

Minutes
Work Session of the Planning Board
Village/Town of Mount Kisco
Tuesday, April 24, 2007

Meeting called to order at 7:45 pm, Tuesday, April 24, 2007, at the Municipal Building Mount Kisco, New York.

Members Present: Stanley Bernstein
Sol Gibbons
Doug Hertz
Joseph Morreale
Ralph Vigliotti

Members Absent: Chairman Joseph Cosentino
Vice Chairman Anthony Sturniolo

Staff Present: Nanette Bourne
Anthony Oliveri
Whitney Singleton

Acceptance of Minutes February 27, 2007:

Motion: Stanley Bernstein
Second: Joseph Morreale
Aye: Sol Gibbons
Aye: Doug Hertz
Aye: Stanley Bernstein
Aye: Joseph Morreale

Stanley Bernstein: The first order of business is Radio Circle Realty.

Continued Review:

Radio Circle Realty
136 Radio Circle
PB2005-16

Present: Brad Schwartz, Zarin & Steinmetz Attorneys
Arthur DeFeo, President, DeFeo Mfg & Supply
Anthony DeFeo, DeFeo Manufacturing & Supply
Joseph Scaltro, PE, Accurate Engineering

Brad Schwartz: Mr. Chairman, we made a submission recently which was intended to respond to Jannine McColgan's memorandum. Dan Koppleman put in a memo that if there were any questions, Dan is here to address, Joe Scaltro, who designed the site lighting plan; that was one of the substantive comments in Jannine's memo, prepared and plan we submitted in response, and Joe is here to briefly present that lighting plan.

Stanley Bernstein: Am I right, Anthony, all Jannine's questions were not answered. I'll give you a copy of the memo; maybe you can look it over.

Anthony Oliveri: Mr. Chairman, most of the site questions was answered. I just had two on my memo from today; there were two comments on lighting.

Stanley Bernstein: Before they continue, why don't you raise those comments.

Anthony Oliveri: Just one on the lighting. It does seem like the trespass requirements were met. I suggest that it be better adjusted to comply with that. And the other question I had was regarding the handicapped parking stalls. I consulted with Austin Cassidy today, as a matter of fact, and the stalls are typically 9'6" wide with 5ft isles, so that is something that would need to be adjusted.

Brad Schwartz: The 5ft isles.

Anthony Oliveri: Right.

Brad Schwartz: We show now an 8 and 8?

Dan Koppleman: We have an 8 isle, and an 8 foot space; we can certainly conform to that. That's not a problem.

Anthony Oliveri: Those were the only two remaining comments we had.

Stanley Bernstein: Now, before you proceed with your narrative, some of us are a little bit puzzled. Not puzzled, everything is in order, it's just that we kind of lost track. This has been going on for so long. What we want to know, Brad, maybe you can do this. Maybe you can give us a history from the beginning, what was there before, what the substantive changes were; some of them I know. I know there's berm, and the terraced area is all new, it came from the post office. Back here, if I remember, this was gravel, this was parking on gravel.

Dan Koppleman: No. That's existing pavement.

Stanley Bernstein: That has never been changed? I remember some gravel there.

Dan Koppleman: What we did do, we took out two spaces here. That our spaces now and we're returning that to landscape.

Stanley Bernstein: From the beginning; before any petition was made, before the application was made, basically the foot print of the building stayed the same. It was DeFeo Manufacturing.

Brad Schwartz: Yes and the use of the building were manufacturing and warehouse.

Stanley Bernstein: It's now a rental property.

Anthony DeFeo: We're still occupying 5,000 square feet with manufacturing. We're kind of moving our production in phases up in a building in Connecticut. 5,000 is occupied by us, 6,500 is vacant. 2,500 is occupied by a tenant office warehouse.

Stanley Bernstein: You anticipate the 5,000 you're occupying you will no longer occupy when you're ready.

Anthony DeFeo: Eventually, that's the plan.

Brad Schwartz: It will be rental office. That's the change of use; to go from manufacturing warehouse breakdown to an office. Because we went to the office use, that triggered an increase in the number of parking spaces that are required, this resulted in the newly proposed parking spaces. Where there was not enough property on site to add the parking spaces that led to discussions with the postal service to acquire some of his property to provide extra land. In terms of the retaining walls, we had initially proposed a single 14, 15, 16 feet that was too high. You were talking about possibly going to the ZBA for a variance, but that was revised to show three 6 foot landscape walls to obviate the need to go to the ZBA for a variance.

Nanette Bourne: So you didn't need a variance? One of the questions that we were trying to answer before the meeting was what permits and approvals did you get to answer this? We know you went to the ZBA, DEP, and DEC.

Brad Schwartz: With the ZBA there were two variances, or one variance, two issues, I'm not sure. One was for the overall development coverage. There was a 70% requirement, it's a pre-existing non-conforming at 85; we were maintaining that same 85% non-conformity, but the ZBA nonetheless had to grant a variance on that issue.

Nanette Bourne: So you previously had 85%, and you still have 85%.

Brad Schwartz: Correct.

Dan Koppleman: Correct.

Brad Schwartz: We didn't exacerbate the non-conformity. Second was the buffer requirement in the rear. I forget what the requirement was off hand, but we now have...

Anthony Oliveri: It was ten feet.

Brad Schwartz: It was a ten foot requirement, but we have 4 1/2?

Doug Hertz: It says 20.

Dan Koppleman: 4 foot 6.

Doug Hertz: It says buffer required, twenty feet.

Dan Koppleman: It might be 20, I'm sorry.

Doug Hertz: It's just on your chart, its right below your hand.

Dan Koppleman: Right. Now, this is the 4 ½ that we did get, because it backs up to the post office parking area.

Brad Schwartz: We initially showed 3 feet, and then when we were at the ZBA, in conversation with the ZBA we added another foot and one half.

Nanette Bourne: So your rear buffer is?

Dan Koppleman: 4 ½.

Nanette Bourne: 4 ½ is what you got the variance for?

Brad Schwartz: Yes. And that's landscape. On the landscape plan it shows that there is forsythia, I believe?

Doug Hertz: So this rear on your zoning compliance chart, where you say rear buffer, you have three here, it's really 4 - 6?

Dan Koppleman: Yes. It increased, as a result.

Doug Hertz: And the side maintains the same?

Dan Koppleman: That is correct. The side yard right now; the building setback conforms, but we do have parking right up to the side yard there; the existing parking.

Stanley Bernstein: Is there a net increase in impervious surface?

Dan Koppleman: Yes.

Stanley Bernstein: To what was there?

Dan Koppleman: Yes.

Stanley Bernstein: Can you give me a percentage?

Dan Koppleman: This one row I don't know the percentage off the top of my head. It's this row of parking, and it is offset by sub-surface drainage systems right in here and that is a net zero run off. We're not increasing the rate of run off as a result of that. And we went through the one hundred year scope.

Stanley Bernstein: And DEC and DEP apparently are letting you include...

Dan Koppleman: As a point of clarification, DEC said they have no jurisdiction, and DEP said as soon as this board does Lead Agency SEQRA determination they are ready to issue a storm water prevention plan approval.

Stanley Bernstein: DEC said they have no jurisdiction, even though it is a New York State...

Dan Koppleman: Well, we're over 100 feet away from it, and they verified that.

Stanley Bernstein: They verified that you're 100 feet, in other words you're not even encroaching on any part of the buffer?

Dan Koppleman: That is correct.

Brad Schwartz: We initially got the letter that it may have been, we looked into it, Dan verified with them, and that's when we got the letter back saying that we're not within the 100 foot buffer, and we have no jurisdiction.

Stanley Bernstein: That's one for you.

Doug Hertz: So we're back in the same situation we were in, which is DEP won't review your storm water until we...

Dan Koppleman: On the contrary. They wrote a letter and said the only thing they're waiting for is this board.

Brad Schwartz: There were a number of correspondences back and forth between DEP and Dan, and we've submitted that chain of correspondence. As you will see, over time the number of comments has decreased, and the open item that remains now is waiting for the SEQRA determination.

Doug Hertz: I'm sorry, I thought you said first to declare Lead Agency.

Nanette Bourne: It's the negative declaration, and I've spoken with the representative from DEP that said that this is a satisfying DEP, this is queued up to get a permit. The site plan is not likely to change.

Doug Hertz: Okay, so we're not in a situation where we're going to approve a site plan, they are going to say change it, and then we're back.

Dan Koppleman: We've already gone through the homework for this.

Joseph Morreale: I want to go back to your 75% coverage. I'm curious about something. You said you added this whole rectangle, and that's all pavement.

Dan Koppleman: No, not all of it. This dotted line here is the property we acquired. Here is a silt fence; that's only temporarily during construction. So, actually from the wall to that – this whole corner will not be paved, will not be changed and will remain earth. This corner will remain as soil, pervious soil – the parking is just from here to here. So we have maintained – and these landscape tiers are all pervious and heavily landscaped. So we do have that percentage, actually we are better – we have less than 85% when you take into account what we're getting in new property. But we don't change the ratio of the whole site very much, because it's a small piece. But actually from the land we're acquiring, we have less than 85% coverage. I don't know if I'm making that clear. These areas are remaining landscaped and pervious.

Stanley Bernstein: in other words, the new total of the entire lot is less than 85% coverage, whereas it was 85% on the – it's only a few percentage.

Dan Koppleman: That's exactly right.

Joseph Morreale: That's were I was going. It frightens me that that's the case considering how much pavement is there, with the petitioned property. Do you see what I mean?

Dan Koppleman: I understand what you're saying, but you do have to take into account these areas, this area and this area that are being acquired that are not being paved.

Joseph Morreale: I did.

Dan Koppleman: And that certainly is more than 15%.

Anthony DeFeo: I don't know how familiar you guys are with the existing property, but it does show encompassing coverage. A lot of that, what they are calling green area is gravel, rock. That wall is a dirt pile that you see from Radio Circle. Though 85% coverage, I would say less than 7% is actually greenery. It's very sloppy, it's very old, and there are huge boulders. This is a big clean up from what is existing now. There is no curbing on the site, there is no proper drainage, no proper lighting, this is a huge upgrade to what's there now. There are no handicapped ramps, there are no handicapped spots.

Doug Hertz: I have a question about what's happening on this rear property line between the two properties.

Dan Koppleman: There is an existing fence now that's along the rear property line, and that's going to be moved over. This is a postal facility and we have to have that fence. It's actually their fence. So that fence is going to get moved over. However, in front of that fence we have that 4½ feet, and that's where it's going to be heavily landscaped. So, right now if you stand in the back here, you see the loading docks of the post office. That will not occur when this site plan is implemented.

Doug Hertz: Okay. I remember looking at the landscaping from the front. I remember we had lots of pictures of this. I don't remember what was going on with...

Dan Koppleman: That's fully landscaped.

Doug Hertz: With?

Brad Schwartz: With forsythia.

Doug Hertz: Is there anything evergreen that goes in that space?

Dan Koppleman: I didn't do the landscape plan.

Brad Schwartz: Nick Pouder, the landscape architect is not here tonight, we thought the landscaping was finished and put to rest in the past, and I don't have a copy of the landscape plan with me.

Doug Hertz: Because it's come and gone so many times, we're just trying to...

Brad Schwartz: I don't recall off hand what else...

Anthony DeFeo: There are definitely pines here. There are three or four, I remember this view. What you put up here, I'm not sure, and I think there is birch in front over here.

Joseph Morreale: What is the purpose of the landscaping along the fence?

Dan Koppleman: The landscaping along here?

Joseph Morreale: Right.

Dan Koppleman: Is to screen, quite honestly, this parking area from seeing the back of that post office site.

Joseph Morreale: What surprises me is that you're not using evergreens. You're using plants that lose their leaves half the year.

Dan Koppleman: The landscape architect is the only one who can explain why, and unfortunately, he's not here.

Doug Hertz: Do you have the plan with you, by any chance?

Dan Koppleman: I don't.

Brad Schwartz: I don't have it with me.

Joseph Morreale: I mean do you see the issue here?

Doug Hertz: Do we have it downstairs, Nannette?

Nanette Bourne: I don't know how to get it.

Anthony DeFeo: I remember Nicholas mentioned something that it was something the town wanted, the deer would eat the leaves; some thing like that. It's been two years since we've been in front of you guys, and you guys approved it two years ago, so at that time you guys must have liked this idea.

Stanley Bernstein: You have to understand that's our problem.

Anthony DeFeo: Well, now it's becoming our problem.

Stanley Bernstein: Two years ago until now, we saw at least 200 applicants, and they all kind of meld into each other. So, who's who? What's what?

Anthony DeFeo: If anyone has a computer here, I could pull it off my e-mail?

(Conversation about locating the landscape plan)

Stanley Bernstein: We still haven't done a SEQRA determination, so you have to come back. And at that time we can take a second look at the landscape plan. Make sure you bring it with you.

Doug Hertz: Or we can look at it in the interim. We can have Nannette review it.

Stanley Bernstein: But we're going to see you again. It's not like this is the last time. We need a chance to talk about Dr. Morreale's issue.

Anthony DeFeo: Has anyone walked the site?

Stanley Bernstein: We did, a long time ago.

Anthony DeFeo: I highly suggest you walk it again to get acclimated to it. I think you will see a drastic improvement.

Doug Hertz: I don't think any of us disagree at the moment that it's a drastic improvement. Our issue generally is, we have to make an approval or not an approval, and we get one stab at the application. I just want to make sure that we're doing it right when we do it. You're going to make these improvements, it will be done, and we're not going to see you again, ideally, forever; 25 more years or whatever.

Brad Schwartz: Well, Mr. Bernstein's right. We need a SEQRA determination, and there is not a resolution ready before your board tonight for approval anyway.

Donna: Nancy said they are downstairs if you need them. Do you need them?

Doug Hertz: If they're readily available, it certainly would save – it might save them a meeting, ultimately.

Anthony DeFeo: At this point, any meeting we could save would be great.

Brad Schwartz: What I was going to suggest was if we could just come back and address the landscaping issue, and still ask Nannette to go ahead and prepare a resolution.

Stanley Bernstein: That can be done at the same time we look at the resolution.

Brad Schwartz: Exactly. So, as long as we don't lose a meeting.

Stanley Bernstein: If the resolution is approved or with modification, it's done all the time, that's no problem. I don't think you're going to have too much duress under this, you're coming back, and we'll talk about the landscaping at the same time.

Anthony DeFeo: Or we could have the landscape architect here,

Stanley Bernstein: If you wish.

Doug Hertz: What is the rest of the process for this application?

Nanette Bourne: This is a subdivision application, this is a site plan modification and this is a permit to disturb natural resources. The resolution needs to include all of those items. For SEQRA, you've already done Lead Agency, so you need to do a SEQRA determination and make a declaration or something else, and come up with a draft Condition of Approval for your review.

Brad Schwartz: Yes, we've held the public hearings; really we're waiting on the SEQRA determination, and then the preparation and approval of a resolution.

Stanley Bernstein: Why don't we do it?

Nanette Bourne: For the next meeting?

Stanley Bernstein: No, why don't we do a determination right now.

Nanette Bourne: You can't do a SEQRA determination right now; we don't have the SEQRA documents. That's not going to advance you any if you do a SEQRA determination tonight.

Brad Schwartz: You could do a SEQRA on the night that you approve.

Doug Hertz: And we have done that.

Brad Schwartz: As long as we can be back here on May 8 for SEQRA determination, the resolution, and as long as the board is acceptable with the landscape plan, then adopt the resolution.

Stanley Bernstein: That sounds reasonable.

Doug Hertz: I have no other questions on this, and Anthony, you're comfortable with everything else?

Anthony Oliveri: Yes, the items that we mentioned were minor.

Brad Schwartz: First were the handicapped parking spaces, there is enough room; we just have to recalculate it.

Anthony Oliveri: There is sufficient room.

Brad Schwartz: In terms of the trespass, that is something you can work out with Joe between now and then we can submitted a revised lighting plan.

Anthony Oliveri: Joe actually mentioned to me that he had worked up a revised lighting plan.

Brad Schwartz: So we'll submit a revised lighting plan as well.

Doug Hertz: I have no more questions.

Brad Schwartz: Thank you for your cooperation. My apologies for not having the landscape plan with me tonight.

Stanley Bernstein: Well, it was a little oversight that we didn't even anticipate.

Continuing Review:

**Charisma Holding Corp.
19 Kensico Drive
PB2006-23**

**Present: Janet Giris, Delbello, Donnellan, Weingarten
Tartaglia Wise & Wiederkehr, LLP
Diego Villareale**

Janet Giris: The applicant, Mr. Buonanno, who has been here with us on at least four different occasions couldn't make it this evening. There was a death in his family and he apologizes for not being here tonight. As you know, when we were here last month we had a discussion about the warehouse building that Estate Motors would like to use to store its cars at 19 Kensico Drive. The board and its consultants had a number of comments and questions for us. We went back with our architect and engineer and we re-drew the plan, which was re-submitted to you. This plan is intended to respond to the comments of your consultants and the board as well. Along with that we submitted to you a letter which addresses some of the additional comments the board had. We are here this evening to answer any additional questions you might have, and if you have no additional questions, then we are hoping that you would entertain a resolution for us.

Nanette Bourne: Janet, you've made all the changes that were requested in the building. The outstanding question, which I think you had spoken about with Ashley from my office, is the question that it still says adjacent property be acquired by Estate Motors. That still is creating some confusion.

Janet Giris: Okay. Just as a point of clarification, there are two lots here; Lot 4 and Lot 5. I believe that the lot we are talking about is Lot 4. I believe this is Lot 5.

Whitney Singleton: Vice-versa.

Janet Giris: Vice-versa; I'm corrected. The applicant is acquiring both pieces. This lot, Lot 5 is the piece that's improved with the building and is the piece that we are proposing to make the improvements to and to use as the storage warehouse. This parcel here has been shown in Deeds and comes up in the Title Report as a right-of-way, which can only be used for right-of-way purposes. It can't be used for any parking or anything like that; so he is acquiring it because that's what's being offered to him by the current owner of the property, but he is not proposing to use it in connection with the storage warehouse or anything like that. He does intend to repair it. I understand that it is in poor shape, and he does intend to repair it. But as far as this application goes and whether or not it's going to be used in connection with this building is not. It's something that's been designated as a right-of-way. It is contained in the Deed, and there are restrictions as to what it can be used for. I know that we had some questions about who has the rights over that right-of-way, and I did provide your counsel with a copy of the Title Report for it. It's really impossible for a Title Company to search exactly who has rights over something because it basically means searching the entire world to find out who actually has rights. But we do know that it is encumbered with this right-

of-way, and it can only be used for right-of-way purposes. I hope that clarifies the question.

Doug Hertz: Why is it being purchased? If it can't be used, and it's a separate lot, why is it being purchased?

Janet Giris: They are being offered together. I'm not the attorney, who is handling the purchase for Mr. Buonanno, but they have been offered to him together, and he is purchasing the whole thing. This does give him access to the rear of his site, which he otherwise wouldn't have.

Whitney Singleton: There is an easement for ingress and egress.

Janet Giris: Yes.

Whitney Singleton: So he would have that right here as Lot 4 being acquired.

Nanette Bourne: So adding to this plan, a note that this is not to be used for parking or any other use associated with this.

Janet Giris: Not an issue.

Nanette Bourne: So you can add that.

Janet Giris: Sure, if you'd like us to do that we'd be happy to do that.

Stanley Bernstein: The one concern I would have is, throughout the whole discussion we said no transporters were going to come to this site. Now with that right-of-way it seems kind of big enough for a trailer to get through and it gives them the opportunity to do so.

Janet Giris: They have agreed to a condition of approval that there will be no trailers to this site that will be off-loaded on this property.

Stanley Bernstein: Yes, I saw that.

Janet Giris: The cars will be delivered to the Golden's Bridge facility unless they arrive at some other agreement, perhaps with Acura across the street, to off-load on their property. But we understand that it is a condition in your zoning code actually, that all off-loading must take place out of the right-of-way and out of the front yard, so there is no proposed off-loading of vehicles at this site, and we are comfortable with a condition of approval that indicates that.

Joseph Morreale: Where will the delivery of vehicles be?

Janet Giris: The vehicles would be delivered to their showroom facility at Golden's Bridge, and then they would be driven individually to the site. Again, that's unless they come up with some alternate arrangement. One of the things that the Chairman had said last month was that if they could come up with an agreement with Acura, perhaps on their property, then that might be a consideration, but to my knowledge there has been no conversation between Charisma and the people who own the Acura property. So the plan is currently to have everything delivered to their Golden's Bridge facility.

Joseph Morreale: So what is the purpose of this building?

Janet Giris: Just automobile storage.

Joseph Morreale: It's just storage.

Janet Giris: Just storage. There will be prep in the building for delivery to customers at Golden's Bridge.

Joseph Morreale: So if I want to buy a Mercedes, which is probably not in the horizon yet, but let's suppose, I would not go to this facility to come look at the car.

Janet Giris: No. You would never come to this facility. You would go to their showroom facility up in Golden's Bridge, you'd make your purchase there, and the car would be delivered to you there as well. You would not, as a customer, come to this facility. This is strictly a warehouse facility only there will be two employees who will be there during the day who will prep the vehicles. What generally happens is they will send somebody down from Golden's Bridge to retrieve a vehicle, and that person would bring it up. They would actually send two guys in one car.

Doug Hertz: Are you comfortable with language in the approval, if it is approved, that would prevent customers from visiting on site?

Janet Giris: The applicant isn't here with us this evening. I think that would certainly be appropriate. I don't think that there is any intention to bring customers to the site at all.

Joseph Morreale: And there would not be any service in here?

Janet Giris: No. They have a service facility at their Golden's Bridge location, and all the vehicles would be serviced there. What would occur here is washing and prepping cars for delivery to customers. And we've agreed to the recyclable car wash that we talked about.

Stanley Bernstein: Yes, I was going to ask you about that.

Janet Giris: Yes, we agreed to that at the last meeting.

Doug Hertz: And the specs for that are the same specs that were originally proposed?

Janet Giris: Yes.

Doug Hertz: Okay.

Ralph Vigliotti: Good evening, sorry I'm late. I have a question. Is there a driveway that will take you to the back loft office and the proposed storage/manager's office?

Janet Giris: In the building or outside the building?

Ralph Vigliotti: Outside.

Janet Giris: They could utilize this right-of-way.

Ralph Vigliotti: I was just wondering why the office would be located all the way to the back, and you have to actually walk all the way through all those parking areas to get to the office.

Janet Giris: There is an existing mezzanine there that will continue to be used. They are going to eliminate, actually, a portion of that mezzanine, but that mezzanine is currently some office space now.

Ralph Vigliotti: I see a door, and I'm not sure where the exit door actually goes to, since there isn't a parking lot there or a place to park or a driveway to get anyone there. So, it's just a fire emergency door, what are we actually using it for?

Diego Villareale: It's a second means of access. It's a requirement.

Janet Giris: If a building is longer than a certain length...

Ralph Vigliotti: So there won't be a dirt driveway or a driveway to take a car or manager's car back in this area?

Diego Villareale: This is a driveway right now, which circles the building and comes down past the other building. There is a circular driveway there right now.

Ralph Vigliotti: Okay. Thank you.

Stanley Bernstein: There is a memo from Austin Cassidy, the Building Inspector, about parking requirements. We have to determine whether it's an unoccupied storage space or an occupied storage space, and you told me there will be two people, which makes it occupied. Nannette, would you like to address that? According to Austin, an occupied storage facility requires one parking space per thousand square feet.

Janet Giris: What we've provided are nine parking spaces inside the building, which would be designated as parking to satisfy the zoning requirements, and they are designated on this drawing.

Stanley Bernstein: Okay. Anybody else have any questions?

Whitney Singleton: Yes, I have a question. When you revise your plan to show that there is to be no parking on the northerly parcel of Tax Lot 4, could you also put in a

reference to the Liber and Page Referencing Schedule B, Number 7, Conceptual 7? It's currently the rights of others as referencing...subsequent Deeds subject to.

Janet Giris: I'm sorry, is it in Schedule B?

Whitney Singleton: Schedule B, Exception Number 7.

Janet Giris: Possible rights of others in and to a 20 foot right-of-way?

Whitney Singleton: Yes, as cited in Liber and such and such and repeated in subsequent Deeds and Records. That language is fine if you could put something like that in. So, in the future somebody knows why.

Janet Giris: Why it's limited. Okay, that's fine.

Whitney Singleton: And, this is just my curiosity. This appears to be a Schedule A for both parcels but Schedule B for just Parcel Number 5.

Janet Giris: The Schedule A has been revised a number of times since this was probably issued.

Whitney Singleton: But the Schedule B is just for Parcel 5, not for Parcel 4.

Janet Giris: Probably because they haven't received an update yet. It's an ongoing report, and they have received a number of updates.

Whitney Singleton: So your client has enclosed the other?

Janet Giris: No they have not.

Whitney Singleton: But they are in contract to acquire both parcels?

Janet Giris: Yes.

Whitney Singleton: Are they going to be in the same ownership?

Janet Giris: As far as I know, yes. I'm not handling the transaction.

Doug Hertz: Mr. Chairman, one of the comments that was brought up when we looked at the building is we know that there is no chance to get greenery or any certain landscaping in the front of the building, and currently this is all poorly paved and in rather bad shape. It seems to me that we have an opportunity along the northern side and on the back to get some landscaping. It's not a large enough space to be used for parking or for egress. You have a paved right-of-way that can't be encumbered. It seems to me that this is an opportunity that we have to take a building that's just currently black top, and we have five feet, six feet, seven feet, and a section on the back of the property where we can get some green space in and soften up the building.

Janet Giris: I don't think that there is enough room between the property line and the building to put anything in that would actually grow. And it is the north side of the building, so it's going to end up being shadowed.

Diego Villareale: It is smaller than it appears; this is only about three feet a most, on this northern portion. It gets a little bigger throughout the line down there.

Doug Hertz: I'm more concerned about the area towards the front of the building, anyway. But in general I think this is a good use. I'm just looking for opportunities with every applicant where we can improve the site as a whole. Certainly towards the rear of the property you have space. I've been to the property; I haven't been to the rear of the property.

Janet Giris: The issue with the rear of the property is nobody sees it. This is a warehouse facility.

Doug Hertz: What's beyond here?

Diego Villareale: The train tracks.

Janet Giris: The train tracks, and then Paraco Gas behind it.

Stanley Bernstein: You can always put a couple of containers flanking the doorway.

Janet Giris: That's something we could do.

Diego Villareale: Potting with containers, something that could be maintained during the wintertime, bring it in and put it back in the spring.

Nanette Bourne: There is an opportunity in the front for a planter, a long planter.

Janet Giris: We can do that. We can add that. An above ground planter would be fine.

Doug Hertz: This first section, for five or six feet, not that we're going to get anything significant but there is certainly greenery...it's open on this side, it's a 1 1/2 story building, it doesn't have to remain blacktop. There can be some greenery that's shade powered that could survive in that five foot buffer, potentially.

Janet Giris: I don't think we can disturb the blacktop.

Doug Hertz: For what reason?

Ralph Vigliotti: I agree with you, Doug.

Diego Villareale: Once we start disturbing blacktop it starts triggering other approvals; DEP approval, any disturbance to the land in the area, digging up blacktop, all of that information would start triggering.

Doug Hertz: Removing blacktop? Certainly adding impervious service, but a decrease?

Janet Giris: Any disturbance.

Nanette Bourne: That small amount?

Janet Giris: As the DEP has indicated to us, a square inch; because this property is in a designated Main Street area, that's what triggers it. They have jurisdiction over it.

Ralph Vigliotti: Do you have that in writing from the DEP indicating that you are not allowed to disturb a square inch?

Diego Villareale: I could get that, and it would trigger their approval. Granted, reducing impervious areas is not a bad thing.

Ralph Vigliotti: You're indicating to us that you have that from DEP.

Diego Villareale: Through conversations and through our experience with DEP, I have it in meeting minutes from other meetings that I've attended with them, specifically for the Lexus project across the street, where we've had these conversations. And I could talk to somebody at DEP and get either the Section of Code or whatever it is that they have to describe it.

Doug Hertz: I have a hard time believing that DEP is going to have a hard time with decreasing.

Anthony Oliveri: It's not that they can't do it, if they do it they have to submit a storm water pollution prevention plan.

Diego Villareale: There is this whole process; can you confirm that as well, was I correct?

Doug Hertz: We've never seen an SPPP being required for a reduction in impervious surface.

Janet Giris: Because it's a designated Main Street area, any disturbance triggers the SPPP.

Anthony Oliveri: Now granted, I don't know what they would require specifically for this project because you are reducing the impervious surface.

Doug Hertz: Can we explore this?

Nanette Bourne: I'll check with DEP.

Doug Hertz: Let's explore this; because it's an opportunity. I don't mean it to be onerous.

Diego Villareale: We'd be happy to put planters in the front.

Doug Hertz: But the side of this building is completely unfiltered from view. It's wasteland on the side.

Janet Giris: Nobody is going to see it.

Doug Hertz: I disagree. There are a lot of improvements on that back road. Lexus is going in there, there are going to be continued improvements. We are changing the traffic pattern on Kensico. I disagree that no one will see that.

Janet Giris: Okay. Again, we can look into it.

Joseph Morreale: I was going to go a different way. Obviously you're storing high priced vehicles here. Can we talk a little bit about the security that is going to be necessary?

Diego Villareale: It is an enclosed facility. I'm not sure about the owner; whether they are going to install an actual alarm system. But there are only two means of egress, which will be secured with lock and key. Keys are not going to be available. They are going to be locked up as well within the building so you have a second measure within the building. The new Mercedes models also have security within the vehicle themselves.

Joseph Morreale: So would there be a 24-hour presence of police or security guards or anything?

Janet Giris: No.

Ralph Vigliotti: Security cameras or anything like that?

Janet Giris: I don't know about cameras on the inside, but I am certain that they will have some type of security system.

Diego Villareale: I would imagine they would install an alarm system on the doorways, if they were opened, but any further than that I just don't know.

Joseph Morreale: And the lighting I would assume is also going to be part of the security, right?

Janet Giris: There are only two new lights proposed; one at the rear entrance, and one at the front entrance. We had originally only proposed one at the front and you had asked us to put one at the rear, which we do.

Doug Hertz: And they've shown their photo metrics on the plan.

Joseph Morreale: Yes, I saw that.

Anthony Oliveri: In terms of the photo metrics; one thing we noticed was the level that the front actually seemed to trespass...

Diego Villareale: Over the lot line?

Anthony Oliveri: Yes.

Diego Villareale: Again, that runs into the issue where the building is so close on the property line, and it's not a high voltage or a high wattage light bulb. The intensity is I believe, even at the property line are under one.

Anthony Oliveri: We're just pointing it out.

Diego Villareale: Understood.

Janet Giris: We could put a lower wattage bulb in there, but it's tough because of the location of the building to the property line. If we put any light there we're going to be approaching that number.

Doug Hertz: Well, why don't you look to see if there is a different cut off of the fixture, not a lower wattage?

Janet Giris: A better shield, perhaps.

Diego Villareale: One thing just to note, the light in front is actually replacing an existing light, which is a flood light. There are two flood lights, I believe, which hang off the building. They are replacing it with a down light.

Doug Hertz: I have no doubt that the lighting that is there is lousy.

Janet Giris: It's not in great shape.

Doug Hertz: This just goes to the general question, and this is something that we as a board are going to start to look at. There is very little site area for improvements. What is the roof made of and what is on the roof mechanical-wise?

Diego Villareale: I don't have an answer for that. That's something we'll have to check with the architect.

Doug Hertz: This board may be starting to ask applicants to consider green roof technology as a way to do things.

Janet Giris: If they were proposing new construction it might be a different issue.

Doug Hertz: I understand but I would like to at least explore any landscaping that we could do on the side of the building to soften the building. And you had said when acquired you're going to be re-blacktopping the right-of-way?

Janet Giris: Right. They are going to make whatever repairs are necessary to that right-of-way. They can't do anything, obviously, until they close title on it. That's not part of this.

Doug Hertz: Understood.

Stanley Bernstein: Anything else?

Whitney Singleton: I just want to point one thing out, just so the board is aware, I don't know if you want to do anything about it; there is an encroachment of the building onto Village property. It's been there probably since the road was dedicated or acquired. But there is a 1/2 foot encroachment.

Doug Hertz: Where is the encroachment?

Janet Giris: If you look on the survey. There is a tiny piece in the front here that just crosses right onto the right-of-way.

Whitney Singleton: And my guess is that they didn't build on the right-of-way. I think the public right-of-way probably came after it existed, I just thought I'd point it out. The other thing I am sort of curious about – these improvements that are being shown for the front of the building. Are they just for the front of the building or are they matched all the way around the side?

Diego Villareale: The improvements to the façade?

Whitney Singleton: Yes.

Diego Villareale: I believe those are all the way around the side.

Janet Giris: All the way around.

Doug Hertz: And you've been before the Architectural Review Board?

Janet Giris: No. I'm not sure we knew it was required. We haven't been directed to go there by anyone. I know that when we originally applied for a permit with Austin, there was a question as to whether or not it was a change of use and whether or not we had to actually come here. It was determined that they wanted us to come here, but we've never discussed having to go there.

Doug Hertz: I know its Austin's determination, but certainly, signage, awnings, any change to any elevation of a commercial building, right? Whitney?

Whitney Singleton: Yes, that's correct. I can look specifically, but I think that the awning alone would send you to the ARB.

Doug Hertz: The awning alone is absolutely a trigger; certainly putting any logo, any signage on the face of your building. They have jurisdiction over all signs in the Village. They're nice.

Janet Giris: I've been before them many times.

Stanley Bernstein: Any other comments? Nannette, what's our next step?

Nanette Bourne: The next step is if you're comfortable with the changes that they are making you can direct me to prepare a draft resolution for the next meeting. The only thing that would complicate that is the ARB issue, and you typically do not approve projects without having the ARB approval.

Stanley Bernstein: So we actually should wait until they come before the ARB.

Janet Giris: Would it be appropriate to have a resolution drafted and leading?

Stanley Bernstein: We could draft the resolution in advance.

Nanette Bourne: For the May 8 meeting, can you get to the ARB before that?

Janet Giris: I don't know if I can get to the ARB before that, but if we could at least get a resolution – if you and I can speak and we can figure out when we can get before the ARB, perhaps we can get on the next agenda after that for consideration of a resolution so that we don't have to come back here for purposes of drafting.

Stanley Bernstein: We would have to check the agenda. We have to check with Nancy to see if there is room on the May 8.

Doug Hertz: They are not going to make submission dates to get approvals for that.
Janet Giris: I agree with you.

Nanette Bourne: So, chances are it will be the second meeting in May, which will be a work session.

Janet Giris: And does this board adopt resolutions at work sessions?

Stanley Bernstein: No.

Joseph Morreale: So we're looking at June.

Nanette Bourne: It would be the first meeting in June.

Stanley Bernstein: Would you know anything about the Agenda for May 8, or do we have to check with Nancy?

Nanette Bourne: The hospital is going to be one of the items.

Doug Hertz: It would be useful at least to discuss whatever is discovered regarding DEP and this plant-able slice.

Nanette Bourne: I could bring a draft resolution that you look at, then if it is okay then you can formalize it at the June meeting.

Janet Giris: We would certainly appreciate that. The applicant does have time constraints here, because they are currently storing vehicles at another facility that they need to leave. So, however long that they need to stay at that facility, it's costing them to stay there.

Stanley Bernstein: Well, we'll try to expedite it.

Janet Giris: We appreciate any consideration that you can give us.
Alright, well we appreciate your time and your comments. Do you need us to re-submit something to you?

Nanette Bourne: Yes, the plan.

Janet Giris: With the note?

Nanette Bourne: Yes.

Anthony Oliveri: And you have to make the adjustments to the photo metrics.

Janet Giris: We need to make an adjustment to the photometric, and we need to add the note to the right-of-way parcel on this plan and we will need to perhaps add a couple of planters in the front, and then we will explore what we can do on the side with the DEP.

Nanette Bourne: That's right.

Whitney Singleton: Is there any way you can indicate on your plan for a narrative? Maybe I just missed it? That this façade you're putting up is going to be carried around the building, because I'm only seeing it on the front.

Janet Giris: We could see if perhaps they can squeeze a side elevation on here somewhere.

Diego Villareale: Will a note just be able to cover that?

Whitney Singleton: Yes, I think so.

Nanette Bourne: I'll add it as a condition.

Janet Giris: Okay, thank you very much.

Doug Hertz: Before we adjourn this, can we just talk about one thing? This has been sitting here, and I'm just digesting this. They have a very nice way to get to their legal parking spaces, which is to provide the spaces inside the building that are really prep spaces and storage spaces as their legal spaces. They are completely inside the building; we have no way to know what on earth is going on inside there.

Janet Giris: There are a couple of different things. Number one, it's a legal non-conforming issue. There is no room on this property to provide parking outside the building. So, what we've done is we've provided it where we can inside the building. They are designated for that for zoning purposes. Whether or not they'll ever be utilized, and there are two people here who are working at the property, they will be utilizing the parking spaces inside.

Doug Hertz: My concern is this, that, with any facility, management is going to, if they are successful, and they are successful, they are going to need that space to store new vehicles and to turn over new vehicles and to prep new vehicles, and there will be pressure to use those spaces for new vehicle storage and not for the managers office and the prep people who are working back and forth.

Janet Giris: The building inspector has authority to inspect anytime. A building inspector has search warrant authority, basically.

Doug Hertz: I throw this out to the rest of the board. I don't have any real issue with this; it's unconventional, it's very hard to monitor. I agree you have no other place on site to accomplish this.

Whitney Singleton: There is space outside to put parking; it's in the rear of the property, on their lot. I think what you're saying, though, is that by having the parking inside you are worried that they are not going to park inside. That reduces their ability to utilize this non-conformity to its maximum extent. It's limiting their ability to put more cars into warehousing, which is a good thing, I believe, from your perspective because it's reducing the impacts of the non-conformity.

Doug Hertz: I agree. I'm concerned that...

Whitney Singleton: I'll disagree with Janet as well. I don't say that the building inspector has search warrant authority just to come onto the property whenever he wants.

Doug Hertz: I would be nice if he did.

Whitney Singleton: But the fact of the matter is what's going to go on in the building is going to go on in the building. The question is; is it going to go on for several parking spaces inside or without several parking spaces inside? And if the parking spaces are inside, that is going to simply limit their capacity of the property for its intended purpose. It's going to limit the intensity of the use.

Doug Hertz: I'm not disagreeing; I just wanted to discuss it before it closed.

Joseph Morreale: I think there is a point you're driving at; and that is we don't want to set a precedent about this. About allowing parking inside when there is availability outside. And I'm hoping that this is viewed as just a real exception and nothing more to make your use of it functional.

Doug Hertz: I'd love to have parking inside.

Janet Giris: There is nothing in your code that requires that the parking be located outside.

Doug Hertz: I understand. My concern is that the parking inside be used as parking for employees and not for storage, and therefore, they get bumped to the street because the feeling is the street won't get enforced. That's my concern. Or to an unauthorized space in the right-of-way, which is what is going on now.

Janet Giris: If there is public parking available in that right-of-way, there is really nothing that you can do to keep them from parking.

Doug Hertz: Is there public parking in that right-of-way?

Janet Giris: I don't know the answer to that.

Whitney Singleton: A portion of the street has had parking eliminated. After Lexus is approved, all...

Doug Hertz: I'm sorry, are we talking about the right-of-way on the street, or on the side of the building?

Janet Giris: The Street.

Whitney Singleton: The Street. The public right-of-way. Everything north of this has been eliminated on street. The parking in the proximity of this building on the street will be prohibited once Lexus is complete.

Janet Giris: And that's your answer then. The parking needs to occur within the building.

Doug Hertz: Okay.

Janet Giris: So we will revise this drawing, and we will re-submit it, and in the interim we will get to the Architectural Review Board. Hopefully they won't keep us there for very long. It is only one awning, and we'll be back. Thank you for your time; we appreciate it.

Stanley Bernstein: Now, there is some correspondence in reference to our request that the Fire Inspector check out Coco Rumbas, and his report is here. I assume everybody read it. Does anyone have any comments on it?

Joseph Morreale: I did, Mr. Chairman, and I must admit reading it over three times, I came to the conclusion that something should be done here, because it seems to me to be a potentially hazardous situation. But they don't conclude that, and I found that very surprising. What they're saying is we have no grounds to take any kind of disciplinary action, and I find that very odd, and was wondering what we could do about it. Effectively they are saying they can't get the vehicles through the area, right?

Ralph Vigliotti: That's what they are saying, yes.

Stanley Bernstein: That's what they're saying. There's a blockage, there's a back-up.

Joseph Morreale: So how does one conclude that you're going to allow a facility to continue, particularly one that is a restaurant that could easily have a fire, if there is no protection? Well, there is restrictive protection. I don't understand that, and I wondered what we could do.

Doug Hertz: I know they didn't have valet parking on their original site plan; did we approve valet parking subsequently?

Stanley Bernstein: Yes, on site valet parking. We approved it.

Whitney Singleton: We didn't approve it. We did not prohibit on-site valet parking. But there is an express prohibition in the resolution of approval, because we somewhat anticipated the – we had stated in the resolution that on-site parking shall be restricted for onsite uses, and there shall be no off-site parking for on-site uses.

Doug Hertz: And now we're seeing off-site valet parking.

Whitney Singleton: And we told him to stop that. And we told him to stop that pending having an agreement in place with an adjoining property, so they need to come back. This is their attempt at showing - complying with what the Planning Board demanded of them, which was to show that you have an actual written lease to do off-site parking, so we know where it is and what's going on.

Doug Hertz: But even with this written lease, and the fact that they're using off-site parking; they are still so densely parked on-site as to create a hazard.

Stanley Bernstein: Well according to this it's not so that they are so densely parked. It's just that moving the cars out into the off-site parking is a back-up.

Ralph Vigliotti: They are valet parking on the site. It's a staging area, yes, to valet off at some point, but they are valet parking on-site. You can't get a fire truck in there on Friday or Saturday night. The discussion has to be whether we, similar to what we did with The Flying Pig. We need to see a site plan of movement of vehicles around the property while you're valeting so you can get vehicles in and out of there if there is a fire or EMS emergency. Right now you can't get in and out of there with the way their valet parking is set up. And that's a stick built building, and you could have a real problem with that building if we don't address this carefully.

Whitney Singleton: I think what he's saying in there, Doug, is that, if I can kind of interpret it a little here, this is a pre-existing, non-conforming use. It was this way before, it had this many parking spaces before, and it has them exceeding, expanding to a degree of non-conformity with regard to their operations, as long as they are parking in the spaces that are there, there is little that can be done.

Doug Hertz: I'm not trying to shut them down. I have no interest in that. I'm happy that he is successful. But I concur with Ralph.

Whitney Singleton: But it's everywhere.

Ralph Vigliotti: But we're only addressing this. They can't valet park on that site, because there is no ingress/egress for a fire or any kind of emergency vehicle. That's the bottom line to all of this. I want them to be successful, and I hope that have a decent place where they can valet off-site. If it's a staging area that's one thing, if they are valet parking on there while they're staging, we've got a real problem, and that has to be addressed.

Doug Hertz: If they take six more cars off-site, you have a lane, or whatever the number is. But that's a tight turn around. I'm baffled by the conclusion at the end of the letter.

Ralph Vigliotti: Yes.

Joseph Morreale: Me too.

Doug Hertz: That all these conditions exist, and yet it's not a problem, which I don't quite get.

Whitney Singleton: I don't think they say it's not a problem.

Joseph Morreale: They say there is no ground to pick any kind of disciplinary action which I find surprising. Because there should be grounds if you can't get fire vehicles in there.

Doug Hertz: It would be very difficult to get any emergency vehicles onto the property and virtually impossible between 8 and 10. However, in the absence of any illegal parking, or failure to follow the guidelines set forth in the approval. . Well, maybe I'm missing something. They are failing to follow the guidelines, are they not?

Ralph Vigliotti: We had a similar situation at The Flying Pig.

Whitney Singleton: What do you mean they are failing to follow the guidelines? They proposed a plan to you, which was basically an existing plan, but I think they tweaked the parking. I don't know if it was at your request.

Doug Hertz: To include cars parked in back of the lined spaces? That's what he's saying.

Whitney Singleton: Where does he say that?

Doug Hertz: . . . parallel parked along both side of the decorative island, which means they were parked behind vehicles already in the lined spaces. That to me says...

Whitney Singleton: That's a violation.

Doug Hertz: But that's the point.

Nanette Bourne: They say that the situation must be discontinued immediately' the second paragraph.

Doug Hertz: I understand, but the conclusion at the end says –

Nanette Bourne: It contradicts itself.

Doug Hertz: Thank you.

Joseph Morreale: Well, no, the way I read it was that they are opposed to them sort of double parking, but they recognize even with that correction there is still a problem. That's how I read it. Now, what went through my mind is, does this lead us then to have to restrict the amount of parking they are allowed to have on site and force them to do the valet parking off-site even more, so the vehicles aren't there on site? Can we do that? Because you said we approved valet parking; well, that's very nice, but what about volume? Can we say 50% of the cars have to be off-site or something like that?

Whitney Singleton: No, I said we didn't approve valet parking, we didn't prohibit it, but it had to be on-site.

Joseph Morreale: I thought you said they came in with a plan.

Whitney Singleton: No, what happened was they came back to your board and the response that your board gave them was, look, it says in the resolution all on-site uses shall have on-site parking, and there shall be no off-site uses parking on-site. If you want to propose a change to that and have valet parking, we can't stop you from valet parking on-site – the guy gets in the car here, drives five feet and parks it over there. Technically they can do that. But, if you want to propose something where you're doing off-site parking, then get a written lease and bring it back before this board. And that's what you have tonight. It doesn't mean that this authorizes them to park off-site. Right now they are prohibited from doing so. But if your board feels as though there can be something that would be productive here, then that's fine.

Doug Hertz: I think the reality is it's a pre-existing; ridiculously non conforming use because of the volume and the only way to make this thing even slightly safe is to get those cars off-site. So their valet parking thing is great, but they have to actually comply with the parking requirement site plan for the site, which means not double parking and parking all their cars in.

Whitney Singleton: That's right. And they should be cited for violations if that happens.

Doug Hertz: Yes. So, I take issue with the conclusion in this letter; that the facts that he is citing do not match the conclusion.

Whitney Singleton: If there are code violations, whether they're local or state, village or fire code violations, they should be issued.

Doug Hertz: So, it's my feeling we should invite him back again, and ask him to formalize his valet parking with conditions that require him to only use the spaces on-site as they are designated, and to get the rest of the valet parking that's off-site, off-site.

Whitney Singleton: And what do you think about the natural conclusion that will follow? If we're allowing off-site parking on somebody else's parcel, does that put them in violation of their site plan?

Ralph Vigliotti: I thought we said early on when they came in, and they were valet parking illegally off-site; and we need to pull the minutes out, that we gave them permission to valet parking on their site until they secure an agreement off-site.

Whitney Singleton: Correct.

Ralph Vigliotti: We didn't say it was going to be permanent. I believe we gave them permission to valet park on their site until they sign a lease and was brought before the Building Department for off-site parking. As far as I see, all they can do is stage their valet parking with a lease off-site to make this a safe site for ingress/egress for emergency vehicles.

Doug Hertz: And Whitney, I'm all for using parking lots that don't have a use. It's perfect. Why build more parking lots if we have adequate stuff, and we can shuffle cars around? That to me is perfectly reasonable.

Ralph Vigliotti: This is an awkward site because there is only one ingress/egress. The Flying Pig has two, off of Moore and off of Lex. And they have two.

Whitney Singleton: It's not supposed to be.

Ralph Vigliotti: Well, they do, and until it's not its there. They have islands in the way, so right now even with the parking it's difficult to get in a good size emergency vehicle.

Nanette Bourne: I think your point is you said go ahead and valet park on-site, but even though you authorized them to go ahead and do that, it's not at the expense of safety. So, if you can't get emergency vehicles in and out, regardless of what you said...

Whitney Singleton: You didn't authorize them to stack cars eight deep.

Nanette Bourne: Right. So, they can do it, but it has to meet what the Fire Department wants. I think what you're saying is I could read this both ways. It is a bit of a double negative.

Ralph Vigliotti: I've been there several times. All you do is stage valet parking; two or three or four cars waiting to be moved off-site. And that's about as far as they can go; that particular parking lot is not a good candidate for valet parking within the lot itself.

Nanette Bourne: So there are really two actions. One is to report back to the building inspector that if there are violations they have to be cited for parking violations, because they are a safety hazard. And the second is to have them come back in response to your request that they bring the valet parking agreement, which they have, and they show you how they are going to stage it and manage it.

Doug Hertz: But they're going to have to do a better job. They are going to have to designate whatever it is, two, three spots in front as staging areas for their valet parking so customers can come in to two or three empty spots, hand their keys over, and then those spots are emptied and those cars are brought over to across the way.

Ralph Vigliotti: I've had my car valet parked there. There were two cars in front of me, dropping their car off. I was the second, there were two behind me; basically almost in the street waiting to come in to bring it to the folks who just had dinner. So you had five or six cars being staged. They weren't even being valet parked; they were just being staged for pick up or drop off. I think the Fire Department needs to go out and line – actually say, not here, not here, not there. Identify where they cannot valet park at all.

Whitney Singleton: Theoretically they can only park where there are designated spaces. That's it.

Nanette Bourne: That's another inconsistency because you said that they could valet.

Ralph Vigliotti: Yes, they have been.

Doug Hertz: But valet just means you can pull up in front of the thing for a moment, drop your car off, and then they will park in a designated spot. And that's all it means. It doesn't mean you can double park.

Nanette Bourne: I think maybe that's the issue that was implied; that they could shove the cars in.

Stanley Bernstein: That's a rock and a hard place. If you're telling him he can do that, and the only room he has to do it is to double park, you've put him in an untenable position.

Doug Hertz: Let's just jump forward from here. He has now secured an off-site spot. So, let's come up with a plan that allows him to use his space, that makes this off-site thing work. Forgetting where we got to at this point.

Whitney Singleton: I think for purposes of precedent, I think your board should specifically acknowledge that the site that they are proposing has sufficient off-peak parking. I don't want to get this thrown back in our face. And you know where they are proposing the off-site parking. Does everyone know where this is?

Doug Hertz: No, where is it?

Stanley Bernstein: It's across the street.

Whitney Singleton: It's across the street and then across the Martabano piece.

Stanley Bernstein: It's Radio Circle.

Whitney Singleton: Where the Karafin School is.

Stanley Bernstein: No, across from that.

Doug Hertz: It's not where the baseball one is?

Whitney Singleton: No.

Stanley Bernstein: They are going to be parking at the Karafin School?

Whitney Singleton: And then they're going to be running across the Martabano piece in the dark... across the street.

Stanley Bernstein: Then I read this wrong. It looked as if it was the one across the street.

Whitney Singleton: I'm just looking at the names on the lease. The names on the lease ...

Stanley Bernstein: Well, I saw the names on the lease, but I don't know who owns what.

Whitney Singleton: Kisco Radio Circle Associates.

Joseph Morreale: So what's the issue? That they're going back and forth in an unlit area, or what?

Whitney Singleton: That's an issue, but perhaps better valet parkers than the public. The issue for me is that you specifically identify that site as having surplus parking in the night hours. I don't want people to come in and say, well, you allowed parking over there. I want to specifically identify that this is at these hours, this is surplus parking.

Nanette Bourne: So you want them back on May 8.

Whitney Singleton: Is there input you need from anyone else with regard to fire lanes or anything else before you have a resolution?

Joseph Morreale: Well, I wondered about whether we should have the fire inspector come in, or do we understand this well enough?

Ralph Vigliotti: I think it would be very easy for us to see if there is a site plan showing all the designated parking spaces, and what we would outline to be the fire lanes, and that they could never park in those fire lanes at all for any reason. I kind of see valet parking as being valet-ed to a designated spot. It's not a big lot, so why would you just allow people to go into the parking space they want. But valet parking to a designated spot, or a staging area for valet parking to a site off the premises. But none of this double parking and triple parking in the travel lanes.

Whitney Singleton: That's going on now. You've got the backing in the street of Mount Kisco Seafood. They totally misrepresented what they were going to do there. There is

stuff outside, all over the place, and they are now conducting classes. They are having fairly large classes over there.

Joseph Morreale: Cooking?

Whitney Singleton: Cooking.

Stanley Bernstein: Cooking classes are not being held there. Cooking classes are being held at the Fish Cellar. I went to the cooking class.

Whitney Singleton: Are you certain?

Stanley Bernstein: Yes. I went there.

Whitney Singleton: I had a relative who went there, I thought it was there.

Stanley Bernstein: No. I went there twice. It's at the Fish Cellar. When the Fish Cellar is closed on Monday, they have classes there.

Whitney Singleton: But they still have stuff strewn all over the place at Mount Kisco Seafood, and it smells like hell.

Stanley Bernstein: You mean garbage? At the dumpster?

Whitney Singleton: Yes. Back against the fence.

Stanley Bernstein: If you want to talk about something being sloppy and strewn, you ought to look next door to Kuritzsky's Glass. He's got four or five trucks parked there and cars, and whatever, parked on Village property. Nobody does anything about it. Besides his buildings, he's got I don't know how many buildings he's got there; sheds, buildings and whatever.

Ralph Vigliotti: It seems like Mount Kisco Glass has an arrangement.

Whitney Singleton: Kuritzsky's lot goes further back than Mount Kisco Seafood. There is a container in the back which constitutes their property mark.

Stanley Bernstein: But not only a container, there's a building; a storage building, an old trailer.

Whitney Singleton: Yes, it's a container.

Stanley Bernstein: It looks like storage not garbage.

Whitney Singleton: It's a big container.

Stanley Bernstein: And he's got trucks parked back there, and cars.

Ralph Vigliotti: And the shame of it all is here's what's happening. Being a keen observer, during the days when they are very, very busy, they are pushing cars through Kuritzsky's lot to park behind his fence at Mount Kisco Seafood. I drove by there one day where there were 8 or 10 or 15 cars parked behind Mount Kisco Seafood. The only way they could get there was to go through Mount Kisco Glass; their driveway to get to the back of the parking lot.

Whitney Singleton: Are you sure that that wasn't Kuritzsky's parking?

Ralph Vigliotti: No. The only reason why I say that is people were waiting in line, and I honestly believe it was the folks who work there were parking there all day to make enough spaces for their –

Whitney Singleton: They are also parking across the street.

Ralph Vigliotti: Yes, well that we know. But here we go again. You say you can't park behind your property –

Whitney Singleton: For the record, they represented that this would be sufficient parking.

Ralph Vigliotti: Those are those overflow days.

Whitney Singleton: Every other day.

Stanley Bernstein: Letter from Austin from Josh Hyman sent to – I don't understand what this is about. He wants him to do something with the sidewalk? Blacktop sidewalk?

Whitney Singleton: The blacktopped areas are the sidewalk that is supposed to be green.

Stanley Bernstein: That's Elman; they name it now something else.

Whitney Singleton: Right.

Stanley Bernstein: A memo from Ashley on Armonk Road; talking to the DOT and perhaps changing it one way or having the DOT come over and look at it.

Ralph Vigliotti: If that proposal went forward it would be a traffic promulgation from the Village Board with our recommendation.

Stanley Bernstein: I think first the DOT has to look at it.

Ralph Vigliotti: - with that far; a one-way street.

Stanley Bernstein: And there was another memo from Jeffrey Econom to Austin about a building. I haven't heard of this building at Oakwood Road, apparently it's going to come before us eventually if it's pursued. Whitney, do you know what it's about?

Whitney Singleton: Yes, Nick Pinnetti has some properties.

Stanley Bernstein: Does he want to subdivide – two lots?

Nanette Bourne: This is an extraordinarily challenging site.

Stanley Bernstein: From the description it sounds like it. I have to go up and look at it.

Nanette Bourne: He has a long way to go before it gets to you.

Whitney Singleton: My understanding is it's a five story building.

Stanley Bernstein: Austin says that the ground floor patio is 13 feet above the ground floor. It seems more than just challenging. Are we getting involved in this or just sitting it back and letting it happen?

Nanette Bourne: No, Jeff is taking this to task because the plans that were submitted were so incorrect and erroneous.

Stanley Bernstein: That's what I gathered from the memo.

Nanette Bourne: So he was going to do an initial intervention to get them to sit back and re-think.

Stanley Bernstein: Okay. Can we entertain a motion to adjourn?

Motion to Adjourn: Joseph Morreale
Second: Doug Hertz
Aye: Ralph Vigliotti
Aye: Stanley Bernstein
Aye: Sol Gibbons
Aye: Joseph Morreale
Aye: Doug Hertz

Meeting adjourned at 9 pm.

Respectfully Submitted By,

Stanley Bernstein
Board Secretary