and provide any comments that they can provide right at this point in time?

Crystal Pickard: Yeah. I have some…

Michael Bonforte: Good.

Crystal Pickard: Some questions and comments. Kind of disappointed, not going to lie. I liked the old plan better. I do appreciate the desire to balance your cut and fill. It certainly saves money. We were already extremely tight on parking. So, how many did we lose in this change?

Stephen Spina: Sorry. I believe we're losing eight spaces.

Crystal Pickard: Eight? All right. So…

Stephen Spina: Yes, eight.

Crystal Pickard: Certainly, my biggest question for the upper part of the site. The turning radius isn't everything. I think the consultants can handle all of that. I'm sure they will probably have questions about trucks coming from the Kohl's side and how that's enforced, and that sort of thing. But I'm sort of curious about that right now, but again, I don't know how the, there was a lot of movement going on there. So, but that's just a thought. And then the Ice House alignment is really disappointing. You realigning those two intersections was like a huge selling point in the original project. And while that new Kohl's connection is nice, I have a hard time believing that it's a fit, it's a wash, and what we lose over Ice House. I mean, that side of the site is heavily traffic. I mean, Saw Mill Club, you know, in the morning, that entry is used a lot of coming down from Kisco. So, I'm very eager to see what BFJ has to say about your analysis of what that misalignment does to the original traffic study, which everyone put ton of time and money into, you know, I would hate to have to go back and redo that whole traffic study, for everyone. So those are my biggest issues right now.

Jan Johannessen: Hey, Steve?

Stephen Spina: Yes. Hi.

Jan Johannessen: Just to piggyback on what Crystal just asked. Can you just clarify, is it eight parking space loss from what's existing or from what was previously approved?

Stephen Spina: [Inaudible] You're welcome.

Crystal Pickard: How you're supposed to know off top of your head, what that brings your total deficiency up to for the site?

Steve Spina: Well, the site the way that we figured the parking, I think, was based on a parking study.

Crystal Pickard: Well, yeah…

Stephen Spina: So…

Crystal Pickard: I mean, that part of my question is there…

Stephen Spina: So, when looking…

Crystal Pickard: It was like a whole thing. So, I just want to know holistically, what are we talking?

Stephen Spina: Yeah. I recall when looking, if you looked at the code and added up the requirements for each of the different uses throughout the site, the parking was a very high number. You know, and we, so that's kind of why we worked with BFJ to do the parking study during, you know, holiday times and, you know, we've tried to pick the, you know, the most…

Crystal Pickard: Yeah.

Stephen Spina: Busy times. And that's, you know, what we use to kind of justify, you know, the number that we have. So, you know, we're aware, you know, that it was, you know, it was close to capacity in the worst times. So again, I think that's something that we're going to kind of have to work through with the board and with BFJ, and Jan and, you know, we ultimately thought, you know, the loss of eight spaces was worth, you know, trying to reduce that wall, and some pavement. But, you know, it seemed like a good solution when, you know, really drilling down into earthwork calculations. And like I said, you know, as we work through construction…

Crystal Pickard: Yeah, I hear you. Eight spots in the grand scheme of, however I mean, you have over 1,000 spots or something on the site. I hear you, like, percentage wise, that's not a ton. But, you know, like you said, a lot of people put a lot of work into the previous approval. And now we're changing it. So, you know, I think we just need to look real close at it. And I think the majority of the board actually is new here. So, you know, all of the information we can have is going to be helpful.

Jim Diamond: Jim Diamond, Diamond Properties.

Crystal Pickard: Hey, Jim.

Jim Diamond: Just one comment I wanted to make is, we will be updating the parking calculation because in the previous approval, what was the former wine enthusiast space, which is now used by Tesla. We had a much higher parking count in there. We still had office space for 27,000 plus square feet. And that's getting demolished or has been demolished, and will now just be warehouse space. So, we're going to be dropping the parking lot by about 100 spaces.

Crystal Pickard: Okay.

Jim Diamond: Give or take, I think. And the second thing I just wanted to mention is that in terms of the Kohl's connection, it's not a new idea. It's actually something that was in Mount Kisco's master plan going back to the 1990s. And it's been our goal for a couple of decades now. As long as, since we acquired the property, I guess, in 2005 to always try to make that happen. But it was, we were unable to do so just because the owner of the property at the time did not support it, because they just didn't see the benefit to them. We were just lucky in terms of timing this year because of an estate sale basically, that we were able to make arrangements, I guess, in June probably, May or June. We came to agreement with the seller, and we're able to acquire it at the end of June. But it's not a new idea. It's been an idea that's been out there for about 25 years now, because the idea was always to try to create a bypass road to interconnect as many of the properties on that side of the road as possible. With this constructed, you'll be able to go all the way from Saw Mill to Green Lane without ever touching 117. Obviously, the connection behind ShopRite's not great. You know, it's not a well trafficked path, I'd say through there because of the cumbersome path around the loading docks. But depending on what happens with that property, maybe Bedford will work with the property owner to improve it in the future once ShopRite moves depending on what the next use is, and how the shop, the loading docks are used. So, I mean, I think that'll be a huge success in terms of achieving a long-sought goal of Mount Kisco and removing hopefully, what's hopefully a lot of traffic off the road. We also think the restriction of the right-hand turns from Ice House Road is really significant. One of the things where our applicant, and this is kind of getting into the weeds, maybe a little early. But one of the areas where our application, it didn't change, but the traffic analysis changed was when we first came in with the aligned intersection in Ice House Road. We thought that the we'd be eliminating a couple, that basically the Brookside and Ice House Road intersection would be green, paths would be green at the same time. But the DOT rejected that and said they had to operate on different cycles because of the amount of traffic that would be going through on both sides. So, they ended up being on two different cycles, which was part of the previous traffic analysis. But definitely worsened it slightly. Not dramatically, but slightly. By now limiting Ice House Road to right hand turn exits, it's really, that road is going to function a lot better. As you know, most people, a lot of people here use that, I know. A lot of people go to Saw Mill. The reason it really backs up is because of the people turning left. It's really easy to turn right out of there, if no one's blocking you. So, eliminating the left-hand turns will really dramatically improve Ice House Road. And it makes a lot of sense because you don't need left-hand turns out of there when you've got the North Drive and Kohl's that you can go to. We really see this as Steve and Mark both said, as a big improvement for us because, I mean, just looking at it really simply, we're going from two access points to three access points. And it's just, that's providing a lot of ways in and out of the property. But anyway, I just really came up just to mention the thing about the parking, because eliminating that demand for 100 spaces will really help improve our overall counts dramatically.

Crystal Pickard: Sure. And I look forward to seeing that. Well, while I got you up there, just speaking of Tesla and I truly don't remember, just if you could jog my memory. Are they permanent back there or was that a temporary situation? Because I remember Tesla was temporary somewhere on the site?

Jim Diamond: So originally, they were, and this goes back a few years now…

Crystal Pickard: Yeah.

Jim Diamond: But they were originally temporary, and it was a little complicated because we came in, they were in two different spaces in the building. One was the wine enthusiast space and one was the…

Crystal Pickard: Like in the middle.

Jim Diamond: What's currently Dandelion Energy. And their storage of vehicles, which is the only thing that they're doing now, is really is a warehouse use effectively. And so that was always permitted, I believe, as of right by, as the pre-existing use. They were not using the wine enthusiast office space, and that's the change of use that I'm talking about now in terms of turning that into additional storage use. What they needed planning board approval for previously was the exterior storage of vehicles, even though they were in their parking spaces, using parking spaces for unregistered vehicles is considered something different than regular parking spaces. And the second thing was they originally planned to have customer pickup of vehicles at our site. Right now, they ferry vehicles from our site back to their dealership. They plan to instead have customers come to our site to pick up the vehicles. They ended up never actually doing that. They got Planning Board, temporary Planning Board approval for that, but ended up never actually doing it because they realized afterwards that it was actually a licensing issue. Customers have to pick up vehicles where the dealership is, according to New York State. So, right now, they're just using the property for indoor storage vehicles. So, their temporary use expired, but technically, they're using it within the same use now, as the previous tenant did, as warehouse space.

Crystal Pickard: Okay. Good. Thank you.

Jan Johannessen: Hey, Jim. Sorry, before you get down. Just a question. Is the proposal to eliminate the southern improvements entirely or just until this tenant issue is resolved? Or don't you know yet?

Jim Diamond: So, we're blocked from doing anything until August 2027. So, for the next 5 years. We, as Mark and Stephen said, the traffic report shows that with these three access points, we end up with a better, equal to or better overall performance depending upon which of the three intersections than with the previous approved plan. So, we don't think this southern driveway alignment is required. But obviously, you know, that's a conversation with this board and with Bedford, but what we'd love to do is end up with a situation where we and the board are evaluating the operation post construction, post operation to see if it's actually operating, you know, to see if the numbers are equal to or better than what everybody expects. And to leave, to thereby leave some flexibility in the process so that we don't end up building something that's not required. The Ice House Road construction project was good, was, you know, adding a substantial amount of cost to the project. We've taken those dollars and instead reinvested them basically in overpaying for a different property, in order to come up with what we think is a better solution. So, you know, we sort of feel like it would be redundant to now do that, and what we were doing before. Not just financially, but also operationally that it's just, we've come up with a different solution that works better.

Michael Bonforte: Anybody else on-board? Staff?

Whitney Singleton: Yeah. I have a question. Steve, with regard to your application in Bedford, what is the scope of your application? Is it a site plan amendment to the Kohl's parcel, as well as the Diamond parcel in Bedford?

Stephen Spina: We don't…

Whitney Singleton: I see it triggers a number of parcels in Bedford.

Stephen Spina: Yeah. So, sorry. We don't know yet. We really haven't gotten that kind of level of feedback from them. But I would imagine that, yes, it would have to be just like this board a site plan amendment to this site plus we'd have to get a site plan approval for Kohl's modifications. And then plus there's a third property there that Diamond Properties also owns. Sorry, right here.

Whitney Singleton: John Nohilly property?

Stephen Spina: Yes. I think it's 793 North Bedford Road. That they have ownership of that, obviously would be impacted to put that Kohl's connection through. So, I hope within the next few weeks, to really get a good understanding of what Bedford and Mount Kisco will require, you know, for next steps and just the overall approach.

Whitney Singleton: Okay.

Michael Bonforte: And can you please go back to the site plan and just point out that 793 property, please?

Stephen Spina: Sure. So that's…Sorry. I'm not sharing. Speed timing. Thank you. So, this here. Let me see if I can zoom in a little bit.

Michael Bonforte: Is that the sort of dirt lot that has…

Stephen Spina: Yes.

Michael Bonforte: Lots of cars on it. So, yeah. Okay. It's all right. Yeah. It's along the existing driveway.

Stephen Spina: Correct.

Michael Bonforte: It's not labeled on your plans, but thank you for pointing that out…

Stephen Spina: Yeah. Right here.

Michael Bonforte: Okay. And someone made the comment that, you know, we have new members, which you obviously recognize. Certainly, Jim and others, you guys. The turning radius for the trucks, again, we spent a lot of time on that as you've already heard. That'll be forthcoming.

Stephen Spina: Yes.

Michael Bonforte: And again, you know, I think, like you said, it's going to work, but let's have, you know, another look and, of course, the new members need to see that and digest that. But to me, it looks like it works especially all the comments and looking at the plan, so.

Whitney Singleton: So, the other question I have is, what components of your present, of your past application are still on the, you know, on the table? In other words, I'm not talking about specifically, like, where the wall is going to go, and how many parking spaces and stuff like that. But as I recall, you had a steep slopes application, you had a side plan application, and you had a, did you have a subdivision application or did we do away with that?

Jan Johannessen: It got eliminated.

Whitney Singleton: Okay. So, that's eliminated. All those easements are still in place, correct?

Stephen Spina: Correct.

Whitney Singleton: All right. So, all right.

Michael Bonforte: So, I remember there was a memo, Whitney that outlined these several points. I mean, it's in the record somewhere, correct? There was a summary after we provided the approval, is that a good recollection?

Whitney Singleton: No, I know. Well, there were a number of there, I think there were 19 variances, and Steve did a lot of work on putting those together. And there was originally a lot line changes being proposed as part of a re-subdivision, but I do think that Jan was right that we ended up going with easements, instead of re-subdivision. So as long as those still exist, I'm just trying to figure out what portion is being pulled off the table from the old application, from the old approval.

Jan Johannessen: Do we think that the ZBA variances, I assume they're still valid. Do they need to be modified, Steve?

Stephen Spina: Yes. We think that there are some that would need to be modified because of these changes.

Jan Johannessen: Okay. Thank you.

Stephen Spina: You're welcome.

Michael Bonforte: And I'm thinking to ask Michelle to just circulate the approval with those conditions that were part of the approval that had to be attended to. Yeah. So, again, it would be good for the existing board members that were here and new.

Whitney Singleton: And lastly, I was a little confused as to the explanation of the different entranceways. The southern entrance is going to be right-hand turn in and out only?

Stephen Spina: We were just restricting left-hand turns, exiting the southern driveway, and exiting, 309 North Bedford Road driveway entrance.

Whitney Singleton: Okay. So, you will still be able to make a left into the facility at that location?

Stephen Spina: Correct. No changes to the entering movements.

Whitney Singleton: Okay.

Stephen Spina: At the southern drive.

Whitney Singleton: Just one more, will there be any restrictions on usage of that area by trucks?

Stephen Spina: We think they would just utilize it the same way they utilize it today. Obviously, with the exception of not being able to make a left out of there, if there were any trucks that actually did that, which

I guess they had to. So, now they would be able to exit from either the northern driveway as we previously proposed and had truck turning, or they could go through Kohl's. So, now they have two ways to exit.

Michael Bonforte: And more specifically, I remember we went over this when you're coming from Mount Kisco and going north to make that left into the southern entrance. A truck, it would utilize both northbound lanes that would just have to swing wide. I think that was part of the original presentation.

Stephen Spina: Right. I think I have those plans, if you want them again but…

Michael Bonforte: Which we found to be acceptable.

Stephen Spina: Right. That was kind of…

Michael Bonforte: But they would need those two lanes that you see there.

Crystal Pickard: Okay.

Stephen Spina: Right. And that was kind of arrived at with a lot of input from the DOT. I think originally we tried to keep it in, you know, the one lane and we had a wider driveway entrance and it just resulted in a really large crosswalk, and it became…

Crystal Pickard: Yeah. I didn't like the length of the sidewalk.

Stephen Spina: Right…

Crystal Pickard: So, you had to get it back down.

Stephen Spina: So, they, right. So, we modified the turning movements. It works. And we expect that we'll be preparing all new updated truck turning plans to show all the same routes that we had before and any changes, you know, for review.

William Polese: Just curious. I mean, I like the southern exit that we approved, I totally get the economics of it. And, you know, I hope it works. But if the passage of time proves that, you know, the burden or that you need to modify the southern exit. Could we, is there a way, Whitney, I guess, to your question before what stays and what goes with the new application? Is there a way to sort of keep this in the plan. So, if Jim's experiment fails, that he doesn't have to come back to this board, quite frankly, to look for, you know, site improvement or change?

Whitney Singleton: Well, I mean, there are mechanism that, when certain metrics are made or are achieved that you could force him to do an installation that could be designed now. But I think it's probably very early on in this process to discuss that component of it. I really, I think there's a lot of moving parts here. I feel for the applicant that they have kind of been put in the situation, that they can't implement the plan that was approved. But I have a feeling a lot of things are going to get tweaked along the way. And I don't know how that southern access is going to end up looking by the time your board and Bedford, are done doing a full analysis of this. I certainly think it's going to put less truck traffic in Mount Kisco, which was one of the concerns that your board had.

Michael Bonforte: You say that again, Whitney, you mean in the bigger scheme of things?

Whitney Singleton: I think it's been a result in less truck traffic in Mount Kisco.

William Polese: Less.

Michael Bonforte: Less.

Whitney Singleton: Yeah.

Michael Bonforte: Yeah. Okay. Good. I just wanted to clarify. I didn't hear it first time.

William Polese: All right. So, I'll table my comments till later.

Michael Bonforte: Okay. So, we'll be seeing you again.

Stephen Spina: Yes. I think our next step would be to meet with Peter, Jan, Anthony, you know, and really try to go through the details and, Whitney, sorry too, you know, on the process and how we how we need to approach.

Whitney Singleton: I'm more concerned about how we coordinate with Bedford because to the extent that we don't coordinate with Bedford, it just costs everyone time and money.

Barbara Roppolo: Wasn't there a comment also on the work session about them being lead agency or wanting to be lead agency, so…

Crystal Pickard: Well, last…

Barbara Roppolo: What's happening with that?

Crystal Pickard: I mean, last time they allowed us to be lead agency, after we had this whole agreement worked out about what we would run by them, basically, so that they had could opine on various traffic issues. I mean, I would hope that they would be amenable to doing that or even just reupping the old agreement. It seems silly to go through this whole discussion again if we already worked it all out before. I mean, is there a way to ask them? Like, hey, you want to just extend the old agreement, or reissue it, however, it has to be done?

Whitney Singleton: Well, yeah. I don't know what their thoughts are. I've had no discussion with Bedford about it…

Crystal Pickard: How do we…

Whitney Singleton: And they have a new plan.

William Polese: We're all in the Hamptons. I'm sorry. Did I say that?

Michael Bonforte: First of all, we are, our next meeting is September 13th. When's your next session with Bedford? Do you have one planned already or?

Stephen Spina: No, not yet. But I think the way that the calendar lines up is, they always end up being the day before you.

Michael Bonforte: Okay.

Stephen Spina: So…

Michael Bonforte: So, they're like…

Stephen Spina: We kind of just went for them yesterday day for feedback, and they even told us ahead of time they can't do anything until we met with you, because their thought was you would want to be a lead agency again. So, I think the seed is kind of planted, but…

Jan Johannessen: We had brought in the DEC on this. I think I remember having conversations with the…

Whitney Singleton: Yes.

Jan Johannessen: DEC attorneys, with Whitney, and it all got mediated. I can't imagine that anybody's going to go through that process again, and I agree with Crystal that I would hope that it would follow the same, soon as it had before.

Michael Bonforte: Well, my concern is, that it took several months to, I recall for them to come around and speak to us. That's what I recall. And I don't want to see that happen either, so…

Jan Johannessen: Yeah. But we got to…

Michael Bonforte: Mr. Diamond…

Jan Johannessen: Get this still, so. This tend to be lead agency, you'll start the process. There's a clock. There's 30-day clock that they would have to object within 30-days. So, I don't know if you're ready to do that tonight, but that's the next step.

Michael Bonforte: Wow. That's accelerating. Mr. Diamond, you wanted to say something?

Jim Diamond: I just wanted to say that as Stephen said, they were in a similar situation last night as your board in terms of not having feedback from their traffic consultant yet, and not really having had the opportunity to go through the traffic report in detail, because there's a lot of information there. But just based upon the presentation, I think it was a favorable response conceptually to the overall idea. Similar to Mount Kisco, Bedford as also wanted to see the bypass road. I think the town and the village were in alignment there for a very long time. So much so that I'm not even sure if this planning board is aware of this, but our approval resolution in Bedford for this application actually specified specifically that should it ever become feasible in the future to connect the two parcels that we would be required to, and that if we didn't, it would be a violation of our site plan approval in Bedford. Because their expectation was that at some point, if the Kohl's owner went in for something else, which probably never would have happened given that how the site was built out, but that they could use that as an opportunity to try to force the connection. So, they've been very interested in just as interested in Mount Kisco is, seeing this connection made. So, I think, you know, it's at least preliminarily and obviously subject to any feedback from their consultants. They were very open to the idea of what we're trying to achieve here.

Michael Bonforte: Okay. So, on that note, what I'd like to say and propose to the board is that we, as one member. I'd like this board to be the lead agency and also to work with Bedford as we always have. And to be prepared to enact that vote on the next meeting, when we have more information. So, we're certainly just to state that for the record, want to be lead agency and certainly work with Bedford in whatever manner we work with them in the past. Fair enough. Okay?

Jan Johannessen: Well, in order to initiate that process, Chairman, you would have to declare your intent to be lead agency. Wait 30 days after the notices go out, hear back from the other involved agencies and then make a declaration of a lead agency. So, the first step will be to declare your intent. That could happen tonight, and we can send out the notices. But you can't declare lead agency without going through the process.

Michael Bonforte: And I will say I don't see why not, because we have the majority of the site, majority of the work, and we should continue that role in that capacity. **So, I'll make the motion that we declare ourselves a lead agency. And do I have a, for this revised site plan amendment, subdivisions, steep slopes, whatever it entails, to special use permit, change of use, I don't want to say, et cetera. Do I have a second?**

Crystal Pickard: I'll second to our intent to be lead agency.

Michael Bonforte: Well put. Thank you. Can I have a vote of the board? I'll say aye.

The motion carried by a vote of 6 to 0

Michael Bonforte: Good. No nays, right? No.

William Polese: It's just Mike.

Michael Bonforte: Mike, are you still on?

Crystal Pickard: He's not on.

Barbara Roppolo: Mike is not on, unfortunately.

Michael Bonforte: Okay. I'm sure he'd be…

Michael Bonforte: Yeah. I'm sure he'd be in favor of this. So, I think that's some progress. And hopefully, we can. So, Jan, is this now go to staff, where you provide the notice, right? You float the, you prepare the notices, et cetera?

Jan Johannessen: I prepare the notice, the notice is given to the applicant along with the list of involved agencies and they conduct the mailings. And then 30 days from the date of mailing is when you can potentially act on lead agencies so long as nobody objects.

Michael Bonforte: So, we should…

Jan Johannessen: But [Inaudible] have a staff meeting…

Michael Bonforte: Yeah.

Jan Johannessen: Just to have the project.

Michael Bonforte: I suppose September 13th, we might be able to accomplish that timing, right, with all the notices and mailings and so on. Okay. But…

Michelle Russo: That depends on how quickly they can get everything together too.

Michael Bonforte: Yeah. Well, at least you know our intent and we want to be there for you, because this is a fantastic development. So, let's continue to support it. Okay?

Stephen Spina: Thank you, everybody.

Crystal Pickard: Thank you.

Michael Bonforte: Thank you.

Stephen Spina: We appreciate it. Have a good night.

E. Rivera (Rosemar Development, LLC) – 40 & 42 Kiscona Road
PB2021-0424, SLB 80.56-1-3 & 80.56-1-1
Site Plan, Subdivision & Wetland Permit

Michael Bonforte: All right. Now back in order here. So, we have, I think this is one more item. I mean, we have a couple more items, but we have Rivera Rosemount Development, 40 and 42 Kiscona Road. They've been before us previously. And it's for a site plan subdivision and wetlands permit. The applicant provided the notice notifications, and affidavits of mailing publication and posting of a public hearing, which we will open tonight. Is there anyone here for the applicant?

Michelle Russo: Yes. Ralph Alfonzetti.

Michael Bonforte: Okay. Great. And is there anyone here to speak in the public? Okay. So, there is somebody here and maybe electronically or digitally also. Jan, what's the protocol here? Do we just make the motion to open the public hearing? Is that the proper steps to take? Oops.

Michelle Russo: It just crashed.

Michael Bonforte: Jan, we just lost you. Hold on.

Michelle Russo: No. The whole thing just…

Michael Bonforte: Yeah. We saw it.

Michelle Russo: Jan, we can hear you.

Michael Bonforte: That's it. Okay. So, we'll wait till the system comes back up. Anthony, sorry to keep you waiting all night, you know, we were trying to…

Anthony Giardina: Okay.

Michael Bonforte: Okay. I actually noticed your name on our, you're on a neighboring property. Your name is on a neighboring property. Okay. Good. I just recall seeing that. Okay. Jan, I was just asking what protocol is. So, we will, I**'d like to make the motion to open the public hearing for Rivera Rosemount Development on 40 and 42 Kiscona Road. This public hearing will cover a site plan subdivision and wetlands permit. Do I have a second, please?**

William Polese: I second.

Michael Bonforte: Thank you, Mr. Polese. And can I get a vote of the board? I'll say aye. Aye. Thank you. Michelle, that passes. And Mr. Alfonzetti, before we take any public comment, would you like to speak?

Ralph Alfonzetti: If the board wants me to give a quick summary of the project that I can to refresh everyone's memory, it's up to you, or if you want to save time, we don't have to do that?

Michael Bonforte: No. I think you can do that in a couple of minutes. Again, we're familiar with it, and would be nice to just hear what say further developments have been made from the last meeting, if any.

Ralph Alfonzetti: Okay. So, I shared my screen. Can everyone see that?

Michael Bonforte: Yes.

Crystal Pickard: Yes.

Ralph Alfonzetti: Okay. So, these are two lots on Kiscona Avenue. They have existing structures on them, former residences. No one's in the houses now. They're still standing though. We are proposing to remove all structures from the site, and we are proposing a warehouse, approximately 15,000 square feet. We are land banking, the majority of our parking on the inside of our site, on the inside of our building, sorry. There are four parking spaces proposed outside. This is for a HVAC/plumbing supply company. It's not open to the public. There is a DEC wetland down slope significantly from our site, from our development. We are outside the 100-foot buffer of that. We do need DEC approval only to take down the two buildings that are partially within the buffer. We will be, you know, replanting, vegetating that those areas with, you know, native vegetation. We have done soil testing with New York City DEP witnessing. So, we're on a way to get our storm water permit. And I think that kind of wraps it up. That's in nutshell, overall.

Michael Bonforte: Peter, do you recall anything that was, sticks out in your mind regarding this application and the progress thereof? If you don't that's fine.

Michelle Russo: I'll have to check. Give me a couple of minutes.

Michael Bonforte: Yeah. Okay. And in the mean…

Michelle Russo: There are no raised hands in the Zoom.

Michael Bonforte: In the meantime, let's take, Mr. Giardina, please. Why don't you go ahead and introduce yourself again?

Anthony Giardina: Hi, Anthony Giardina. I'm back on a different thing this time. A couple of my questions got answered in Mr. Alfonzetti's description, so that's a pretty good thing. Let me just give you, my wife and I own some property on Kiscona Road. And we, at this particular time, we are not for this project nor are we against this project. We were just concerned about a few things that I'd like to present in front of the board that we need some answers and some explanations. And we can determine further after such thing. One of my first questions was how large the warehouse is going to be, and he just said 15,000 square feet. That answers one question. And next question is, what will be the hours of the warehouse operation? Are they going to be limited, or if does anybody know that?

Ralph Alfonzetti: There is a business plan that we submitted. Let me, if you give me a moment, I could pull it up, unless I know Frank Rivera is on the line. He can probably jump in and tell you a lot quicker than me looking it up.

Frank Rivera: Yes. Good evening. This is Frank Rivera Rosemount development, owner of the property. Working hours will be from 8:00 to 4:30, Saturdays from September to March, 9:00 to 1:00, 9:00 to 12:00.

Michael Bonforte: Frank, say that, so 9:00 to 1:00 or 9:00 to 12:00, you weren't, you're just not sure?

Frank Rivera: Yeah. I mean, it's probably more 9:00 to 1:00, four hour a day.

Michael Bonforte: Okay. It's a small difference. I just wanted to clarify. And, Mr. Giardina, this is on, if you go on to the website at Mount Kisco, you can see all the plans that were submitted. Now…

Anthony Giardina: Okay.

Michael Bonforte: I realize they're not final yet, including the business plan. In the last meeting, we asked them to update certain factors and, you know, the graphics and the drawings are also being updated…

Anthony Giardina: Yeah.

Michael Bonforte: But at least you can see sizes and topography.

Anthony Giardina: The reason I'm asking these questions is, I had no idea this was even going to happen until I got the notice in the mail. Otherwise, I would have pre-researched this. I apologize if this is…

Michael Bonforte: No…

Anthony Giardina: If it's redundant.

Michael Bonforte: Not at all.

Anthony Giardina: But I put this together without knowing that all that other information was available.

Michael Bonforte: Keep going.

Anthony Giardina: But okay. So, that was that. My another question was what was going to be stored in the warehouse? That was answered, it's a plumbing supply company. So, there'll be storing, plumbing materials of various types, I would imagine.

Michael Bonforte: Hot water heaters.

Anthony Giardina: Right. Okay.

Michael Bonforte: Pipes.

Anthony Giardina: So, my next question, and again, excuse me, but I didn't know. I had no idea what this was going to be about. But my next question was going to be, will any of the material be dangerous or toxic? I'm sure there are a few toxic elements in a plumbing supply, but I'm not too worried about it now. Being a former plumbing contractor myself, I understand what's in there. It's not going to be storing a whole bunch of chemicals that are going to be dangerous for the neighborhood. So, that kind of eases my mind. And the other thing was the materials that are being stored in there is just going to be moved in and out on a daily operation, or is it going to be something that will be stored for a long time and then distributed elsewhere?

Michael Bonforte: Let's let the applicant, Mr. Rivera. I mean, you can answer both of those questions, toxicity, and timing of your turnover.

Frank Rivera: It's really not plumbing supplies, it's HVAC supply. So, if you're familiar, you're talking about boilers, water heaters, baseboard controls in that area. As far as in and out, yes, there'll be product going in, then there'll be product going out on a daily basis. It's the main location in New York.

Anthony Giardina: So, are they going to be sold to contractors or they'll do distribution to other supply houses?

Frank Rivera: It's just distribution. No public entrance, no. It's strictly not open to the public, just distribution warehouse to feed another area.

Anthony Giardina: Good. Thank you. And I would assume you have your own trucks. Are they tractor trailers or box trucks? How big will the trucks be?

Frank Rivera: That's all on the business plan. But it's nothing, no tractor trailers at this point.

Anthony Giardina: Okay. I do. I apologize about that too, because I wasn't aware the business plan was out there. Okay. Now, here's something that to me that's very important. I need to know, would like to know. What route the trucks will use to access the warehouse? Because Kiscona Road from Lexington Avenue must not be used. They should use Columbus Avenue to Lincoln Place to Kiscona Road which is a similar route that was mandated when the waste transfer station was in operation. And I do have a reason for that that I'll get to…

Michael Bonforte: No. I understood. And, well, the board can answer that, Mr. Rivera. We'll answer that.

Anthony Giardina: Okay.

Michael Bonforte: Because again, it's all under review, but…

Anthony Giardina: Right. And I…

Michael Bonforte: The plans have been presented, have the trucks required to take, is it Columbus? So, meaning come in from the other street. They're not allowed on your residential street.

Anthony Giardina: Right. Okay. I'm very...

Michael Bonforte: All right. And there's signs already there to that effect.

Anthony Giardina: Right. There was a sign there from when the transfer…

Michael Bonforte: Right.

Anthony Giardina: Station was in operation.

Michael Bonforte: Right.

Anthony Giardina: And I just want to just verify that those restrictions are still in operation. They're still in effect.

Michael Bonforte: There's still be part of the site plan approval that we will…

Anthony Giardina: Okay.

Michael Bonforte: Make a part of the site plan approval…

Anthony Giardina: Right.

Michael Bonforte: And the trucks to be specific are box trucks. They're described as 26 footers, but what are they actually, Mr. Rivera? Are they're 26, they're a little bigger than that, right, given the cab?

Frank Rivera: I think the overall length is 36 feet.

Michael Bonforte: 30. Yeah. Or 39 and a half, I would call.

Frank Rivera: Okay.

Michael Bonforte: So, they'll pull up, Mr. Giardina, they'll pull up from the transfer station that, you know, take the turn and then back into the facility.

Anthony Giardina: Right.

Michael Bonforte: So, they technically will never be in front of your property.

Anthony Giardina: Okay. That's great.

Michael Bonforte: Which I think, you know, we all will make part of the approval.

Anthony Giardina: And here's another question that you may find to be a little, I don't want to say crazy or whatever, but I just if I don't say it, I'll never forget myself for not saying it. And I'll tell you why, I'm wondering what the plan is for the intersection of Kiscona Road and Cary Place. Is it going to dead end there? And the reason I ask is because, it was proposed by then Mayor Mike Cindrich, when the transfer station was in operation, to dead end Kiscona at Cary Place. And due to safety concerns with regard to fire trucks and ambulances, the proposal was never implemented, and I believe that was rightly so. I don't think we should have done it, and I don't think it should be done now. Instead of dead ending, I think strictly enforced restrictions should be put into place to prevent the trucks from using the easterly portion of Kiscona Road for access to the westerly portion of Kiscona Road. And they should use the, like we just discussed, from Columbus to Lincoln to Kiscona and not going onto the easterly portion of Kiscona Road. And it should be noted by all, and I'm sure you do well anyway, that even though Kiscona Road area has been zoned commercial, the easterly portion of Kiscona Road from Lexington to Cary Place has remained predominantly residential, and my personal view is the way it is and the buildings that are there, I don't think it's ever going to change. So, we have to consider the residential aspect of that area. With whatever is going on there.

Michael Bonforte: Understood.

Anthony Giardina: And that concludes my response, and I thank you for your intelligence. I have copies for the board if you would like me to distribute them or I can give a copy to Michelle, or whatever you prefer.

Michael Bonforte: Michelle does that for us. Yeah.

Anthony Giardina: Okay. And I will do…

Michael Bonforte: And on the last point, would anyone on staff like to just respond to the point regarding a dead end, you know, proposal. Because I mean, right now, there are two businesses on Cary Place. And but, anyway…

Whitney Singleton: As Mr. Giardina, pointed out, all of Kiscona is zone commercial and industrial. So, you have businesses there that are going to continue to use trucks on all portions of Kiscona Road. It's a permitted use of the district.

Jan Johannessen: Yeah. But there's a weight limit restriction on a portion of the Kiscona Road.

Whitney Singleton: Okay.

Jan Johannessen: So, what the board had talked about was a future condition potentially being that trucks couldn't use the portion of Kiscona Road from Cary Place to Lexington because of the weight restriction.

Whitney Singleton: Well, I mean, you do have electricians and plumbers and other people like that that are…

Jan Johannessen: But they're not, it's not. Well, yeah. Right. But from this business, there's going to be restriction on heavy truck traffic to deal with.

Whitney Singleton: Yeah.

Anthony Giardina: So, what I'm saying is that I agree. There are a couple of businesses there now. One is an electrician, relatively small vehicles, they traverse Kiscona Road without any problem, without any danger to the residences there. There's another business there. And I'm not even sure what they do. I think it's some kind of a medical office. They don't even have a truck. They have vehicles, so that's not a problem. What I'm mainly concerned is in the vehicles that will exceed the weight limit that's been posted there, that they should be strictly enforced, that they do not go up. Because trucks of that size on a narrow road, a narrow street which Kiscona is, present a hazard to the residences, there are children that live there. There are vehicles parked that are, you know, could be damaged if somebody gets out of control. So that one section, I think we have to be very careful about what goes on there.

Michael Bonforte: Okay.

Anthony Giardina: Other than that. So far, I feel better about what's going to be there now than what I'd thought. There were scenarios in my mind when I got this notice, but I feel better about this warehouse. I think it's going to be okay. I'm really not as of right now, I'm not objecting to anything about it. I just want to bring it out to the board's attention our concerns, and I do thank you for your time.

Michael Bonforte: Thank you. Okay. Thanks, staff. And we have one more item on the agenda, and that is Homeland Towers Wireless Telecommunications Facility.

Speaker 2: Chairman.

Michael Bonforte: Say again?

Michelle Russo: Would you open the public hearing…

Michael Bonforte: We are going to. And what's the protocol there? Do we make a vote to keep it open?

Speaker 2: We actually checked Facebook. Myself and Michelle are the only two watching. There are no hand raised, correct?

Michelle Russo: No, sir.

Speaker 2: And Anthony was the only speaker here present this evening. Right.

Michael Bonforte: Well, the public hearing, let's leave it open because it just started. And that's typical normal procedure.

Jan Johannessen: Hey, Ralph. When did the notices for lead agency go out?

Ralph Alfonzetti: I don't have the exact date. I'd have to check the exact date.

Jan Johannessen: Has it been 30 days?

Ralph Alfonzetti: No. It has not been 30 days.

Jan Johannessen: Okay. So, we need. Okay. So, you can't close the hearing for that reason anyway.

Michael Bonforte: Yeah. Understood.

Ralph Alfonzetti: Is that the [inaudible].

Jan Johannessen: Yeah. And I think we're still waiting on unless it was submitted. I didn't catch it. Wetland mitigation plan and DEC permit?

Ralph Alfonzetti: The DEC permit is pending. We have the application and we're waiting for the DEC to make a determination, or to give us the permit. And I thought the wetland mitigation plan was submitted. I'll double check.

Jan Johannessen: Okay. I'm just looking at a July 8th memo. That I didn't catch a resubmission. I could have missed it, but we had seven comments in there. Mainly dealing with the trees and landscaping, the tree preservation plan, the wetland mitigation plan.

Ralph Alfonzetti: Okay. Yeah. We can clear that all up for the next meeting.

Jan Johannessen: Okay. Great. Thank you.

Ralph Alfonzetti: Okay. So, the next meeting is on September 13th, and that'll be 30 days from the notices. So, then the determination can be made.

Michael Bonforte: That'll be the plan. Yeah.

Ralph Alfonzetti: Okay.

Michael Bonforte: Great. We're good. I'm ready to move on. If you're good Mr. Alfonzetti and Mr. Rivera, we're good. So, you're good?

Speaker 2: Chairman.

Michael Bonforte: Yes, sir.

Speaker 2: If you're going to hold a public hearing to September 13th, correct? You want to…

Michael Bonforte: Yes. Does that have to be formally…

Michelle Russo: Yes.

Michael Bonforte: Put in record? And how do you do that, just?

Speaker 2: Motion.

Michael Bonforte: Okay. I'll make the motion to leave the public hearing open for Rosemount Development at 40, 42 Kiscona Road for site plan subdivision and wetlands permit. Do I have a second?

William Polese: Second the motion.

Michael Bonforte: A second. Thank you, Mr. Polese. Vote of the board. I'll say, aye.

The motion carried by a vote of 6 to 0.

Michael Bonforte: We're all in favor. Michelle, no nays passes unanimously. Okay? And we need to do that anyway by law. Okay. Thanks. Mr. Rivera, thank you for your answers. We normally don't do that with public comments. You know, we just take the comments, but being that it was just one person, I think, that went over well. So, thank you.

Frank Rivera: Thank you.

Ralph Alfonzetti: Okay. Thank you. Good night.

F. Homeland Towers – Mount Kisco Wireless Telecommunications Facility –
180 South Bedford Road
PB2020-0299, SBL 80.44-1-1
Continued Public Hearing

Michael Bonforte: We have one last item, Homeland Towers Wireless Telecommunications Facility, the public continued public hearing. We're going to adjourn to a date certain. I'd like to make the motion to adjourn to October 14th, 2022.
Barbara Roppolo: No. The meeting is…

Whitney Singleton: October 11th.

Michael Bonforte: I had 14th.

Whitney Singleton: Our deadline to file is October 14th.

Michael Bonforte: I see. Thank you. I'd like to make the motion to adjourn the public hearing on Homeland Towers to October 11th, 2022, Could someone please second that motion?

William Polese: I'll second the motion to adjourn to October 11th, 2022.

Michael Bonforte: And can I have the vote of the board?

The motion carried by a vote of 6 to 0.

Michael Bonforte: We all say aye. Michelle, let's do it. And I think we're good for the evening.

William Polese: Did we accept the minutes? Yeah, we accepted the minutes.

Michael Bonforte: We did that, right.

William Polese: Okay.

Michael Bonforte: So, we're all good. I got the house wrong on Carpenter, but I'll fix that.

William Polese: Well, that one [inaudible], yeah. You're adjourned.

Michael Bonforte: Good enough.

The meeting adjourned at 9:20 pm.

This meeting was transcribed by TranscriptionHub. Formatting corrected by Michelle Russo.

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https://vimeo.com/738768108?share=copy