

Minutes of the **Regular Meeting** of the Zoning Board of Appeals of the Village/Town of Mount Kisco held on **Tuesday, January 19, 2021 at 7:05 pm** via Zoom Teleconference

Members Present: Chairman Harold Boxer
George Hoyt
Jacqueline Broth
Arthur Weise
Wayne Spector

Members Absent: Ralph Alfano

Staff Present: Whitney Singleton, Board Counsel
Peter J. Miley, Building Inspector

Chairman Boxer stated this is the January 19th meeting of the Zoning Board. Before we start, a little procedural information, everybody is going to be limited to three minutes, after three minutes, if you don't get off, we will have our assistant mute you, so I just wanted everyone to know that before we start. Okay, the first case is Sarah Berger, case 15-9.

1. Sarah Berger **ZBA# 15-9**
55 Washburn Road
Mount Kisco, NY 10549
(SBL) 69.56-4-4

Mr. Joseph Palumbo, Ms. Ginger Smith and Ms. Sarah Berger were present.

Ms. Smith stated yes, Joe Palumbo.

Mr. Palumbo stated I'm Joe Palumbo, her architect.

Chairman Boxer stated hi, Joe.

Mr. Palumbo stated hi, how are you?

Chairman Boxer stated good

Mr. Palumbo stated so you're the, I think, oh, sorry. So, the question about the stairs and the wall. So, there was steps and a wall on the top part of the garage where the steps meet. So there was always a wall there and we built, we put in steps also.

Ms. Smith stated when we put it in a new garage, we had to relocate, move it.

Mr. Palumbo stated right. So the question is if built, number one, I think that we felt that we were within the means and the requirements. So that's where we're at.

Chairman Boxer okay. Do you have any pictures that we can look at?

Ms. Smith stated there are pictures that you had in the packet that we gave you.

Chairman Boxer stated who is that speaking?

Ms. Smith stated hi, I'm here. I'm his assistant, Ginger Smith.

Mr. Palumbo stated that's my...

Ms. Smith stated so

Chairman Boxer stated okay. The package didn't, the package did not get to the board members? So if you could, if...

Ms. Smith stated okay.

Chairman Boxer our secretary had health problems and she was not able to get it for us.

Ms. Smith stated okay. So let's see if I can put this up so you can see.

Chairman Boxer stated okay, move in a bit to your left. Okay. Right there.

Ms. Smith stated this is the garage. Okay. So...

Mr. Palumbo stated you see the stairs is in the back.

Ms. Smith stated this is the stairs. The garage is new then was approved. Before this was built there was a wall, the one all the way across the driveway to the property line. Mr. Cindrich is on this side. He built a wall and wanted to tie in his wall to the wall that we were building. This is what it looked like before, you could see there's a stone wall there, and a white picket fence on top in the driveway and went that way.

Mr. Palumbo stated the stone wall and all the way across back of the parking lot, the driveway.

Ms. Smith stated this step back in there is what is -- basically we just have to move everything over to the property line. There was already stairs and wall there.

Mr. Palumbo stated so in addition to that we fulfilled the plantings you know, fruit --

Ms. Smith stated that was already approved.

Mr. Palumbo stated no, I'm just wondering. So there clearly, you know, blinding the house and the sideline. And so there's a question again with Mr. Cindrich wall to hook into Sarah's wall. And that's really where we're at.

Chairman Boxer stated are you going to take that wall down?

Ms. Smith stated do you have any questions?

Chairman Boxer stated are you taking that wall down? You're going to take that wall...

Ms. Smith stated no, not.

Mr. Palumbo stated we don't want to take the wall down.

Ms. Smith stated no, the wall was just built. This was built in 2015.

Chairman Boxer stated Okay. So if I...

Ms. Smith stated this is what it looks...

Mr. Palumbo stated that was part of our project.

Ms. Smith stated this is what was built before.

Chairman stated okay.

Ms. Smith stated But in 2015, the wall is existing, the new walls existing and we thought that because they got approve of -- because of wall already existed, we didn't need a variance for it.

Chairman Boxer stated no, it's not the law. Just because you had a variance doesn't mean you get one automatically again. So...

Mr. Miley stated Chairman, can I explain the application a little further for you?

Ms. Smith stated which one?

Mr. Miley stated Chairman?

Ms. Smith stated this is the original.

Chairman Boxer stated yes, excuse me? Mr. Miley needs to talk now.

Mr. Palumbo stated he wants to talk.

Mr. Miley stated yeah,, Chairman, I just want to fill in some gaps here with regard to the application. So the applicant did receive a variance for 6.25 feet to the side yard step back in 2015. Now, this was for that garage edition. In addition, they submitted drawings that included, didn't include, excuse me a set of stairs

that, you know, descended into the side yard of the property which is adjacent to the property owner, Mr. Cindrich. There are couple of things, so I had an opportunity to go out to the site today and review the original conditions of approval. So the landscape bucker was to be maintained minimum five feet. So in addition to the stairs is also a flagstone walkway that was including the package that was not included in the original application. So, there are some changes although you did received an approval it didn't meet the requirements or the conditions of that approval. So some of the other items just to bring to your attention, the first on the plans that indicate that there are nine or nine, eight foot Arborvitae was supposed to be installed it, the plans show eight. The five pear trees that was supposed to be installed, there's only four that were installed. One thing I couldn't confirm is the relocation of the Dogwood tree which was part of the original approval. So I'd asked the applicant to verify if that was relocated to somewhere else from the property. And so, what they're looking for is a re-approval of an approval that are expired because you know, it's almost five years old now and they have not received...

Chairman Boxer stated right.

Mr. Miley stated a Certificate of Occupancy. So I denied the application the renewal for the building permit predicated on certain items that didn't meet the criteria of the resolution. And they're here before you to, you know, submit those changes.

Mr. Palumbo stated so could you repeat them again?

Mr. Miley stated sure, I'll try and break it up in piecemeal, you know. So the first thing is they received originally a variance that expired. That was for 6.25 feet in the area that requires 15 feet. So their proposed is 8.75 feet to the side yard stepped back. The original drawings did not include a set of stairs that ascended down into the side yard setback. In addition to that they added some [inaudible] which is also not included in the original set of drawings for which the variance was approved. Some of the other items, landscape buffer including the plantings that were installed. Most of them are installed, but there are some that still need to be installed like one Arborvitae, one pear tree and confirmation of a Dogwood tree, and that was it. Thank you for sharing that, whoever shares that. Is that Whitney?

Chairman Boxer stated yup

Mr. Miley stated okay. And confirmation of the drainage, there shouldn't be run-off that should be discharged on any adjoining properties. So I saw a pipe today and maybe the applicant explain. There's a green pipe that comes through, I thought it was vent. But there is water running through it, I'm not sure if that's an overflow pipe or what it's actually connected to. But it does, excuse me?

Mr. Palumbo stated I don't know where that is?

Ms. Smith stated maybe Sarah, can you answer that question?

Mr. Palumbo stated where is it the green pipe?

Mr. Miley stated it splits the property, it's on the landscape island.

Ms. Berger stated right, it's in the island. Hi, I'm Sarah Berger.

Mr. Palumbo stated hi, Sarah.

Ms. Berger stated yes, there -- I'm not sure what that pipe is although it was put in as part of the drainage to settle the...

Mr. Miley stated is it overflowing, Sarah?

Ms. Berger stated is it overflowing? No.

Mr. Miley stated does it overflow during rainstorms?

Sarah Berger stated no.

Mr. Miley stated yeah, because I went there and I picked it up and it's not connected. It's just -- it's kind of free, it's just lifted up. So, I'm not sure if that's popping off during rainstorms or what it's actually connected with it or if it's connected to your gutters? But I couldn't establish --

Sarah Berger stated oh, it was connected. Okay.

Mr. Miley stated it's no longer connected.

Mr. Palumbo stated alright, so we can take...

Mr. Hoyt stated so Peter, am I right to say that the other than verifying conditions, what we're really talking about is the stairway which there was a stairway many years ago, and when the addition, I'm assuming the stairway is not just further encroaching on the side of the property. Is that essentially what the application is?

Mr. Miley stated that's accurate. And the conditions of approval, so you know, the flagstone would be in addition to proposed. The stairs will be in addition and the balance of those items that described you were part of the original resolution.

Mr. Hoyt stated right. I think the stairs...

Mr. Spector stated is this a new application for variance or is this an extension of an existing variance because I didn't see an application for variance. I don't believe online although I might have missed it.

Mr. Miley stated they were approved in 2015. However the approval did not include some of the items that I've described.

Mr. Spector stated but the original approval expired?

Mr. Miley stated the original approval expired, correct. But this is not -- it far expired, the applicant would have normally submitted application prior to expiration. This is -- we're going back to 2015, even before I was here.

Chairman Boxer stated can I ask what the purposes of the steps are? How do these actually...

Sarah Berger stated to gain access to the backyard from that side of the garage.

Chairman Boxer stated all right. You can't put a door in and go into this garage out to the side yard?

Sarah Berger stated a door. No, the garage backs the -- there's no place to do that in the back of the garage.

Mr. Hoyt stated I think the renovations look terrific. I think to me, the stairway is a natural consequence. It would make no sense not to have a stairway where they're, where you're proposing. I can't speak to whether they need to resubmit application, but I think the flagstone is the stairway. Notwithstanding maybe confirming the other conditions. My view is that it looks fine to me.

Mr. Spector stated that's very attractive, whatever was done.

Mr. Miley stated Mr. Chairman, they did submit an application.

Ms. Smith stated the flat -- if I may add, there were originally before the addition, stairs against that back wall next to the original garage. So, it was right up to the side of the garage. So it's just -- it's not a question of not needing, you need the stairs because the backyard is a different elevation than the driveway. So, and it holds the, you know, the landscaping in place. So it just got moved closer to the setback.

Mr. Weise stated does this change the drainage situation?

Mr. Miley stated you're asking me, Chairman? Arthur?

Mr. Weise stated yes.

Mr. Miley stated I'm not sure if it changes I didn't walk the property. I would need permission to access the property to assess whether it changes the drainage situation there. What I was able to access from the neighboring property, which I had permission.

Mr. Weise stated that would be the biggest concern here?

Mr. Miley stated if the drain -- well it's part of resolution that no drainage were not should be discharged onto adjoining properties. That's why I went to the adjacent property to see if there was. There was nothing noticeable but I did notice a drainpipe, you know, very, very close to the property line. So I'm not sure what the purpose of it is. It looks like a clean out, it could be vent, it would be part of the stormwater runoff but I just don't know. I need to do further investigation perhaps with Village Engineer.

Chairman Boxer stated are you extending the going further into the side yard or not?

Mr. Miley stated you're asking me Chairman or are you asking the applicant?

Chairman Boxer stated the Applicant. Are you going further into the side yard?

Mr. Palumbo stated for the stairs?

Ms. Berger stated further into the side yard than...?

Chairman Boxer stated for the stairs and the flagstone

Mr. Palumbo stated the flagstones were sitting in gravel. It's not in cement or anything but we could just take them up if that's really -- I'm surprised that would even be an issue. But...

Chairman Boxer stated it's not an issue, I just need to know, I need to know if they're within the original variance line?

Mr. Miley stated Chairman, the differences that you had one application, a set of drawings which did not include the stairs or any flagstone. The variance expired. Now, the new application includes those items. They're already constructed but its part of the application. So they have a variance that was issued for 6.25% that expired, but now proposed with this set of stairs although the setback goes the building line would further encroach into the side yard, correct.

Chairman Boxer stated by how much?

Mr. Miley stated I think its 3.8 feet. Just correct me Joe, on the size. I could confirm by looking at the drawings.

Mr. Palumbo stated 3'8".

Mr. Miley stated 3'8". Thank you.

Mr. Palumbo stated 4'9" from the lot line to the steps.

Mr. Miley stated so, and the variance also included a requirement to maintain a 5 ft. buffer, that's part of resolution. So that's the reason the application was rejected not whether it looks nice or it doesn't. It just that it didn't meet the criteria of the original approval.

Mr. Weise stated can I ask when was the construction completed? I mean, five years ago, I mean it's a long time?

Ms. Berger stated it was 2016 when everything was completed.

Mr. Palumbo stated right.

Mr. Weise stated okay, and you never received, what prevented this from being resolved earlier?

Ms. Berger stated I got some misinformation about whether I needed a Certificate of Occupancy. And so, I was sort of misled on that and I didn't follow up because I didn't know that I needed too. I know that sounds naive but this is not my forte.

Mr. Weise stated okay. So, if you had applied for this a few years ago, maybe I'll ask Peter this, would we be going through this process if they had applied for a Certificate of Occupancy shortly after construction?

Mr. Miley stated Arthur, I apologize was that to me? I was getting a question from the other side.

Mr. Weise stated yes, I was just wondering. So they did not apply for a Certificate of Occupancy until years later. But had they applied during the -- when the where the first variance was valid, would we be here again? Or would that have resolved it?

Mr. Miley stated yeah well, the CO would not been issue because it didn't meet the requirements or conditions of approval.

Mr. Weise stated okay.

Mr. Miley stated so they would have to come back regards we've done '15 or now.

Mr. Weise stated got you. Okay.

Mr. Miley stated but in as far as the requirement for CEO, it's part of permit, it's, you know, language is in the permit and not to throw you under the bus, Sarah. But you know, we sent letters also reminding of the expired permit as well. But here we are today this is what's in front of us.

Mr. Weise stated so the issue is that once the construction was completed, it was -- we never had the opportunity to review it until now?

Chairman Boxer stated Peter, have you gotten onto the property to review it?

Mr. Miley stated I did not go on Ms. Berger's property. If I'm -- I'd be happy to if she grants me permission, sure. I just don't walk on people's property around to inspect it. But I...

Chairman Boxer stated I understand. I think Peter should go walk the property before we make any decisions on this.

Mr. Miley stated are you looking for analysis of what's been completed and what else is required and to confirm the drainage?

Chairman Boxer stated yes.

Mr. Weise stated for me that drainage is the biggest concern.

Mr. Miley stated yeah, I would agree because you know, it could undermine depending on the elevation. You know, there's a new improvements throughout. So I just make sure that that's proper.

Ms. Berger stated what would the walk through entail?

Peter Miley stated I would walk the site and try and locate if there are any, you know, catch basins, if there's any [inaudible] the bottom of the stairs. You know, if your gutters are tied in, and just kind of get a sense of, you know, where it's going. And if I can't, I'll probably accessibility Engineer throw a dye tablet to route where the water is discharging.

Ms. Berger stated Okay. That's fine with me.

Peter Miley stated we're not going to lift up any grates or break open on the concrete or you know...

Ms. Berger stated thank you.

Mr. Miley stated It's going to be innocuous. It's going to simply dropping a dye tablet and viewing the property if needed.

Sarah Berger stated okay, that's great, yeah.

Mr. Palumbo stated sounds good, yeah.

Chairman Boxer stated okay. In light of that, I would propose we will keep the public hearing open but adjourned this until the next meeting after Peter's gotten a chance to look at everything.

Whitney Singleton stated and I just wanted to not to raise questions that are that are, you know, piling on or anything. But I was just leafing through the materials that were submitted in connection with this meeting. The property owner has submitted an appeal but the notice of appeal simply says she's appealing the Building Inspector's determination. It does not say that she's seeking an additional variance or the re-issuance of the variance. So I question whether or not, absent proper notice to the neighbors, that she is seeking the re-issuance of the previously issued variance on the same terms and conditions. I question whether or not her application is currently sufficient. And since she does have time to address that between now and the next meeting, I think it should be because if the variance expired after a year. Then she doesn't have a variance in which case she needs to re-secure a variance. Either that or Peter needs to make a determination that her site is complaint and the construction was completed within one year. But we can talk about that offline. I just don't want to leave this meeting with the misimpression and all the notices are fine.

Chairman stated okay, so in light of the fact that Peter needs to go back and it's possible you need to correct your submission. Would you be willing to put this over to the next for the next meeting?

Ms. Berger stated yes.

Mr. Palumbo stated yes.

Chairman Boxer stated that's -- okay. So then, we will -- as I said we'll keep the public hearing open, and we will grant an adjournment until next month.

Mr. Palumbo stated as Sarah's agent, could I meet with Peter when he goes out?

Chairman Boxer stated that's up to Peter;

Mr. Miley stated yeah, I have no problem with that, Chairman.

Whitney Singleton stated Joe, can you just make sure that you and Peter or you, Peter and I coordinate on what needs to be done if anything with regard to the application and re-noticing?

Mr. Palumbo stated right.

Whitney Singleton stated I know Michelle is on the call. Do we have a submission deadline? Are they operating on any -- when do they need to have everything in if there's any changes to be required?

Mr. Miley stated the 26th is the next deadline. January 26th.

Whitney Singleton stated okay.

Mr. Miley stated and the meeting is on February 16.

Ms. Smith stated that's 7 days.

Mr. Miley stated so Joe if you want to call the office tomorrow, speak to Michelle, she could coordinate. I have time this week so we could get together early.

Mr. Palumbo stated that's great.

Chairman Boxer stated okay. Thank you for your cooperation.

Mr. Cindrich stated before you go, if you can hear me, I'm out of town. This is Mike Cindrich.

Chairman Boxer stated Hi, Mike.

Mike Cindrich stated Chairman, I really like to just clarify a couple of issues and maybe I can simplify this entire thing. I don't wanted to belabor the issue but this is what I could refer to as a mea culpa application. There were mistakes made and the stairway was supposed to be recessed into the back wall. And Sarah Berger is a great neighbor and I am not inclined to cost her any money or have the stairs removed. But there are other conditions that we may have to address that her and I have discussed and I think we're on the same page. Unfortunately, and let me just thank you guys for all your service to the community and it's you know, we're navigating through this COVID thing. It makes it virtually impossible to conduct business as we're conducting it now. But the issue is that the stairway as it exists is a violation of one of the conditions that was imposed that no other intrusions would be in the side yard. And my, like I said, I have no objections to the stairs staying that, in the location that they were constructed. My concern is the Arborvitae trees, the Arborvitae trees need space, they need space to grow and mature. And it's you know, having any kind of pathway or walkway in there, may inhibit that growth of those Arborvitae. And the Arborvitae as they -- and I think Sarah's is in agreement with this, they're beneficial to both properties. The original variance which I supported whether you want to call it substantial or not substantial, it's a 15 foot setback. We, I agreed without reservations other than the conditions that the 6.25 feet of variance was substantial. Now it's going to go into a nine feet area. So the health of the Arborvitae trees are a paramount importance to me because that softens the encroachment. The other issues that Peter raised, I think that if Sarah and I can work out, I have a great deal of experience in building houses and site work. The plants from my driveway, I spent \$3 or 4,000 in drainage work because the water comes off of the Village property like, there's no tomorrow during heavy rain. And I'm you know, obviously its concern of all of ours. I don't want her to be exposed to any more expense she made a significant investment into her property for reasons that are personal to her, and I just want to enjoy this great relationship we have. So if you know, I have no problems with Peter and Whitney or whoever else visiting the site, but just I suggest

that the ZBA which as you know, I was a Chairman for nine years, just review the conditions of approval that were delineated you know, I don't know when it is four or five years ago and we can move on from there. So I'm going to be away for a while, I'm enjoying life, miss some of it but kind of glad I'm out of the freight. But the issues before us are I think they can be simplified and hopefully that the ZBA can see fit to allow the stairs to remain where they are. And just ask for the strict compliance of the other conditions that were imposed on the plans that were submitted. The plan is not signed, it's not to scale but where the arborvitae are, it calls, in one plan I have it calls for a new lawn, another plan that was submitted to me calls for ground cover. I think that's what it should be there and they can figure out a way to make a small pathway to lead to the stairs. There is -- on the other side of the house, there is a substantial area much more than 15 feet of setback for access into the backyard. I personally believe that and I've told this to Sarah that in my lifetime and then probably in her life, she'll probably rarely use those stairs. But for the next generation to come, whether one of my kids buy the house I'm in now or Sarah sells her house. What I don't want to happen is the arborvitae trees to be pruned or limiting, the softening of the encroachment and that's basically all I have right now.

Chairman Boxer stated thank you. Anybody else? Okay.

Mr. Miley stated nobody else, Chairman.

Chairman Boxer stated okay, so I'll keep the public hearing open till next month and we'll see you then.

Mr. Palumbo stated okay.

Ms. Smith stated thank you.

Chairman Boxer stated you're welcome.

Mr. Cindrich stated good luck with your next applications.

Chairman Boxer stated okay. Homeland Towers, ZBA 20-14. Homeland Towers?

2. Homeland Towers
180 South Bedford Road
Mount Kisco, NY 10549
(SBL) 80.44-1-1

ZBA# 20-14
Area

Mr. Robert Gaudio of Snyder & Snyder; Matt Allen; Mr. Robert Burns; Mr. Klaus Wimmer were present.

Robert Gaudio stated yes, good evening, Mr. Chairman and members of the Board, Robert Gaudio, with the law firm of Snyder and Snyder on behalf of both applicants Homeland Towers and Verizon Wireless. Mr. Chairman, we did submit a number of items in December, what I would like to try and accomplish is just briefly outline what we did submit and then ask our consultant Mr. Matt Allen to walk the board through the visual rendering reports, that we prepared based on the balloon test, if that would be okay with you, I think it would be very helpful to the board and the public. Just to go back I know we discussed some of these items last time, but I'm not sure if they were in the Board's packet at that time. Back in December 1st, we had submitted a property value report that looked at 16 different studies over the past six years and four surrounding counties and you know, documented the lack of impact on property values based on those studies. We submitted some additional RF engineering report, I know the Village's retained a consultant that's looking at that item. We submitted an affidavit from the president of Homeland Towers confirming that the proposed location on the property on the 25+ acre property is the only location that we have least rights to and that the landlord will not allow us to change that at this time. On December 7th, we also submitted a letter from Village Manager confirming that the Village properties that we had previously reviewed last year are still not available. We also submitted a report from Mr. Wimmer from Homeland Towers and I believe we went through that at the last meeting, showing that the Village's setback requirements, no matter where we were located, we would not be able to meet those setbacks even with an 80 foot tower. Just by way of background, if you recall where appealing the Building Inspector's determination that he set back in height requirements are necessary and then the alternative or seeking variances from those requirements. One requirement is that any facility has to be 500 feet from any dwelling and an additional 100 feet for every 10 feet that the facility is above the underlying height requirement. So, in most cases the height requirement 25, 35 or 45 feet depending on the zoning district. And therefore in this case, with the 145 foot facility, we have 1600 foot setback. But even within 80 foot tower, we would be unable to meet that setback requirement any place within the village where we need the service. Based on the comments of last meeting on December 29th, we did submit a copy of the Building Inspector's memorandum. In October 6th, we submitted prior information regarding a similar prior application those property. It was a Village special permit resolution showing that the setbacks and height

requirements were not required of that application. We submitted a steep slopes letter from our project engineer showing, the additional disturbance required based on the fire department comments. We submitted an updated drainage report. There was comments about the facility being obsolete at some point, although, the Village code does not require any type of removal bond, we submitted a letter from Homeland Towers agreeing to remove the facility, if it becomes obsolete and in fact also posting a \$25,000 removal bonds again, not required by the court, but offered as a condition of approval by Homeland Towers. There was a question last time about Master Plan compliance, we did submit a memorandum detailing how the proposal meets the Master Plan and all the various aspects of the Master Plan. We submitted a letter of support from AT&, as you know, this facilities proposed for Verizon Wireless, we did design the facility, both tower and the ground space to support co-location to avoid the proliferation of Towers. AT&T has already indicated that they're interested in remedying [inaudible] have and co-locating on this tower. We did conduct a site visit at the hospital and we submitted a summary of that site visit, which was with the Village's radio frequency engineer in the Village Manager. We submitted that letter from Mr. Klaus Wimmer dated December 28th. We did submit a updated set of site plans and an overview letter from Mr. Robert Burns, who's with us here this evening, which went through some of the detailed changes as requested by the Fire Chief Hughes. And finally we submitted two reports from Saratoga Associates, we have with us this evening. Mr. Matt Allen, as you may recall we did a balloon test at the facility. We floated a balloon proposed location the village Planning Board and its Consultants at predetermined locations to take photographs from. We took all of those photographs locations, we took additional photograph locations. And Mr. Allen will go through his methodology in a moment, prepared visual rendering showing various different alternative tower designs and stealth options as requested by the Village's Staff.

Chairman Boxer stated okay, excuse me. Before you bring everybody back on, we can't do anything, there's no SEQRA determination. And personally, I am volunteer and I don't feel like spending in another three hours with you guys tonight. And also you submitted a couple hundred pages at the very last minute that we have not had a chance to review. So, I am not inclined to go forward with this. I have to see what the rest of the board.

Robert Gaudioso stated so, I do appreciate it, I agree with you regarding the need for a SEQRA determination. We do though have a request for an interpretation, two interpretations and in fact that I don't believe requirements.

Chairman Boxer stated as I said and was that, we have too many pages that we haven't reviewed yet because you did not get them until a couple of days ago.

Robert Gaudioso stated well actually with all due respect Mr. Chairman, we did meet the deadline, we did submit it on December 29th which was the deadline on the Village's website. Again I defer to whatever the Board wants to do, but just to be clear we did submit the materials that were requested of us. We did follow the process, we did meet the filing deadline. If the Board does not want to hear the presentation tonight that's your discretion. But just note that we're prepared to make our presentation and try and provide the information to the Board and I think it would be helpful with an explanation. But that's your ultimate decision, whether the Board wants to hear us or not.

Chairman Boxer stated okay, anybody else on the board?

Mr. Hoyt stated Harold, I think a brief synopsis would be useful, my own personal opinion, there was a lot of materials. So, if it's possible to give a high level review as he indicated, I think that might be useful, but I...

Chairman Boxer stated has anybody...

Mr. Weise stated I would like to review the balloon study.

Mr. Gaudioso stated and we can certainly accommodate, that would be limited to Mr. Allen's review the balloon study and we also did, there was a request to look in another portion of the property and landlord won't allow us to go there. We did do renderings to that location and I do think, it's very helpful to understand, what the Tower would look like at those alternatives.

Chairman Boxer stated just because the landlord doesn't allow it, you guys should have figured that out before you bought it.

MR. Gaudioso stated so we didn't actually buy the property, we did lease it.

Chairman Boxer stated right. But it's a legal document, you're bound by it and now you're trying to tell us, but the landlord won't let us do this or that, why was that not negotiated beforehand?

Mr. Gaudioso stated so the landlord's decision is just like the Village's decision, not to lease its property to us, the locations that we were willing to investigate for the towers. This landlord's the same as other landlords and we can't control, you know, their decisions, but this is our application. If you allow us, we'd have Mr. Allen go through those renderings and show, what the facility would look like based on the balloon tests and then the alternatives, we'd be happy to try and keep it quick and show you what that would look like this evening.

Chairman Boxer stated can you keep it to 10 minutes.

Mr. Gaudioso stated I believe Mr. Allen could run through it in approximately 10 minutes I think that would be fine.

Chairman Boxer stated okay.

Mr. Spector stated I would concur that I would like to hear more about how the balloon test, methodology and the findings, but in an abbreviated way as well.

Mr. Gaudioso stated sure, and you do have those documents. And if there's any questions along the way or after the meeting, if you like to send them to us or have us discuss them at a future meeting, we have no problem taking the time doing that or a special meeting, we'd be happy to attend a special meeting as well. Matt, do you think you could run through high level overview of your methodology with respect to the view shed map, the balloon test, the selection of the viewpoints and then the photo renderings from both locations.

Mr. Allen stated yes, I could do that. Good evening, my name is Matt Allen, I'm a landscape architect with Saratoga Associates. And I was tasked with doing the visual impact assessment for this project for Homeland Towers. And let me share my screen. Okay, I assume everybody can see that let me know if you can't. We submitted on December 28th, the Visual Impact Assessment report, which was largely based on the balloon test that was conducted about a month prior to that I believe the date was November 21st. Let me find the right page I'm sorry, part of the visual assessment important part was the viewshed analysis which is where I'm going here. And what the viewshed analysis shows is the area in purple are the geographic areas where the tower would be directly visible above vegetation. So, we used this map in the balloon, when we did the balloon test to identify areas that we wanted to focus on where visibility was likely. We worked in conjunction with the Town Planning Board consultant HDR, Mike Musso in identifying areas that we wanted to make sure that we took photographs. So, we identified places that were of high priority or areas that the visibility was considered to be likely. And we selected those locations in advance of the balloon test in conjunction with HDR. The methodology for the balloon test was also negotiated with HDR, the balloon is placed at the Tower center location and raised to the tower high point. The elevation of the balloon since the tower center will be graded by about five feet, the height of the balloon was raised consistent with the proposed grading. So, the elevation of the balloon was true to the top of the tower. We had very nice weather that day, there was very little wind. So, the balloon was, where it was supposed to be for the duration of the balloon test, which ran from about 8 o'clock in the morning until about 1 o'clock in the afternoon. The map you're looking at the viewshed map, as I mentioned the blue areas are the areas where visibility was predicted. The green, orange and red dots are the places that we visited to take photographs in the color coding. The green locations are the areas where we had direct visibility of the tower, meaning it was not filtered through any vegetation. The orange dots are places where the tower was visible to some degree through existing vegetation. And the red dots indicate places that we visited where, we could not see the balloon at all. And that was largely consistent with what we expected, based on the viewshed analysis. What the viewshed analysis won't tell you is, are places that you can see the tower through vegetation. So, those were places that needed to be field checked.

Mr. Hoyt stated could you mind going back to the slide? I noticed there were a bunch of red dots down into the south...

Mr. Allen stated yes, what we discovered is, there was no visibility on this was predicted by the viewshed. There's no visibility from the southern portion of the Marsh Sanctuary or from any location within the Mount Kisco Chase residential neighborhood. We did find visibility, filtered visibility through the trees from some locations in the northern portion of the Marsh Sanctuary particularly around the caretaker's cottage and the amphitheater area and I'll show you some photographs of that. In all cases the visibility was filtered through existing vegetation, so, that would be those views would tend to be seasonal, when leaves around the trees, they would be much less than we experienced in the field, we also...

Mr. Hoyt stated I don't see any dots regardless the color to the north above 172 in that development which name's escapes me

Mr. Allen stated we intended to go there and when we got there, we realized it was a gated community and we did not know that in ahead of time, so we were not able to get in on the day of the balloon test. However the viewshed indicates that there would be very little visibility in there because of existing woodland vegetation. I think there would be some visibility from one or two residents closest to the tower. But that was something that we were not able to evaluate the date of the balloon test for unforeseen circumstances.

Mr. Gaudioso stated and, Matt isn't it true that your analysis also took into account the potential cumulative tree cutting by the solar project?

Mr. Allen stated yes, that was particularly important when you're looking at viewpoints to the south. But we have the proposed solar project that is currently under consideration on the same parcel that is highlighted in the cyan color here and our analysis assumed that would be fully cleared. So, we were not considering the screening value of any existing vegetation in that area. We did spend some time walking the parcel at Number 2, Sarles Street, and immediately adjacent parcel with the owner of that parcel. And we took a number of photographs from that parcel and did a couple of simulations from that also. The red triangles on here indicate locations that we prepared photos simulations from based on the photographs that we took during the balloon test. So, in the visual impact assessment all of the photographs, we took are summarized in a photo log. And the location of the balloon whether we actually saw it or not is indicated, if it was not visible, we put an arrow on the photograph indicating the area that we would have expected or where we would expect the balloon to fall behind the trees. In most cases, we estimated that using 3D modeling, so they are reasonably accurate, and again of course, we did not see the balloon so that is recorded in the photograph. So, you can see first two photographs are in the marsh sanctuary on the South end, as are the next two. And again in all cases the balloon was following behind the ridgeline. Here is a photograph where we did see the balloon, this is from the Marsh Sanctuary along South Bedford Road, at the Brookside parking area, so, this is, in the vicinity of the caretaker's cottage, as in the closest location. So, you can see that the balloon is visible through trees here, as it was from the Brookside Amphitheater right next to the caretaker's cottage. And also from a trail in that area, all of these photographs were taken within a relatively small radius, so they all look pretty much the same. We took photographs along Route 172 at Sarles Street, and in this case, the balloon was visible through vegetation, on Sarles Street itself. I could not spot the balloon, the vegetation was, you know, just happened to screen it from no matter where I walked along Sarles Street there may be isolated the glimpses that fall through there. And I won't spend a lot of time on these. A lot of these are no view simulations from the Rippowam School. There was just an isolated view that fell in between the buildings and minor views from some other locations on the property but the lion's share of the property was screened. And I'll go through these a little more quickly just to keep my time down. You're welcome to go through the document yourself. I've been into the photo simulations because those are more disclosive. All in all, we visited 40 locations and photographed to determine project visibility. So, here's an existing photograph from the Marsh Sanctuary and we did a simulation here just to demonstrate the tree clearing from the solar project. So, if I flip through you could see how that tree line changes and then, I just dashed in where the tower would be located behind, that just to show that even with that tree clearing the tower would fall below the ridgeline. And this was one of more complex simulations from Route 172 at the Marsh Sanctuary parking lot. And this is the closest location, closest public location to the tower. So, you can see that trees will be cleared in the vicinity of the tower, but certainly they won't be cleared all the way out to 172. And a leaf off condition, this is approximately what the tower look like. HDR the Town's consultant asked us to look at a couple of alternatives, one was, if the tower were, I believe 10 feet lower, yes, the tower is proposed to be 145 feet to the top of the branching on the monopine style tower. And this is one at 135, so, you could see is a slight difference, but that's for comparative purposes. And we're also asked to look at just a simple monopole tower, still monopole tower, but painted brown just for comparison to see how the monopine style tower would look on that site. And continuing on, this is a view from the intersection of 172 at Sarles Street and you could see the balloon is in this location and here's where the tower would be. Just to answer a question, why the tower is not simulated exactly where the balloon was? There was an existing tree at the exact tower center., so, I needed to offset the balloon by about eight feet to clear the branches of that tree, so that's why the tower is simulated. So, the tower is accurate in the simulation. And from the Rippowam School, you can see the tower just visible through the trees. Again from 172, this is at the caretaker's cottage, here you can see some of the tree clearing that would occur. So, it opens a little bit of daylight, but not terribly substantially and again during leaf on season the view will be substantially more screened. And the alternative the lower monopine alternative and the brown monopine alternative. And I'll just go through these more quickly, we have, I think 12 or 13 of them. The further you get away, the less impact the tower will have, this is from the intersection of McLain Street across from Stratford Drive and the tree of the facility is substantially screened by the roadside vegetation. The most significant view we found was from 172 at Wallace Drive right in front of Leonard Park and you can see the balloon in this area and the tower would be visible above the tree lines. This is one of the few locations that we found in that condition [lost audio] but we still have the tower above the ridge line in this location. And similar condition from Leonard Park near the teahouse, a lower alternative and the brown monopole alternative. And again here, we're just showing visibility from within the Mount Kisco Chase residential neighborhood. This is the existing and

you can see over on this side if the solar farm conducted with tree clearing, the tree clearing will drop the tree line here, the tower will be located in this location again remaining below tree line. And from the adjacent property at 2 Sarles Street, this is in our close proximity, so, the balloons were directly visible from this location. And simulated view would be here because of the grade change here, the compound equipment would be down low. There would be some pine tree plantings in this area that because the ground elevation equipment is so much lower, the hill does a lot of the screening, those trees would be able to fill in, they wouldn't have to grow very tall to screen the ground level equipment. And of course, it would not be possible for the trees to grow large enough to screen the tower, however the purpose would be to minimize the view of the ground clutter. And again, lower alternative and brown monopole alternative. And one last location at 2 Sarles Street from the residents, from the deck seating area, the tower will be in this location. There is, are a couple of pine trees between the viewpoint and the tower that are proposed to remain, so that provides a little bit of buffer screening in front of the tower but certainly not a full screen. With that I'll very quickly just go over to the second report we submitted. And I won't spend much time which I think I'm already at my 10 minutes. We took a look at, you know, alternative that were asked to consider which is, if the tower were located in different location on the site. And the location we're given was at the top of the local hill on the property that would be right at the edge of the proposed Solar Farm. And again, we just remind the board that this location is not, has not been offered to us by the property owner but we did look at it just to see what that alternative might be. From this location, again going back to the same photographs that we took during the balloon test here's the reminder you, where the tower and its current location would be...

Mr. Gaudioso stated Matt, I don't think you have the right report, you're still on the old report?

Mr. Allen stated you're not seeing the tower above the trees?

Mr. Gaudioso stated no, you're still showing the old report still at 2 Sarles Street.

Mr. Allen stated really? Let me [inaudible/lost audio] in the alternate location, it would be substantially more visible. Did I just lose my share screen?

Mr. Gaudioso stated yes.

Mr. Allen stated you cannot see my share?

Mr. Weise stated no.

Mr. Allen stated okay, and just wrapping up again from the teahouse in Leonard Park, the existing and the alternate hilltop location and similarly, from Rolling Ridge Court at Austin Drive in the Chase neighborhood. The existing [audio distorted] and then so I'll stop there and take questions.

Mr. Gaudioso stated thank you, Matt.

Mr. Weise stated Matt, can I ask you the alternate of location, would you need as tall of a tower? I mean, it looks like it's substantially higher.

Mr. Gaudioso stated yes, the reason it's the same height as of the proposed location. The difference is the proposed locations off the hill line closer to the 172. So, it's essentially in the valley of 172 and is able to propagate through that valley, going up on the hill you still have to get over the hill to get the signal into the valley of 172. So, the height of the tower would still be similar either at the proposed location or on top of the hill as shown in the last slide here.

Mr. Weise stated okay, a the primary, one of the primary areas that you're trying to improve coverage is that valley, the 172 valley?

Mr. Gaudioso stated yes, the 172 valley is important as is getting coverage into the village. So, what we submitted were coverage map showing the existing coverage and I'll say we talked about the valley on one end of the valley in Mount Kisco are the sites that are, you know, existing like Oakwood Cemetery and that is proposed but approved at Mountain Avenue. And then at the other end of the valley towards 684 is the site on 684 and 172 and there's a gap in between. Also, what we showed is that the existing sites that are in and around the Village providing service in the downtown area are overwhelmed with capacity. So, we need to get coverage as well into that area to relieve those sites for capacity reasons, so, it's both the coverage in the valley with signal and it's also the relief of the capacity of the existing sites in and around the Village to the west.

Mr. Hoyt stated Robert, what -- we talked a lot last time, we saw the charts about the coverage gaps, et cetera. What more information I didn't see it in this packet, so, I'll apologize if it's there, but what more

information can you give us about these coverage gaps? And somebody mentioned on the last call data about call drops, you know, anecdotally, we've -- I've lived here many, many, many years. I don't see a gap. My cell phone doesn't die on the way, on 172. So, what information can be given to highlight this gap, these coverage gaps? What other data points, other than those maps which are great but...

Mr. Gaudioso stated just out of background, whose service do you have?

Mr. Hoyt stated I have two phones, both AT&T and Verizon. I've never had a drop call on 172. I've had dropped calls further up 172.

Mr. Gaudioso stated sure so, one of the main things -- because I live not too far away, I frequent the area. And for example, when you go into a building you lose service. So, anyone that goes to CareMount knows, you go into those buildings and that's the nature of cell phone signal is that it's -- there's more loss when you go into a building. So, you go into the CareMount buildings, everyone knows you lose service in there. So...

Mr. Hoyt stated but that...

Mr. Gaudioso stated I don't know anecdotally. But what we did do is we did submit that data. So, if you look it, the original report from Vcomm, they included the data of the usage and the capacity and the overload of that capacity. That data is in that report for those sites that are to the west in the Village. So, that data is in that report and I know the Village's consultant is looking at that.

Mr. Hoyt stated okay, is that, does that include, I mean I don't recall that data, I'm sure it's there and that data may not be really useful for laymen. Other call drops makes sense to me because well, we've all had call drops in our life. Is that part of the data it can that be -- if not, why not include that?

Mr. Gaudioso stated so anecdotal evidence of certain information is not relevant, not helpful, misleading. I hear what you're saying but the way the data is presented is the engineering form to present it and that data is in there. And again, I would suggest maybe go back and look at it but also, I know the Village's technical consultant is looking at that but that is in the package. And if you have questions you have to take and look at it we can certainly answer those questions.

Mr. Hoyt stated okay, thank you.

Mr. Gaudioso stated Mr. Chairman, if you have no other questions or the Board has no other questions, we do understand the SEQRA issue. We understand that the Planning Board does want to look at cumulative impacts, we understand that the Solar Farm did or was intending to make a filing today. I haven't seen it myself yet with the Planning Board and that and will be some additional work to make sure the Planning Board has the data necessary to look at the cumulative impacts. So, we do understand that, you know, the situation legally and procedurally, you have to wait for the Planning Board. So, we have nothing else to add at this time but we'd be happy to come back, you know, once the Planning Board does make, you know, that's determination.

Chairman Boxer stated okay, thank you.

Mr. Miley stated hey, Chairman, I just want to just remind you that we do have people wait in the waiting room that would like to speak. And I do want to read the call in number, the Zoom call in number if there are any others out there that would like to speak publicly. So, whenever you indulge me I'll do that for you.

Chairman Boxer stated you can do it now.

Mr. Miley stated okay, so we have a call in number. It's 1-646-558-8656. Again I'll repeat it 1-646-558-8656. So, we're also monitoring Facebook for any comments which I do not have any. But we do have people that are raising their hand in the waiting room. So, whenever you like those public speak, you let me know and we'll start letting them in.

Chairman Boxer stated okay, I think you can let them in now. I just want to reiterate what I said, I'm going to put a limit on everybody's talking. I think three might be too little, five might be too much. So, I'll give everybody four minutes. And if that doesn't work we're going to hit the button, we're going to cut you off like the hook on the cane. Okay, anybody want to make a comment?

Mr. Miley stated Chairman, our first speaker tonight is Rex Pietrobono.

Chairman Boxer stated okay.

Mr. Pietrobono stated hi, good evening, thank you very much for your attention and the opportunity to speak. I'm going to try to get a lot of information and quickly. I also just say I just -- thank you very much Mr. Chairperson for giving me the floor. I submitted today, to the Planning Board, some of the answers to some or some objections of some of these issues you just raised this evening. And I did, I will make sure that I send that to Lizette too if that will get to you guys, tomorrow I'll send the same thing but they don't already have it because I addressed a lot of those issues that you raised. And so, without further ado and in no particular order I will just say when you looked at the, when Mr. Allen from Saratoga, went through the pictures, I mean I'm glad he brought up the pictures, it was only at the tail end. But when you look through the renderings you see this one, these two chairs, this is from my property. It's 2 Sarles Street. So, they have been there facing downhill, this is our best view of the whole property and here's the balloons. And so it's a combination with a pine tree that's there is the monopole. So, I just want to ask, when you look through it to recognize, and this is my property too. Virtually, anywhere you went on my property, you will see the tower, you'll see it from the west side of our house, my bedroom, the big picture window that was put in, it's now going to be looking over a tower if they got their way. So, you have to ask yourself. And look at these pictures, why is it so obvious and so intrusive to 2 Sarles Street? And the simple answer is because it's too damn close. They're within, they don't even want to give me the minimum 500 foot buffer, they complain about the 1,600 and the 1,300 feet because the tower is so damn tall. They don't even want to acknowledge that they should respect the minimum 500 foot buffer that's put into your Code from our Village Board deliberately to protect people like us that we are Mount Kisco residents. And we bought this house, it was a beautiful bucolic area and it still is right now, but they picked that spot. And to answer your question, Mr. Chairman and Mr. Gaudioso so cleverly they glossed over every time they answer this, they don't want to answer it. They are not answer for an answer, is maybe the landlord won't give them another spot now. But there was a time that they were proposed to be in a different location, at least one other location up the hill. It showed up in an email, it was mentioned by Sunrise Solar to the Marsh Sanctuary, saying that they had it moved to the northeast corner and it's far away from the Marsh as possible. And I don't want this at the Marsh either but I want you to understand something. It was somewhere else on that property at least planned, and then it was moved okay, to the northeast corner, which is further up the driveway from the present location. Okay? So, and also it showed up on the map, one of the early filings for the Sunrise Solar shows up in the northeast corner as a future possible cell tower location, 4,000 square feet, that's what's they're proposing down here. So obviously, it's the same proposal different location but they don't want to tell you this, so every time, the Village Attorney says show me the lease, I want the lease, we want the lease, they don't give it, they go into a big rant about, oh, it's irrelevant, it's irrelevant, you don't need to know that, we gave you this memo, we gave you that memo. They contort themselves rather than, oh, here's the lease, take a look because it would have shown up if there was more, there may have been more than one lease, we're not sure, but let's just say that the lease had allowed them to choose. And I will read you how it was chosen from Homeland Towers themselves and you'll see somewhere in your packet in August 14th letter from Homeland Towers, from their project Regional Manager Klaus Wimmer and in that letter and it's right in your, I found this in the packet, I don't know if it's not this packet, it's probably the one before, okay. So, when you're looking, August 14, Homeland Towers, their manager. And that's going to answer your question, I'm going to read this quote and that will tell you how this came about. Okay this is from Homeland, have been identified a leasable property referring to 180 South Bedford Road, so that's the 25 acre parcel you're talking about. That also meets the coverage objectives and as one of the other is Mr. Hoyt just asked, you know, anecdotally hey, listen I've lived here all this time and I've lived the bulk of my life in Mount Kisco since before cellphones were developed, I have never had a cellphone drop on that corridor. So, they can tell you all. It doesn't matter anecdotally, geez, it's the relevant. He had [inaudible] to say it's misleading and I'm going to get into misleading when you get into evaluations on the property, the big evaluations from all these different counties, I looked at Exhibit 1 through 5, are from Westchester County. I personally toured the houses in Exhibit 1 and the closest one of all of the exhibits is 550 feet, they're proposing to put this in at about 380 feet, the pole in 350 feet from my house, shorter than any other residential listing in that whole exhibit that they put in, all right? A shorter distance than any of those properties, the closest one that they reference is 550 feet and it goes almost to a mile. So, I'm going to send you that information too, so, bear that in mind when they start tossing out words like misleading, okay? Because they're giving you a big general evaluation, well, look at all these houses. They're up to a mile away from a tower, no diminution in value of that property, well, what about the one that's 350 feet away from the tower? All right, so, Klaus Wimmer or Weimer, he writes, "Haven't identified the leasable property that meets the coverage objective. I evaluated the best location on the property to mitigate the visual impact." Oh, isn't that nice to whom? "And also maximize the setback requirements to residential dwellings" So, just hold there for a second, isn't that interesting? Because I'm 500 feet at a minimum and then you add 10 feet for -- every 10 feet you want to add some more distance. So, where the hell is the respect for the residential dwelling here that we live in, my family and I? And then continuing, "Considering the disturbance environmental impact, construct ability and availability." The proposal location meets these criteria as the existing trees, okay, it's going to shield the wireless service and equipment compound where you saw the images, the renderings it doesn't screen it, it help, maybe it helps but you can't but he just said to himself you can't screen a tower that is a 145 feet, plus to set on grade they have to dig out part of the steep slopes that their proposed to put

it in and use that fill and concrete to elevate it to a pad that the guy during the walking tour held his hand up as high as he could go and said oh, it's about 10 feet high. So, by my rough math that's about a 155 feet tall.

Chairman Boxer stated Rex?

Mr. Pietrobono stated yes.

Chairman Boxer stated if you don't mind, this will be on many more times. I gave you more than your time, if you could cede to some other person, please? I appreciate what you...

Mr. Pietrobono stated I'll read the last sentence and I'll finish and I thank you for your time.

Chairman Boxer stated sure

Mr. Pietrobono stated and finally, for the reasons above and given the limitation of citing possibilities and the environmental visual impact would cause at another location on the property, I, again the Regional Manager for Homeland, I determined that the proposed location would be best suited for the proposed personal wireless service facility. Self-created hardship as you pointed out, Chairman, okay? They chose it, they're stuck with it, it doesn't fit there. And just because they made a bad choice for profit does not mean it's the appropriate site for that tower. Thank you very much for your time and I'm going to submit that to you.

Chairman Boxer stated thank you, Rex.

Mr. Miley stated and Chairman, we have another speaker, John S, whenever you're ready to let him in.

Chairman Boxer stated okay, let him in.

Mr. Miley stated okay.

Mr. Stockbridge stated okay, if you can get it, the S is for Stockbridge, I just couldn't get my whole name in there. But in any event, neighbor also on Sarles Street, the member of the Board of Marsh Sanctuary. You've heard from me before but just to reiterate, what Max, what Rex is talking about. The setback requirement is so key and to the Brookside -- they called the Brookside Cottage, it's a residence, it's been lived in for over a 100 years. It's not like it's just some little shack it's the home of the naturalist for the Marsh Sanctuary, which goes as, you know, on both sides of this property and is extensively also available from Leonard Park, it does a lot for the Village there's no question about it. And the amphitheater there has quite a history, in fact, I think it's on our website now where you can get the history of the amphitheater and also the house at Brookside. But this is under 200 feet to the Brookside property, if you've been near a cell tower, I don't care about this one, any cell tower, you get pretty close to it, it is huge. It's not just the height. It's the whole bulk, it's the experience. So, from my point of view, being close to the Brookside House and the amphitheater particularly when they're listed as historic properties in Mount Kisco, and you can talk to Lori Kempal and talk to Harry McCartney whatever. This is one of the historic properties in Mount Kisco and it's important to protect it we had one little wedding this summer there in the amphitheater because of what the character of it. We're upping the size of our Board because of the involvement with re-wilding school which is really terrific effort on their part also the community garden has been a success for the last number of years. So, we're really into the Village we're really doing things for the village and like it was said by Mr. Hoyt, we have not dropped to call there, period. And we're about a mile almost a mile of Sarles Street and when we get in the house with one or two bars on our phone we plug in the booster, you know, which AT&T gave us. And were four bars, were four bars all around the house and all around the area. So, I mean you could -- people who have houses not on the road that have houses in the area that are only getting one or two bars for the lack of coverage you get four by putting a booster in. And if I'm Verizon or AT&T I mean I just -- we give boosters out and you improve your coverage dramatically. So, the other thing I guess is when to do this they have to take down I think 50 additional trees which would make it even more obvious than what their balloon test shows. So, I guess the main message is the Brookside and Marsh Sanctuary are historic and valuable properties for the Village. And have the actual amphitheater with it's wonderful history and the Brookside House totally exposed I mean, just totally exposed with this setback that is way, way, way below what the village ordinance says. It's just wrong, it's just no question is wrong. And I'm not trying to pretend, you know, where the cell tower company can put another tower. I mean but it's -- even in the middle of the back of Leonard Park it's going to be less of an objection to the homeowners in the area. So, thank you for listening, I guess I'm just really leaning on the Zoning Board to exert your influence to do exactly what I think Mr. Hoyt was talking about. The coverage isn't that bad. We don't want to destroy the visual environment of 172 of Rex's house and Brookside which is -- I would just recommend to everybody that if they want, we'll give

you a free tour, a walking tour there. And if you need it, we'll throw in a cup of tea. So, thank you for listening.

Chairman Boxer stated thank you.

Mr. Miley stated hey Chairman, I have no others with their hands raised and I have no others that have called in to join us to be in zoom.

Chairman Boxer stated okay.

Mr. Miley stated I just looked at Facebook to see if there are any comments and there are no comments that were listed on Facebook, so we have no other speakers for tonight on this application.

Chairman Boxer stated okay.

Mr. Miley stated unless you're willing to entertain Mr. Pietrobono has again raised his hand.

Chairman Boxer stated I'll give him five more minutes. Hello again.

Mr. Pietrobono stated hi again that's very generous. I wasn't even going to need that. I was looking through my notes and to answer one of the questions that was raised by Mr. Hoyt. Is there some way to get more accurate information? This is outside of my specialty but people that do know it told me that there's something called -- something that's akin to a near gold standard. Okay? And that's what we want, what you don't want is something that could be manipulated and I was told again the FCC doesn't want to use propagation maps anymore because they say that the applicants can show expanded coverage for some people for some purposes and they can show minimum coverage when they want to with other purposes, much like statistics, right? It depends on who the statistician is. But you want something called the Continuous Wave Drive Test combined with Scanned Drive Test. And that's what I'm told is the near gold standard. And that might answer your question Mr. Hoyt, as to some more accurate data than the misleading anecdotal evidence that, you know, I don't have dropped calls here. And in fact, when we did that walking tour with the Planning Board and we're standing literally all of us, Mr. Miley too was standing all around on where the tower is going to be proposed, and I just happened to look at my phone I said, wait who has Verizon here and everyone had Verizon raised their hand and I said I got two bars, what have you got? So everyone had two bars right there where this tower is going to be, all right? And that's pretty damn good. It doesn't get cut off anywhere outside of my property on 172, never had a single dropped call so I don't care what data he's going to show me that's going to support his position that they are dropped calls. I'm telling you they are not dropped calls. Okay?

Chairman Boxer stated okay.

Mr. Pietrobono stated anecdotal, empirical its evidence, it's still evidence and it's not going to be disregarded because he conclude, he makes a determination that it is because it doesn't suit him. And let me just take a quick look. And back to just lastly, I don't want to overstay my welcome but basically they parse their words carefully, the landlord will not let them have any other location or it is where it is. And maybe that's true now but that doesn't mean it was always true, okay? It appears if this was going to be proposed at a different location and they won't show the lease and it was going to be somewhere else in this property. And according to Mr. Wimmer since he selected it, that there may have been a time that there was other opportunities on this parcel including the northeast corner that they for whatever reason chose not to and again that's on them. Which you don't hear them saying is they never had the chance to do it or the landlord never would have let them. They're always talking about in the present and then when you ask them a question, they just go into a rant, jump up and down and tell you it's irrelevant, they don't need to -- we gave you the memorandum of the lease. Well, that's not the lease okay? And I will close by telling you that their evidence is lacking in credence, okay? It's really manipulative by itself and I will set forth it in my -- when I send you a paper on it. But basically, they try to tell you honestly with a straight face surprisingly, they put in that tower about 350 feet from my house will have no effect or no diminution in the value and in fact, you should approve that, okay? And they tell you that with a straight face and I think that that's evolved over time from having done so many of these applications because I couldn't do that, I would tell you straight up. Yes, the truth is it's imposing on this home, it's imposing on the Marsh dramatically. But you know what? We're doing this because we want to appease in their mind some other larger group of people, some politics and somehow I have to bear the brunt and they don't want to address that. They just barely address it. Oh hey, yes, got to go somewhere and this is the best spot. There's this best spots not steep slopes. Don't worry, there's a tree or two there that's going to screen this thing and these trees are dying all the time, okay? So, one day if they put it there it is not going to be screened and all of us are going to be looking at it. So, I'm trusting you, I'm relying upon you, the ZBA to do your job and not allow them to encroach in our statutory protections to set backs and buffers. Thank you.

Chairman Boxer stated you're welcome. So Peter, you said there's nobody else waiting?

Mr. Miley stated Mr. Stockbridge raised his hand again if you'd like to entertain him for another couple of minutes.

Chairman Boxer stated all right. I'll give him too, all right, quickly.

Mr. Stockbridge stated okay, can I go? I'm trying to get the visual but I can't seem to get it. My wife, she says, just talk. I love that. But first I want to thank the Zoning Board for taking the time on this. The Planning Board has spent a lot of time on it as well and I think that one thing that wasn't mentioned is that the last Planning Board meeting, the Board brought up the question of fire trucks or whatever coming up if they needed to be to that site. And they found that it was basically impossible to make that turning. It's certainly given conditions, so I think it's important, really important to understand that the drive up is a consideration we haven't talked about. And also apart from that is the, if there was a fire and the tower should fall, it would fall right on the Brookside because of the way the slope is in Brookside House. And I guess the other thing I was going to mention is you probably know this, 172 flows down, the water, you know, whenever there's rain or anything else going on, all the water flows down, it goes right to the sanctuaries driveway there which is co-owned by, if you will, by the applicant. And it flows right into this tributary, to the Kisco River which is significant. And so, if you do something to the existing drive to try and make it accommodate larger vehicles, you're going to create additional flow there which is truly environmentally a negative and that really hasn't been mentioned before. So, the last thought I have is just to really, really thank the Zoning Board for looking into this. I think it's important and you have the clout to basically say, come on guys, this is a wrong spot and here are the reasons. And again, thank you for listening to me twice.

Chairman Boxer stated you're welcome. Thank you.

Mr. Gaudioso stated Mr. Chairman, I would just like to really just correct four points quickly. One, the Planning Board did not make a determination that it was impossible for a fire truck to get to the facility. That's just simply not true. Secondly, the visuals actually did show the proposed tree removable as part of the visual renderings. Third, the facility would not fall in the Brookside Cottage. In fact, it's a distance well in excess the height of the tower. In addition, we submitted the structural engineering certification showing that the tower will be designed with a fall zone, much less than even the height of the tower. And finally, there's a full report regarding storm water and there'll be no adverse impact to the Marsh Sanctuary because we fully designed the storm water management and practices. That's part of the report that will be reviewed by the Village's engineer. And finally, the RF stuff and I do know I mentioned this earlier, is being reviewed by the Village's consultant. Thank you.

Chairman Boxer stated thank you. Okay Peter, nobody else?

Mr. Miley stated Chairman, we have nobody else with their hand up. I'm just going to look at Facebook one last time. We have no comments and nobody's called into the zoom meeting. So that's all we have as far as public speakers or people who are willing to speak on behalf of this application.

Chairman Boxer stated okay, so, we will continue the public meeting and we'll put this off until the next time you come back. Thank you.

Mr. Gaudioso stated thank you very much.

Chairman Boxer stated okay, next is New York Luxury Motors.

3. NY Luxury Motors of Mount Kisco, Inc
299 Kisco Avenue
Mount Kisco, NY 10549
(SBL) 69.49-2-1

ZBA# 18-17

Mr. David Steinmetz of Zarin & Steinmetz and Mr. Diego Villareale & Mr. Paul Sysak of JMC were present.

David Steinmetz stated good evening Mr. Chairman and members of the Zoning Board. David Steinmetz from the law firm of Zarin & Steinmetz. Mr. Chairman, good to see you. It's been quite some time.

Chairman Boxer stated I know, you look completely different.

Mr. Steinmetz stated we will try to be as efficient and brief as possible. Sometimes following a matter like that, I'm going to go out on a limb and say I think we have a much easier application for you. So, I am

joined this evening by our entire team and to make things quick, I'm not even going to introduce everyone. Several representatives of AutoNation are on as well as my colleague Matt Acocella and Diego Villareale and from JMC as well as Paul Sysak. Long and short, we have been in front of the Village for quite some time now with regard to a new proposed Jaguar/Land Rover dealership on Kisco Avenue. You will recall we had actually appeared before your Board. We believe it was something like two years ago with an earlier iteration of this application. Simplifying what's in front of you tonight, the only thing that's proposed in the Village of Mount Kisco is the new car dealership, the point of customer contact at 299 Kisco Avenue. The service facility which we had spoken about previously and was an earlier part of this application is now proposed to be on Norm Avenue in the Town of Bedford. So, the only thing we're talking about is the intersection of Holiday Inn Drive and Kisco Avenue. We have been through the process with your Planning Board. We have received a negative declaration from the Planning Board. We have received site plan approval from the Planning Board. The only thing that we need are two very minor variances and that's why we're before the Zoning Board of Appeals. First, there's an issue with regarding coverage, the site is already noncompliant with regard to coverage, and it is presently 89.4% covered. We are reducing it to 76.7 so we're significantly reducing the coverage however, we are 1.7% over on our coverage. The simple answer is, in order to make the site functional, safe and to have the adequate parking, we need the impermeable surface area and permeable surface area which is included in coverage on the site. And Diego can explain that in greater detail if you'd like it but we have brought the coverage down as much as the client and the Planning Board actually thought ultimately were reasonable. Second, we have a dumpster that's located in the back of the building, it's in the best place on the property. Unfortunately, the way the Code is written because the dumpster, the trash enclosure is technically located closer to the side lot line than the principal building, we also need a second variance to address that because of the unique geometry of this property that's the way it works out. It is clearly the best place to locate a trash enclosure and not have it a highlight on Kisco Avenue or even on Holiday Inn Drive. So, in a nutshell, we are here Mr. Chairman and members of the Board for two technical, minor variances. We hope your Board will permit us to receive those variances so that we can conclude our matter in Mount Kisco. And complete our service facility approvals process in the Town of Bedford. We are more than happy to give you chapter and verse on all of this but I suspect that with that as background, you'd probably have enough of a sense. But again Mr. Chairman, we will be guided by your board and happy to answer any questions.

Chairman Boxer stated I would just like to see if you have a rendering.

Mr. Steinmetz stated sure, a rendering of the building itself?

Mr. Sysak stated I'm sharing now.

David Steinmetz stated or a site plan illustration? Are you looking for a rendering or a site plan?

Chairman Boxer stated both.

Mr. Steinmetz stated okay, we're prepared to share both of those. We have those.

Chairman Boxer stated thank you.

Mr. Sysak stated Chairman and members of the Board, I'm Paul Sysak from JMC. I just wanted to show existing conditions aerial before we put up the proposed rendering of the project just to explain and to depict the most 90% of maximum development coverage that we have on the property here. And the lack of, you know, the required 10 foot minimum landscape buffers that we are now providing on our proposed site plan. So, I will now show the proposed rendering. Here's the new plan illustrating the minimum 10 foot landscape buffers along all of the property lines. The proposed building is actually about 4,000 square feet smaller than the existing building, it's roughly 10,600 square foot footprint for the new proposed building, the existing one is just shy of 15,000 square feet. And as I have explained, we have the landscape buffers and pervious surface that we are using to, you know, help treat storm water mitigation on a project. So, this is what our proposed site plan is right here and the proposed trash enclosure is located here as you could see. As David had explained, it is located closer to the side yard and setback. This is the side yard on the property since its got frontage along Kisco Avenue and Holiday Inn Drive on three of the four sides. This is by default per the village code a side yard for zoning purposes. So, you know, for ease of access for refuse vehicles coming in and out of the site, this is the most practical location of the trash enclosure.

Mr. Weise stated can I ask, the first rendering, is that the existing building? Is that what is there right now?

Mr. Sysak stated yes, that was an aerial of what exists on Google Earth now.

Mr. Weise stated and so that building will be leveled and the new one will take its place?

Mr. Sysak stated correct, yes. The existing facility will be demolished and a brand new state of the art facility will be constructed in its place

Mr. Weise stated and so, what is not in the new proposal that exists currently in that structure?

Mr. Sysak stated well, right now it's a combination dealership and service facility but it only handles Land Rover vehicles at the moment. The part of New York Luxury Motors application is to rebrand and also get the rights to sell as Jaguar brand vehicles so it will be a...

Mr. Steinmetz stated and what you what you see on the screen in front of you is designed as we've indicated earlier, to be a state of the art dealership where you're able to drive the vehicle in. There are fast operating doors that will come up. There will be a customer write-up area but there will be no service bays there. And for those of you who may not have been on the Zoning Board two years ago, two and a half years ago when this first came before you. AutoNation happens to be one of, if not, actually the largest owner operator of car dealerships in the United States. They only recently began to have a footprint and presence in New York and specifically in Westchester County. They tend to operate truly modern state of the art, extremely attractive and highly functioning facilities. So, the existing building really did not lend itself not only to them, but as Paul indicated, JLR Jaguar/Land Rover, the manufacturers have a lot to say about the branding and the optic particularly when they're trying to create a new atmosphere and a new dealership. Hence, the decision was made to take down the building and install a high end modern building.

Mr. Spector stated am I correct that -- are you saying that customers who are looking -- who are coming for service will drop their call off at this location and then it will be ferried to the other one? Or is this -- when you all talk about the high speed doors?

Mr. Steinmetz stated yes, so, I covered it quickly and I think we addressed it in our submission letter Mr. Spector but I will address that if it wasn't clear. This is the customer facing location, The Village of Mount Kisco is the only place that a Jaguar/Land Rover customer would come both to purchase or lease a new vehicle and to bring it for service. So how does that happen? A car comes in with an appointment through a high speed door into a lovely area that you would actually meet a service consultant and at that point the car after right up would be valeted from Mount Kisco to this other location in Bedford. There is no service that will take place on this property, it will all take place off site. In addition, I should mention again, and I think we mentioned this in our submission letter which you should all have for part of the record as dated December 29th. All vehicle drop off, new car dealership, deliveries, the tractor trailers will be delivered directly to the location on Norm Avenue. There will be no deliveries of vehicles made on Kisco Avenue on Holiday Inn Drive or on this property.

Chairman Boxer stated what do you have proposed for the enclosure now to screen it for the garbage?

Mr. Steinmetz stated Paul, do you want to speak to that?

Mr. Sysak stated yes, the trash enclosure will be a masonry block wall surrounding and it won't be, you know a chain link fence with slots it will be of high quality that will also have accents to match the proposed Jaguar building. So it will have similar architectural features as the building.

Mr. Steinmetz stated it is fairly well buffered from both the Sawmill ingress egress with the vegetation between our property line and the ingress egress or the on ramp off ramp. And we also think that the screening that Paul talked about earlier would buffer it from the curvature in Holiday Inn Drive.

Mr. Spector stated I would assure and give the operation that there would be little or no vehicle related chemicals that you use in this location. Or you are washing cars here as well or is that all being done elsewhere?

Mr. Steinmetz stated done elsewhere and all of that, with all due respect was addressed by the Planning Board in connection with their jurisdiction by side plan approval.

Mr. Spector stated right.

Mr. Hoyt stated did you have renderings of the actual building and other than the top down?

Mr. Steinmetz stated sure Paul? We anticipated you might ask that although, it doesn't necessarily relate to our coverage or our dumpster, we actually did think it was something that you want to see since a lot of time and attention has been spent on that. Paul are you able to share that.

Mr. Sysak stated yes, I am just trying to get up some. Do you see the elevations?

Mr. Steinmetz stated not yet.

Mr. Sysak stated okay, let's see.

Mr. Steinmetz stated they are up now.

Mr. Sysak stated anyone, see okay. So this is the elevation that were from Kisco Avenue, you will see the façade, the modern façade, these air to metal system that will be put along on the building and then these are the drop-off doors for the service facility.

Mr. Weise stated are the drop off doors, are they glass?

Mr. Sysak stated yes, it is an opaque glass material. And we just reviewed it with the ARB last month as well.

Mr. Hoyt stated do you have any pictures of the back and property of the garbage?

Mr. Sysak stated we don't have any renderings of the garbage enclosure but it will be designed to have the, actually have a materials board that...

Mr. Hoyt stated glass doors? That was a joke by the way.

Mr. Sysak stated let's see, so let me know if you can see the materials board?

Mr. Steinmetz stated coming up right now.

Mr. Sysak stated okay, so these two samples on the left are the colors that will be accenting the building. And it is the intent to use these two colors, you know some in some degree with the design of the trash enclosure. And the masonry will be painted to match the building as well.

Chairman Boxer stated where, how much, I am a little confused can you tell us or show us, which has the panels and which has the masonry, where it falls on the enclosure?

Mr. Sysak stated like I said it is not designed at the moment the trash enclosure. It is going to be a masonry block construction but will have accents of these colors integrated into it.

Mr. Steinmetz stated and again without debating the point but just to make sure it's clear. The only reason we are actually discussing the trash enclosure with your Board is because it is so far from the road and it is so far from a vantage point that it actually technically becomes closer to the side lot line than the principal building so therefore it triggers this unique provision of the Mount Kisco Code. Paul, if you just go back to the site plan overlay quickly because the property has what I will call like a little fish tail in the back left corner, which is probably that Paul if you can call soon to that, and where tapers off back there. We have put the trash enclosure in the furthest location from really the main visible spots. There is no better place to located and because it is back there, we hit the side lot line were closely than the principal building.

Mr. Villareale stated I think one of the point sorry to interject, Diego JMC just supplementing what Paul and David were saying.

Chairman Boxer stated can you turn your volume up?

Mr. Villareale stated I apologize. can you hear me?

Chairman Boxer stated yes.

Mr. Villareale stated sorry about that. So just again Diego Villareale with JMC, I just wanted to interject one extra point here. In addition to what David and Paul had said there. Just where the location and when you look at it Paul, if you could zoom in just a bit more, the way that is designed and again to reduce impervious area in and around that spot, it is completely surrounded by lawn and what could be landscaped areas. So even though they are making attempts to match the façade or matched the sides of the enclosure with the façade of the building there is even more opportunities to landscape in screen around that which we believe is you know could be very affective you could screen the three sides, with the exception of the piece that is facing the roadway. So there is plenty of opportunity to do some nice hedge planting around on three sides of that enclosure itself as well. So, I just wanted to point that out as well and I think that is, it is just an important point.

Chairman Boxer stated will you be doing that?

Mr. Villareale stated yeah, we can provide some arborvitae planting, something around the perimeter of that especially along the road way there. It's already shown on the plan and you could see it up against the roadway but we could tighten things up a little bit and show it around the perimeter, a little bit tighter on the perimeter of the enclosure. What we tried to do is keep it closer to the roadway and provide some screening up against the roadway but we can tighten all that up as well.

Chairman Boxer stated okay.

Mr. Steinmetz stated anything else Mr. Chairman that we can answer for you in the Board?

Chairman Boxer stated anybody have a question?

Mr. Hoyt stated I do not know.

Chairman Boxer stated okay, is there any public comment?

Mr. Miley stated hey Chairman, let me confirmed on Facebook, there are no comments. There are no hands raised and inside the zoom meeting. So, nobody is requesting to speak on this application. So that is pretty much it Chairman, unless you want me to read off the phone number one more time before we close this application now. The call-in number 1-646-558-8656. And just give it a couple minutes because there is slight delay with Facebook. Okay, thank you. Michelle confirms that there are no other speaker.

Chairman Boxer okay, then **do I have a motion to close the public hearing?**

Mr. Weise stated so moved. Mr. Hoyt seconded the motion.

Chairman Boxer asked for all in favor. The motion carried by a vote of 5 to 0.

Chairman Boxer stated now comes the awkward part, I don't not have their proposal in front of me because it was electronically delivered. And somehow I cannot figure out how to close out Zoom and pick up the other one. Wait I did it never mind. Stay there let us see what I can do. Okay. Michelle or Peter do you have a copy of the letter?

Mr. Miley stated I do, I have a copy of the two variances the applicants seeking if you like I could read it through record.

Chairman Boxer stated yeah, can you also put up on your screen?

Mr. Miley stated no I can't share my screen. I have it on my personal computer and monitoring the village Facebook.

Chairman Boxer stated okay.

Whitney Singleton stated what is it you want Chairman, I can call it up.

Mr. Miley stated actual memorandum from myself Whitney, describes the variants that they are requesting is the 1.7% development coverage variants. And the trash enclosure located nearer to the street or a side lot than the principal structure does.

Whitney Singleton stated yup, okay, I have too many things on my screen right now but I will get it in a second.

Mr. Spector stated I think Peter just describe them actually.

Mr. Miley stated excuse me?

Mr. Spector stated I think Peter just describe them.

Mr. Miley stated yeah, are the two variances there that significant variances. Again if you want to repeat it I could repeat it for you, Chairman. It is in the first page of memorandum under zoning.

Whitney Singleton stated okay, share screen.

Chairman Boxer stated okay.

Whitney Singleton stated do you see it alright, Chairman?

Chairman Boxer stated I got it all. And then do you have the page where you go with the five requirements?

Whitney Singleton stated no, I wasn't able to draft a resolution for this one in advance of the meeting. But I can certainly call this up for you, if you want. I mean the significance, impact on the character of the neighborhood is self-created...

Chairman Boxer stated no, I think I know it is just a question of...

Whitney Singleton stated I will be happy to call them up. By the way...

Chairman Boxer stated yes?

Whitney Singleton stated not to a transition back and fourth I would like to thank the 299 team for submitting a copy of their lease as required under the application.

Chairman Boxer stated no memos?

Mr. Steinmetz stated you're welcome, Whitney.

Whitney Singleton stated okay, let me see if I have a, I will call up. Oh, sorry, where's my prior section. There you go, Chairman, right here.

Chairman Boxer stated okay.

Whitney Singleton stated I will large that a little bit.

Chairman Boxer stated okay, sure, thanks. Do you, is anybody willing to make a motion or do you want me to do it?

Mr. Hoyt stated I'll make a motion to approve the application with the two variances as noted.

Mr. Spector seconded the motion.

Chairman Boxer stated Whitney are we required to go through the five...?

Whitney Singleton stated yes, you are. We could just go through it very quickly.

Mr. Spector stated we need to close the public hearing, I'm not sure. Can we do that?

Whitney Singleton stated I thought you already voted to close to public hearing.

Mr. Spector stated I didn't...

Mr. Miley stated the public hearing's closed.

Mr. Spector stated okay, I am sorry missed it.

Whitney Singleton stated I think I could probably help you out guys a little bit of this since they are actually decreasing the degree of impervious surface. And there is no feasible location within which decided the dumpster to meet zoning requirements. I think that would be pretty clear that they are not creating any changing, detrimental change in the character of the neighborhood by granting the variance. And by reducing the impervious coverage, there certainly would not be any adverse impact on the environmental conditions. They can't really achieve the given the configuration of the property. And it is being bounded on all sides basically by roads on the state highway. They can't realistically do this without the granting of an area variance and the area very without the granting of area variances which are fairly insubstantial. The only thing that and I will be happy to draft those as -- draft those findings for you for your review before signing off. I think the only question really is whether the applicant has created this difficulty itself and hardship here by virtue of the fact that they are proposing this project, knowing the constraints of the property and they could theoretically go somewhere else and do something in a zoning compliant fashion. But as your Board knows that determination is relevant but not dispositive of the application.

Chairman Boxer stated okay, so did any...

Whitney Singleton stated I might also point out and I apologize I have been kind of back and forth on the different applications tonight. I don't know whether it was it is part of your deliberations but I don't know whether it's part of the record. The Planning Board has as Mr. Steinmetz pointed out, worked with the applicant over a period of years. And the planning board was very pleased with the fact that they were able to eliminate a number of variances than being more compliant with their application. So, this is something that they have either tacitly or expressly endorsed.

Chairman Boxer stated okay, thank you. I think where we have a motion and a second to grant variances.

Chairman Boxer asked for all in favor. The motion carried by a vote of 5 to 0.

Chairman Boxer stated anybody opposed? Okay, thank you David.

Whitney Singleton stated can I just ask the question. Who made the motion?

Mr. Hoyt stated I think I did Whitney.

Mr. Miley stated yes, Mr. Hoyt made the motion.

Whitney Singleton stated and the second?

Mr. Weise stated I can second.

Whitney Singleton stated okay, thank you.

Mr. Steinmetz stated thank you all. We appreciate the time and the patience to take us through the disposition tonight. Everybody stay well.

Chairman Boxer stated take care, David.

Mr. Sysak stated thank you all, night.

Chairman Boxer stated okay, so anybody have any discussion or are we going to go home? I got to go one door over.

Mr. Miley stated Chairman, I don't want to interrupt. But before you close the meeting you had a set of minutes September 15, 2020

Chairman Boxer stated anybody read them.

Mr. Weise stated can we do that the next meeting?

Mr. Miley stated sure, if you like, we can push it off the next meeting. Sure.

Chairman Boxer stated also, they are very long so we might as well add it to the pile. And a question, Michelle?

The Secretary stated yeah, I'm here.

Chairman Boxer stated are you able to print out a hard copy for us now?

The Secretary stated yeah, I was home last week because I was quarantine. I was unable to create packets for you in the office. As I wasn't allow to be here. That's why it was digital. So, your next packet next month will be hard copy as long as my household stays healthy.

Mr. Hoyt stated I thought for smaller, my opinion obviously. But I thought for a smaller simpler application I thought the Dropbox worked pretty well.

Mr. Spector stated yeah, the small ones.

Chairman Boxer stated again Michelle are you -- can you print out all the stuff on...?

Mr. Miley stated yes, Chairman. We have hard copies for you.

Chairman Boxer stated okay, thank you.

Mr. Miley stated so, that is all we have on the agenda. So, we are going to push off those September 15, 2020 minutes the next meeting

Chairman Boxer stated okay, take care everybody.

The meeting adjourned at 9:25pm.