

Minutes
Work Session of the Planning Board
Village/Town of Mount Kisco
Tuesday, November 24, 2009

The meeting was called to order at 7:45 P.M. at the Municipal Building Mount Kisco, New York by Chairman Joseph Cosentino.

Members Present: **Chairman Joseph Cosentino**
 Vice Chairman Sturniolo
 Joseph Morreale
 Stanley Bernstein
 Sol Gibbons
 Ralph Vigliotti
 Doug Hertz

Staff Present: **Anthony Oliveri**

Minutes: **September 22, 2009**
 October 13, 2009
 October 27, 2009

Motion: **Stanley Bernstein**
Second: **Joseph Morreale**
Aye: **Sol Gibbons**
Aye: **Ralph Vigliotti**
Aye: **Vice Chairman Sturniolo**
Aye: **Joseph Morreale**
Aye: **Stanley Bernstein**
Aye: **Chairman Cosentino**

Vice Chairman Sturniolo: On the question, it is noted in the minutes of September 22, 2009, regarding CVS, (Continuing Review, PB2008-17), we were told by the applicant that they "were going to take our comments back to the CVS business people and get us some answers." I want to enter it into the record that as of now we have received no answers to our questions. Also, on the same set of minutes, on another application (Goldens Bridge Precision Repair, Inc.) the Building Inspector was supposed to give us a yes or no opinion regarding the permitted use at the gas station. I believe we have not received that answer yet, either.

Final Action

333 North Bedford Road
PB2009-05A

Present: **James Diamond, Property Owner**
 Richard Beusman, Manager, Mount Kisco Athletic
 Club

 David Stolman
 Lester Steinman, of counsel

David Stolman: With respect to the truck parking proposed for the U-Haul in association with the Safe Haven Self Storage, the Building Inspector has ruled that the zoning law says that there cannot be any truck parking between the front property line and the building. That means that a variance has to be secured in order to park the trucks where they are actually proposed.

Chairman Cosentino: Do you have that in writing from the Building Department?

David Stolman: I do.

Chairman Cosentino: Please read that.

David Stolman: Austin says "if the Planning Board votes to allow these rental vehicles to park/store at this site, then please note a very specific caveat in this same accessory use regulation which is Section 110-24-B3A of the zoning law which further states that 'no such parking or storage shall be permitted in the area between the street line and the front of any such structure.' Austin goes on to say, this would then require the

storage to occur only at the north end of the premises back from the front façade of the building and consequently which would be fairly distant from the Safe Haven tenancy.

Chairman Cosentino: Are they talking about North Bedford Road?

David Stolman: Yes.

Chairman Cosentino: I think either he or we are misinterpreting that, one or the other. "Street line" would be adjacent to a street.

Lester Steinman: The problem is he is the law on this issue, and the Planning Board is really bound by Austin's interpretation. If you want to go back to him and ask for further guidance, you certainly can do that.

Chairman Cosentino: How do you interpret that?

Lester Steinman: It is really not for me to do that. It is the Building Inspector's responsibility. We referred the matter to him, and that was his response. Unless you want to pursue the matter further with him, you are certainly free to do that. At this point, his opinion is binding.

James Diamond: I believe our option at this point would be to go to Zoning Board of Appeals (ZBA) and seek a variance to allow parking in that location, which we would be prepared to do.

Chairman Cosentino: Les is right. Austin Cassidy determines the code. If he determines that North Bedford Road is the nearest street, then this Board cannot change his decision. Your choice is to go before the ZBA for relief.

David Stolman: Either that or to move the parking to the northerly side of the building. We have three alternatives in here for you. One is a recommendation to the ZBA in favor, one is recommendation to the ZBA against, I can read all that wording to you, and the third alternative is no recommendation to the ZBA whatsoever. The first alternative, as stated in the resolution, says, "due to the considerable distance between the subject property and North Bedford Road, and given the substantial difference in elevation between North Bedford Road and the subject property, such that the proposed location of the rental truck parking would not be visible from North Bedford Road, the Planning Board recommends in favor of the ZBA granting said variance." That is the alternative recommending in favor. The second alternative would read, "in that there are alternate locations on the site which conform to Section 110-24-B3A of the zoning law, the Planning Board recommends against the issue of such subject variance." The third alternative is to have Jim go to the ZBA without any recommendations.

Chairman Cosentino: I ask my Planning Board members, at the last meeting and last site visit, did anyone oppose the trucks where they were?

Ralph Vigliotti: Mr. Chairman, I was opposed to the trucks where they were, not opposed to the trucks being placed elsewhere on the site.

Chairman Cosentino: And the rest of the Board had no problems with it?

Stanley Bernstein: Mr. Chairman, I will support the location that Jim picked out for various reasons. I think it is the most efficient. I do have a comment on that. We are all very concerned whether it can be seen from North Bedford Road, 117. It is really dumpy. U-Haul cars on that strip are not going to take anything away from how bad that strip is. I know there are certain property owners who are trying to fix it up. My problem is down below. Diamond Properties has done a magnificent job of landscaping and setting everything up nicely. It really looks nice down there. How will the U-Haul trucks detract, and they will detract, from the space that they are occupying? I think that is more important than North Bedford Road. But I will support for efficiency and the right thing to do, putting the trucks there.

Vice Chairman Sturniolo: Mr. Chairman, I also attended the site visit and obviously, the trucks are not visible from 117. As Mr. Bernstein has said, Diamond Properties has done a great job in improving the overall 38 acres worth of the site, and I support the idea of positive recommendation from us to the ZBA to have the trucks parked where we saw them at the site visit.

Chairman Cosentino: I feel the same way. I feel that the recommendation should go before the ZBA, saying that this board has no problems, and I will take vote on that. I

have no problems with the trucks being there, being what Mr. Diamond has done down there with so many improvements.

Ralph Vigliotti: As I said before, I am okay with the accessory use. I am not okay with the advertising that is on the trucks, even though it is not visible from Bedford Road, but it is visible to your site. Maybe I am thinking more than you are about future tenants and how they may feel about having U-Haul trucks in their face. I think there are other sites on your site in which they could service the customers just as well. They may have to walk 30,40, 50 more yards, but I think that can happen.

Joseph Morreale: I was originally very concerned about this issue, which I had voiced, and then I did my own site visit as I could not do it the day the Board members went. I realized that the trucks were not terribly visible from the road. They are a bit visible from the entrance way but you have to be down into the area. The other thing I thought over was the fact that you all said that this would be a sort of modest business - that there would not be that many trucks, if I recall. I think you said 10. In thinking of it, I came around to the idea that given the need for the business and given the location and the fact they were not seen, I was okay with it. I would also support the positive recommendation to the ZBA to allow you to go ahead.

Sol Gibbons: I went down there quite a few times as well, and I have no objection to where the trucks were located. I would agree to suggest to the Zoning Board that they grant them the variance.

Chairman Cosentino: We will send a memo of recommendation to the Zoning Board of Appeals that we recommend where the trucks is going to be.

Vice Chairman Sturniolo: Les, is that memo something you would craft?

David Stolman: We would craft the memo, or in the final version of the resolution, you are going to have that recommendation which Jim could take to the ZBA.

Chairman Cosentino: I think a separate memo should be sent to the ZBA instead of him bringing the whole resolution there. I think it is more forceful if a letter is drafted to the ZBA.

David Stolman: The recommendation would read:

Due to the considerable distance between the subject property on North Bedford Road and given the substantial difference in elevation between North Bedford Road and the subject property such a proposed location of the rental truck parking would not be visible from North Bedford Road. The Planning Board recommends in favor of the Zoning Board of Appeals granting said variance.

Motion to adopt the aforementioned recommendation:

Motion: Vice Chairman Sturniolo
Second: Joseph Morreale, on the question
Aye: Sol Gibbons
Aye: Stanley Bernstein
Aye: Joseph Morreale
Aye: Vice Chairman Sturniolo
Aye: Chairman Cosentino
Nay: Ralph Vigliotti

Question: Joseph Morreale: The way the resolution reads, if they decide the U-Haul business does not work out and they want to do something else, they then can expand that to another trucking business?

Chairman Cosentino: They have to come back before this Board.

Lester Steinman: You are getting a variance for parking the trucks, so it is not limited to U-Haul specifically.

Joseph Morreale: Yes, we specify U-Haul, and part of my reasoning was that you said it was not going to be high density.

Chairman Cosentino: In your letter to the ZBA it would specify 10 trucks in that location, as we decided. When we say trucks, we are saying vans.

James Diamond: It is a mix of box trucks and vans and small trailers. No tractor-trailers.

Lester Steinman: Once you get a variance for parking in that area, that runs with the land. Could it happen down the road when another use comes in and has different vehicles in there? Yes.

Chairman Cosentino: But there is no way you are going to make that not run with the land.

Lester Steinman: Correct.

James Diamond: Isn't it tied to as accessory to the self-storage business? If there were no self-storage then that use would disappear?

David Stolman: It depends on what the ZBA grants.

Chairman Cosentino: Can you make the memo that it's married to the self-storage?

Lester Steinman: We cannot tie their hands. We can just give a recommendation about what we think they should do there.

Chairman Cosentino: Then that's the way it has to be, let's leave it at that.

David Stolman: Let's move now to Page 6, the Resolution of Amended Site Plan Approval. There are two resolutions. One is a special permit approval for Mount Kisco Athletic Club and the other is an amended site plan approval for the whole thing. Item Six: the document entitled *Summary of Tenants with Consumer Sales as a Customary Accessory Use Incidental of the Principal Use on the Site* dated December 2, 2009, shall be revised to the satisfaction of the Planning Board to encompass the proposed retail components of Mount Kisco Athletic Club and Safe Haven. What is meant by that regarding Safe Haven is the retail that has been talked about in the application, namely the sale of packaging materials and tape, etc. In relation to that, it has come to our attention that there are estate sales going on at Safe Haven.

James Diamond: There was a one-time estate sale. The mother of one of our partners in the business had passed, and they were selling off some of their possessions, which had been stored in self-storage. It is not an ongoing part of the business.

Lester Steinman: The point that we are making is that from our perspective, we believe that is an enforcement issue. I think the building inspector on initial contact had some concerns about whether that activity was permitted, accessory or otherwise, to the site. I think the matter really resides in Austin's hands now in terms of enforcement to make sure that whatever is permitted can occur and what is not permitted does occur. I wanted to bring this to the Board's attention.

Chairman Cosentino: So the determination comes from the Building Inspector?

Lester Steinman: I think you can refer the matter to the Building Inspector and he can report to the Board on it.

Chairman Cosentino: Who will do that?

Lester Steinman: Is it fair to say that the chair has asked me to do it?

Chairman Cosentino: Yes.

David Stolman: Staying on this particular resolution, please turn to page five and we can start with the second version of the resolution that you've seen. The first basically says that the joint use of the parking spaces on the subject property for the multi-tenant re-occupancy of the buildings and for the recreation field, basically says that the Planning Board believes that there will be enough parking on site for both the recreation field and the building. The next talks about increasing the peak hour "cap" of 300 trip ends to 450 trip ends, based upon the traffic study that has been done and subject to the traffic improvements and mitigation measures that are in the other resolution. Now we have a series of conditions:

1. The Mount Kisco Athletic Club shall abide by the provisions of the Resolution of Special Permit Approval granted by the Planning Board,
2. The application materials have to clearly indicate that the small freestanding building on the site, which had been proposed as a physical training studio is no

longer proposed and is not approved for that as part of this application. That will remain a warehouse use.

3. The applicant shall make payment to the village treasurer for all known application review costs,
4. The site plan shall be referred to the Mount Kisco Fire Commissioners for their advisory opinion, and the Planning Board reserves the right to impose additional requirements and conditions based upon their review,
5. The Building Inspector shall review the plans to ensure compliance with all applicable codes and regulations, including the fire code,
6. The *Summary of Tenants with Consumer Sales* that Jim needs to modify, and the modification of that is subject to approval by the Planning Board.

Then we have a section of the resolution regarding ongoing conditions:

1. The Planning Board shall retain its original jurisdiction of the project,
2. A variance has to be obtained by Jim for the location of the rental truck parking with your recommendation to the ZBA,
3. The first time when you talked about the fact that the freestanding building is no longer proposed as a physical training studio that was a matter of revising the plans. This is just a condition saying that it is not being approved as a physical training studio.
4. Any future modifications of the subject property above and beyond those approved herein shall be subject to further Planning Board approval.
5. This is a reiteration about the retail sales on site. Further, prior to the issuance of a building permit for any future use on the site that is a retail component, a narrative related to that use shall be submitted to the Planning Board for its review and approval as opposed to after the fact.
6. Compliance with the conditions of this resolution, whether self-imposed by the applicant or otherwise, is deemed to be in furtherance of the public health, safety and welfare of the community and necessary to satisfy the requirements of the zoning law. Accordingly, these conditions are not severable. In the event that any such conditions are judicially determined to be void or unenforceable, this approval shall become void, and the use permitted thereby shall cease.

Then we have a series of conditions which would cause the resolution to expire right out of the zoning law, which is Item 7 A-D, and Item 8: The Planning Board may extend amended site plan approval, if, in its opinion, such extension is warranted by the particular circumstances involved. Then the fact that all of the other resolutions that the Planning Board has adopted regarding this site, except as expressly modified herein, are still valid. The date that gets filled into that blank is today's date, November 24, 2009. This is for the overall site, including Mount Kisco Athletic Club.

Joseph Morreale: On page five, the first "therefore" at the end of #1 should end in D?

David Stolman: No. It's a different kind of therefore than the above one.

Joseph Morreale: How many fire commissioners does Mount Kisco have?

Chairman Cosentino: One for each company - four.

David Stolman: Let us begin with page four, the first being:

1. Now therefore be it resolved is the adoption of a Negative Declaration on the grounds that traffic analyses have been conducted for the project, and with respect to the 80% occupancy of the buildings on the site, upon which the Planning Board is determined that with the proposed litigation there will be no significant adverse traffic impact resulting from the project,
2. All of the other substantive environmental issues relating to the development of the site have previously been analyzed, and the Planning Board has issued a Negative Declaration regarding same. Attached to the back of

this we have the actual Negative Declaration, and we will make sure it is adopted before the Planning Board adopts these resolutions.

Then we have a Be it Further Resolved, which is the double underline that I read in the other resolution regarding the increase in the trip ends from 300 to 450.

Then we have a series of findings that the Planning Board must make in order to approve any special permit. That would be 1-5, and those are basically right out of the zoning law. I am now in the middle of page 5, be it further resolved that based upon the proposed operating characteristics of the MAC and the operational restrictions enumerated below as conditions of this resolution, the Planning Board hereby determines that the site plan for 333 North Bedford Road will have enough parking for MAC and the other uses at the Site, and be it further resolved, in which we have the following:

A. The following conditions shall be fulfilled prior to the issuance of the building permit for construction associated with the project:

1. Payment to the Village Treasurer for all known application review costs,
2. The applicant shall submit a copy of the lease specified in Condition C.2b,
3. The Building Inspector shall review the plans for the project to ensure compliance with Article 30 of the New York State General Business Law as per Section 110-30-15 of the village/town zoning law, as well as with all of the applicable codes and regulations including the fire code,
4. The applicant shall seek and obtain approval from the New York State Department of Transportation for the following mitigation measures proposed by the applicant. Here we have four specific mitigation measures, all traffic improvements. You have seen them before. Jim has to work with the DOT to make sure that these things happen.
5. The applicant shall submit details and locations of all proposed signage to the Planning Board for the Board's review and approval. Said details shall indicate compliance with the zoning laws for the dimensions, colors, materials, typefaces and illumination.

B. The traffic mitigation measures listed in Conditions A.4.a through A.4.d shall be accomplished by the applicant prior to the issuance of a Certificate of Occupancy for the project. Although not a pre-requisite to the issuance of the C.O. for the project, the applicant and the DOT shall monitor the needs for the possible future signalization of the north access drive as part of the adjacent traffic signal of Route 117 at Fox Wood Circle, to improve the safety of site traffic during peak hours, and the applicant shall be responsible for implementing this signalization at the appropriate time, as determined by the village/town and/or the New York State Department of Transportation.

C. The following general conditions regarding the project,

1. Again, the Planning Board retains original jurisdiction,
2. The MAC facility shall abide by the following operational restrictions, all of which have been voluntarily offered and self-imposed by the applicant:
 - A. Operating hours 5 A.M. through 11 P.M. daily. There shall be a maximum of 50 persons attending group exercise, spinning and/or yoga classes between the hours of 8 A.M. and 9:15 A.M. on weekdays.
 - B. Total Occupancy: Total occupancy shall be limited to 250 persons at all times including members, guests, employees except by issuance of a special event permit. The applicant shall limit MAC's occupancy as stated above and below in MAC's lease.

C. Special Event Permit: Any occupancy in excess of the allowed limit and condition C.2.b above, shall require a Special Event Permit issued by the Village/Town Manager in consultation with the Building Inspector. The manager, in his discretion, may require the application for a Special Event Permit to be referred to the Planning Board for review and approval. Said permit shall be limited to four per year. Special events will require that MAC comply with all event restrictions imposed by the village.

D. The Special Event Permit Application Review and Approval Process: Application for a Special Event Permit shall be made on the form supplied by the Building Department, shall be completed in full, shall be signed by the property owner and applicant and notarized, and shall be accompanied by an Application for Special Event Permit fee, a certification of insurance naming the village, and all necessary supplementary information and documentation specified by the form and/or Building Department. The application shall not be deemed complete until the form fee and all supplementary information has been provided by the applicant. A complete application shall be submitted to the Building Department in hard copy at least 15 days prior to the holding of the special event. A decision on the Special Event application by the Building Department shall be rendered 10n business days from the submission of a complete application in hard copy.

E. Maximum Size of Single or Multiple Special Events: The Village Manager shall be responsible for determining the maximum number of people who shall be allowed to take part in a single special event or multiple special events being held by MAC and/or other tenants on the subject property. The property owner shall be required to prioritize the proposed special event permit applications in the case of applications involving proposed attendance in excess of said maximum, and in the case of conflict among tenants on the subject property.

F. Child Minding Service: The Mount Kisco Athletic Club may offer a child-minding service as an incidental accessory use; however, such use shall be clearly a temporary supervisory accommodation only during the period of the parents' athletic time at MAC and not as any other form of childcare program.

3. Compliance with the operating conditions of this resolution, whether self-imposed by the applicant or otherwise, is deemed furtherance... this is the same kind of condition I read before about the conditions not being severable, and in the event that any of the operating conditions are judicially determined to be void or unenforceable, the special permit itself shall become void and the use permitted thereby shall cease.

4. in accordance with Section 110-46.E of the zoning law, the Planning Board may review this special permit approval for compliance with the conditions imposed herein. Such review shall follow public notice given 15 days before a public hearing held thereon. Personal service of the notice of such hearing shall be made upon the owner of the property 15 days before the public hearing held thereon. Said special permit may be revoked following said hearing only upon a determination by the Planning Board to the effect that said conditions have not been or are being no longer complied with. The Planning Board shall set forth in writing said conditions that are no longer being met, following which a period of 60 fays shall be granted for the applicant to comply with such conditions. If the applicant fails to comply within said 60-day period, a special permit approval may be revoked. Then, another condition like in the other resolution, which basically says that, except as expressly amended herein, all the other resolutions that the Planning Board had previously adopted for this site are still acknowledged.

Ralph Vigliotti: If I could read 7B and insert something if my fellow Planning Board members are okay with it. It's the traffic litigation measures listed as Condition A.4 through A.4-B, although not a pre-requisite to the issuance of a Certificate of Occupancy for the project, the applicant and the New York State DOT shall monitor the need for possible future signalization. I'd like the words to include applicant, Village/Town of Mount Kisco, and New York State DOT.

David Stolman: Got it.

Motion of Determination of Non-significance in the form of a Negative Declaration that the Planning Board as Lead Agency has determined that the Proposed Action described will not have a significant effect on the Environment, and that a Draft Environmental Impact Statement will not be prepared.

Motion: Vice Chairman Sturniolo
Second: Ralph Vigliotti
Aye: Sol Gibbons
Aye: Joseph Morreale
Aye: Stanley Bernstein
Aye: Ralph Vigliotti
Aye: Vice Chairman Sturniolo
Aye: Chairman Cosentino

Motion regarding the Mount Kisco Athletic Club to issue a Special Permit as part of it's affiliation with Diamond Properties at 333 North Bedford Road

Motion: Vice Chairman Sturniolo
Second: Ralph Vigliotti
Aye: Sol Gibbons
Aye: Joseph Morreale
Aye: Stanley Bernstein
Aye: Ralph Vigliotti
Aye: Vice Chairman Sturniolo
Aye: Chairman Cosentino

Motion to Approve the Amended Site Plan for Mount Kisco Athletic Club and Save Haven and Truck Rentals and Parking at 333 North Bedford Road

Motion: Vice Chairman Sturniolo
Second: Joseph Morreale
Aye: Sol Gibbons
Aye: Ralph Vigliotti
Aye: Stanley Bernstein
Aye: Joseph Morreale
Aye: Vice Chairman Sturniolo
Aye: Chairman Cosentino

Rick Beusman: We appreciate that you are volunteers, and it's a hard job, and we truly appreciate the process.

Chairman Cosentino: Thank you and good luck.

Conceptual Application

BMW of Mount Kisco
250 Kisco Avenue
PB2009-16

Present: Robert Sherwood, Co-Owner, Premier
John Slaker
Rich Stavridis, Owner, Premier

John Slaker: Good evening. I am here with a gentleman I work with now, Rob Sherwood and Rich Stavridis, who is representing Premier Collection. I am sure you are already very familiar with this site. About a year or so ago, the dealership was completed and opened. Since then, what has been happening is that people can't find us. They pass by the driveway, they don't realize that it's a dealership, and they think it's a corporate office building. Part of the problem also is that the front slope between our driveway and the walkway has become quite an overgrown jungle. The trees along Kisco Avenue are dying. Two of the big oak trees have died, the maple trees further down are decaying and about to die. We would like to re-landscape that area. It's about 350 feet of frontage, 10,000 square feet of area. In order to help identify this we have no display area. Everything is up on top of the hill. No one can really see any cars. We thought, together with re-landscaping it is to develop a design which could accommodate the placement of approximately 12 new cars only. There would be no used cars. This is only for display, it's not meant for public access. To do that, we were

proposing to build a stonewall along Kisco Avenue four feet high and then fill in behind that and then cut into the rear slope to hold the back slope. The stone wall would be a duplicate of the stonework on the building. We did two rendered views, one looking north and one looking south. In the middle of this, not to have another sign, but in plants, like in Europe, develop a BMW symbol, which would be out of boxwood with a ground cover below it and flowers around it. We are proposing thousands of plants and flowers on that whole slope. It would be totally re-vegetated. Juniper on the upper part as a ground cover, boxwoods down below, lilies and some grasses and also some roses and other mixed flowering shrubs. This will open up the building a little bit more for visibility and will also be able to show the cherry trees that go up the driveway that we were all concerned about during the development. I understand this is a very, very important access to the village off the Saw Mill and I think this would be a great enhancement to that stretch, because it is so overgrown that we really cannot maintain it any longer, and it needs to be redone. We developed conceptual layout and grading. It's approximately 350 feet from our entrance down. It would end approximately where the curb portion of the building ends. The further parking lots and display areas are over here. The reason for the design, if you recall a few years ago when we were here before you and this was going to be Range Rover, we had asked for the possibility to have some displays, and we were asking you at that time for the ability to get in off of Kisco Avenue. This will have no access to Kisco Avenue. We will come at one of the only feasible points that we could get in at grade, run along this way. This would be about 12 feet wide, this about 20, 24 feet wide, a connecting link in another area of about 24 feet wide. It will all be gravel. There will be no pavement. Again, it is only for new vehicles and display. It is not meant for the public at all. The front walls will be four feet high, this one will be about six and one-half feet high, all in stone.

Rich Stavridis: The stone that we are talking about is obviously going to match the rest of the building and pull everything together.

Vice Chairman Sturniolo: If the cars are there to attract attention and notoriety that this is BMW dealership, what are you doing to prevent traffic that you want to come and look at the cars from just stopping on the street and/or jumping the curb and walking up and take a look at the cars. How are you going to address that?

John Slaker: Since the first time we proposed this, there used to be a very wide southbound lane. It was only a single lane. It's now striped out as two lanes of traffic, and there are signs all along there, "no parking or standing." We cannot prevent someone from jumping the curb, but I really don't think it's going to happen.

Joseph Morreale: What about the driveway? Suppose I pull in and park by the cherry tree coming in?

Rich Stavridis: It would be difficult to do because of course it's so narrow. This would be changing off anyway, so it wouldn't be a real display area for the public.

Joseph Morreale: But I can still pull my car up there. I'm not saying I would do this, but thinking about somebody who wants to go look at these cars. They park their car under the cherry trees, turn around, walk down, chain link fence or not, they can access all those cars and look at them.

Rich Stavridis: Unfortunately, there is no way we can stop that. We can put signs along here, "no parking."

Vice Chairman Sturniolo: What will it look like at night?

John Slaker: We will have some low landscaping lighting in the shrubbery just to wash the wall and come up out of the plantings that we're doing. There will be no overhead lights or bollards or anything - very subtle landscape type lighting, garden type.

Vice Chairman Sturniolo: Nothing illuminating the night sky?

John Slaker: Nothing.

Joseph Morreale: What about the winter? The trees lose their leaves.

John Slaker: We have a lot of evergreen. I put juniper on the hillside up above.

Joseph Morreale: Are the cars just going to sit out there in the winter?

John Slaker: Yes. They will clean them.

Rich Stavridis: This will be like any other display area. We would have to keep this clean, bring cars off and on.

Ralph Vigliotti: Onto itself it's pretty cool looking, but you've created an attractive nuisance. A beautiful attractive nuisance that we cannot control as a village. Folks whiz by there to begin with, now they are going slow down to take a peek and make a decision whether they want to go up to the site or just to pull over and not be bothered by sales people, but to do their own self-inspection of the cars. I am a little concerned about that. Kisco Avenue has become quite the thruway, so to speak of traffic. I love what you've done here. It looks terrific onto itself.

Rich Stavridis: We are trying to get exposure to the building, but to showcase what we've done here, obviously you appreciate what we've done with everything. I cannot image they are going to stop and get out.

Ralph Vigliotti: That's something I would do. I'm being honest with you.

John Slaker: We have a similar situation at Volvo where we did the display area, and I don't think we've ever had a problem with anybody stopping there. Lexus is similar.

Ralph Vigliotti: With Volvo you can drive right in, steal a spot and look at a car.

Chairman Cosentino: People are going to see this, I think for the landscaping. What is the difference in something like this than you drive down North Bedford Road or Kisco Avenue and see a car display with no plantings in the front? Do we say a car is going to stop in front of there and look at the automobiles? This is class. Other dealerships - take North Bedford Road - Cairnes. I wish they would do something like this to make the area look better. What is the difference in riding by a dealership and seeing many cars lined up, and riding by a dealership and seeing something classy? That's the part I don't understand.

Joseph Morreale: Whenever I've done dealership shopping along North Bedford Road, you pull into the dealership, the cars are all out there in the lot, it's true. You park your car and get out and walk around and look at the cars. That option is not open to you here unless you do it illegally, and that's what concerns me. I might pick a Sunday morning, figuring there is not much traffic. But then I'm parking either at the end of the trees or the roadway. The roadway is going to get me a ticket and under the trees is going to get me into a traffic problem.

Chairman Cosentino: Have you ever seen the showroom itself? Every car that is down here, is up in the showroom.

John Slaker: And outside on the front patio.

Chairman Cosentino: So every car you see here, you can drive up that driveway, go into the showroom and on the patio and see those cars.

Joseph Morreale: Suppose I don't want to deal with a dealer yet?

Rich Stavridis: And the parking area. There is another area that we do our test drive cars, which is about 14 or 15 cars that would duplicate what is here. So there are cars you can see without being here. I know what you're saying though. Obviously pulling in here is convenient, just to stop. Somehow or another we are going to have to try to prevent that. I don't know if that is going to be the case with everybody.

Ralph Vigliotti: I don't know why 12 cars versus 4. You are trying to bring the attention, why not 16? I don't want to be "majoritive", but I think 12 is way beyond anything that you need to do to bring the attention to the signage.

Rich Stavridis: Realize the magnitude that we're talking about in size.

Ralph Vigliotti: You've created the magnitude. You're not going to be the first or last to come to us to say, "If BMW can do it, we want to do it."

Rich Stavridis: They should want us to do it. That would be great.

Ralph Vigliotti: Then you have Kisco Avenue turning into possibly something that we're not looking to do as planners.

Rich Stavridis: The visibility - the way it's going to look - is going to be gorgeous. The number of cars that we put here was trying to basically space it out so we didn't look like a used car or new car place lined up with inventory. We can easily put 40 cars if we wanted to. We spaced these so we can basically look at an area that was tastefully done.

Joseph Morreale: I assume you had 12 models, you don't?

Rich Stavridis: I have more than 12 models. The idea here was to space it so that it was attractive.

John Slaker: One of the things we had thought about also was that we really wanted it to be here, but we couldn't get from here to there, so we had to build this driveway. It's going to be there anyway, so we felt that if we spaced a few more cars in that access way, which is 12 feet wide, then we'd also be able to get to our main display area.

Rich Stavridis: We were trying to create an overall, better image in that 300 feet.

Joseph Morreale: There is no question you've done that. Are you going to use these as test cars?

Rich Stavridis: No.

Joseph Morreale: They are not going to be driven?

Rich Stavridis: No, they are just display.

Doug Hertz: One of the things that struck me is how long this is. I understand what you're trying to do landscaping wise. What I think the temptation is going to be is coming around the corner and parking near the cherry trees, as there will be cars very, very close to that. If you kept the vehicles to a smaller number and kept them more centered around, at least for the moment where the BMW topiary is, and eliminated the first two or three cars that are close to any access point - even maybe change the color of the gravel so it does not appear continuous, then you have a self-contained look that doesn't look like there is an access point to it. I appreciate your desire to get some more visibility to the site, because you guys have a great dealership and it is hard to find. I like the overall opening up and the landscaping. I don't like the 350 feet of vehicles. Maybe if those were against a smaller area, you would get your visual pull.

Ralph Vigliotti: What is the slope ratio?

John Slaker: Right now it exists as a 2 to 1. When you look at it, it looks like whenever that building was initially built, and that driveway was cut, it looks like the spoils were just thrown over and then planted with some juniper. If you try to grade anything, it's all uneven and a mess.

Ralph Vigliotti: You have this as an entry point. You're having employees bring the cars down, and it looks like it may come down once a month, once every three weeks. Doug's point is that this can be all green, causing people not to walk that distance, and just go up to the showroom. Why can't you have your ingress/egress to bring the display cars down from another location?

John Slaker: It's impossible.

Rich Stavridis: It's actually worse over here.

John Slaker: The elevation up here is 340. The grade we're proposing down here is about 310. It's a 30 foot difference in elevation in about 40 feet.

Ralph Vigliotti: That's way up top. Come down a little further.

John Slaker: Right here - 32 to 17, roughly. Not even 20 feet. This was the only feasible way that we could get in. I agree with what Doug says. We need to have a driveway, but if we pull it back, when you pull up here you can't see the cars, and if we did the entryway in green and we put a gate, people would be less likely to attempt to walk down.

Stanley Bernstein: I calculate this at about a 15 percent grade, and so does Austin. That is a steep grade and you're going to need a permit. I have to tell you something - you guys have lousy track records for steep grades. During one heavy rain, half your plot came down onto Kisco Avenue. Do you remember that? No, you don't remember

that. Put it out of your mind because it's not important to you - it's only important to me.

Rich Stavridis: When was that?

Stanley Bernstein: During construction. Half of that lot was down on Kisco Avenue during a heavy rain. You guys have a lousy track record with steep slopes, and I don't think you are going to do any better over here. You're talking about cut and fill. You gave me insurances then that you were going to do a good job, nothing will go wrong, you had engineers on this, the best. But you didn't. What makes me believe you are going to do good here? What kind of assurances do I have?

Rich Stavridis: I can't guarantee anything. We are going to do our best not to have that.

Stanley Bernstein: You will do your best and then half of that will be on Kisco Avenue during a big rain.

John Slaker: Our attempt will be to build the lower walls first and fill behind them before we would do the initial cut in the rear to help prevent. Obviously there will be silt fence and hay bales all along the sidewalk, all along our frontage.

Stanley Bernstein: Hay bales are not used, according to the new law in New York State.

John Slaker: So we will just use the buried silt fences. Over the past couple of years we have had some horrendous rainfalls that supposedly only happen once in 50, 100 years. Things to happen. I'm not aware of when that happened.

Stanley Bernstein: It was during the beginning of construction, at the very time when I said, "you're not doing it right." This is a place that should not even be built on because the slopes were unstable, and it was just the wrong place. People love to drain wetlands, cut down slopes, cut and fill. This tells everybody that they can control nature. But they can't control nature. I don't like it.

Joseph Morreale: How are you going to wash the cars that are going to stay out there?

Rich Stavridis: It's something that we do, unfortunately, on a fairly regular basis with some of our cars now. It's either with wiping them down, depending on how frequently we clean them. Usually it's a wipe down. In the winter, we are going to have to move the cars down. It's a little tougher in the winter. They will have to be taken out, washed and brought back.

Ralph Vigliotti: How often are you going to take the cars off site/on site?

Rich Stavridis: It's hard for me to say. I can say it's going to be three weeks, and then I sell that car, and the car has to get moved. The plan is to move it as infrequently as possible.

Ralph Vigliotti: I thought it was a display. If that display model is the last car to be sold, you're going to do down and sell it and bring another one down?

Rich Stavridis: Realistically, yes.

Ralph Vigliotti: If it's a display, it's a display. You could, if it was a permanent display, put a curb, put grass up to here and then figure out a way - over plywood, over anything - to bring those cars onto the site. But because you have a lot of movement back and forth, you need a driveway there. If there was very little movement with a full curb, grass with all the trimmings up to this point, you can bring those cars on very carefully and not disturb the grass.

Rich Stavridis: There is not going to be a lot of movement, because it is a hassle to move the cars. It's not going to be that simple.

Ralph Vigliotti: So that could become an option. Curb, grass all the way through. 350 feet is 100 yards. That is a long span of display. When Lexus came before us they wanted to display cars also in the front and we did not approve that. I don't want to set a precedent.

Chairman Cosentino: I think the reason why we turned down Lexus was because it was visible.

Rich Stavridis: Aren't there cars out front now?

Chairman Cosentino: Yes.

John Slaker: They have a full parking lot, and they are mostly all used cars. The new cars are mostly in the showroom and in the back. That is one thing we swore we wouldn't do here. This is only new cars.

Vice Chairman Sturniolo: The term, we "wipe the cars down." What does that mean?

Rich Stavridis: Basically we use either some type of water bucket with a chamois and wipe them down just to keep them clean, but we have to do it frequently because the dirt accumulates.

Joseph Morreale: My concern is that once you start introducing water here, it's possible to wear the slopes down.

John Slaker: There is no pipe down here. There will be no water pipes, nothing.

Joseph Morreale: No hoses or anything?

John Slaker: No hoses - nothing.

Joseph Morreale: You are going to simply bring buckets of water down and wipe them down?

Rich Stavridis: We will down the cars, but there is going to be times where we will not be able to do that because of the degree of dirt. We'll have to move the cars. And we have our own cars.

John Slaker: So it will not be going off-site, it will be coming back up into the service area.

Ralph Vigliotti: What is the size of the letters for BMW?

John Slaker: Roughly about 10 or 12 feet long. Below that, I was going to use a variegated liriope, which is a low ground cover, which will make the dark green boxwood stand out. Boxwood is the easiest to maintain. You only have to trim it once a year to keep it's shape.

Vice Chairman Sturniolo: With boxwood trees, do you have to be overly concerned with cold wind?

John Slaker: No. I am using one of the heartiest varieties available. I'm not using the American boxwood, which is the one that burns the most.

Joseph Morreale: You mentioned before that the other plantings had died?

John Slaker: The first oak tree along Kisco Avenue was attacked tremendously this year by a fungus. If you noticed, in July it was totally denuded of leaves. The second one is half gone. The third one is still there. Then there are four maples further up. If you look at them, some of the tops are gone, some are split. I think if you remember, when we had a site walk when it was Range Rover, we all looked at them and said they were on their way out.

Joseph Morreale: Do you have a better way of protecting all of this? It would be a shame to see that happen here, if this goes forward.

John Slaker: One of the benefits of cleaning this all out is to open up the area for these cherry trees and get rid of some of that vining that just keeps coming up and taking over and is hard to maintain. Most of the stuff that we are using here. I've tried to keep as maintenance free as possible from their perspective of cost. Bi-annual weeding and trimming is about all it would take. Yes, some plants will die and have to be replaced. But it is not as serious as a 30-year-old tree that would die.

Joseph Morreale: The spraying of the cherry trees would be necessary to protect them wouldn't it?

John Slaker: It depends on what kind of infestations we're having certain years. But getting some more light in from the other side, as they have all been growing through the one side. Now that they've come back, they are really starting to look good.

Joseph Morreale: It looks really nice now. How does it get maintained?

John Slaker: I don't know if any of you have driven up there recently. These guys maintain this impeccably. There are fresh, annual flowers planted. The lawn is cut, the shrubs are trimmed.

Rich Stavridis: We've invested a tremendous amount of money there, and we're not going to let it go. Obviously it is something that we want to showcase and this is only going to be that much more of it and maybe even more so, because people are going to see it when they're going by.

Joseph Morreale: The automobile business is up and down right now, and this question is important for the future. BMW has had a good track record. Do you honestly believe this is a real viable operation for a long time?

Rich Stavridis: Absolutely, no question. No question at all. The unfortunate part is that the prior dealer, we won't mention any names, had really affected that franchise. Where we are starting from - where other dealers have had a difficult time, we are actually doing well in this climate. We feel we have a very good future. It shows in our CSI, it shows in the sales, and just the overall traffic has gotten better. Obviously, we'd like to see it grow more because of exposure. We wouldn't have invested this money if we didn't think we would do well.

Joseph Morreale: I know you've put a fortune into it. We've seen some other dealerships go under because they made the wrong decisions about investing.

Rich Stavridis: I think if you look into that further, a lot of them - you need to take care of the customer, and that is what is going to keep us going.

Vice Chairman Sturniolo: Not to sound like an advocate for BMW, but one of the things you really have going for you is that four-year free maintenance program. Very few other car manufacturers offer that.

Rich Stavridis: BMW has committed to that for quite some time. They won't guarantee it forever, but they feel just as you're saying, they know it's a big plus. If you look at the certified used car side, that is a big, big plus. The certified used car program has grown tremendously in sales. BMW is definitely very strong. Financially they are strong - they have their own BMW finance, which is a big plus today in today's banking. They are taking care of their own, which has been a great thing for us. We are not depending upon another bank.

Doug Hertz: The height that this is rendered at?

John Slaker: It's a little higher than eye-level when you're down there. That BMW sign will be tilted up.

Doug Hertz: Driving by, you are not at full-standing height. Walking by on this sidewalk you're close. Do you really think this is going to read as a logo for most of the vantage points?

Vice Chairman Sturniolo: Walking is minimal there.

John Slaker: You may not be able to totally read it going south, but when you're going north from across the street, I think you'll have the distance away that you can read it.

Ralph Vigliotti: I've always found signs that are parallel to the street are difficult to read. The sign that you have here, which is the most understated sign to tell anyone that you are a BMW dealership, is small. This is the one they are going to see from both sides.

Rich Stavridis: If you remember, we wanted to put a larger sign.

Ralph Vigliotti: That may be something to discuss. This is quite a larger sign, compared to this.

Rich Stavridis: Realize that we're trying to do two things here. One, again is to beautify what we're doing.

John Slaker: One of the things we discussed amongst ourselves when we started this was to put a BMW sign on the wall. Rich said no, because he was turned down to make that one larger. That's when we came up with the idea in planting.

Ralph Vigliotti: I hate to say it, but that would make more sense than the one that you have. I'm not here to advocate for signage one way or the other.

John Slaker: We're open. This could all be flowers.

Ralph Vigliotti: What is the setback from the sidewalk to the row of cars?

John Slaker: From the property line to the curb line is seven feet, and I think we have another six to seven feet, so we're like 14 to 15 feet from the sidewalk to the cars.

Ralph Vigliotti: In looking at this, the only thing they tell me is that the cars are BMW's is this sign. You have to have a keen eye to see this sign. I think 12 is absolutely pushing the envelope. If this is a display, it's a display.

Rich Stavridis: It's definitely a display, but I cannot sit here and say it's going to be here for a year.

Ralph Vigliotti: We are not discussing a year, but it could be there a week and you could have another car go in it's place. It's an active display. What is the height of the stone walls?

John Slaker: The front stone wall is four feet. The one up here at the back is about six and one-half feet. We tried to do, so we wouldn't have to do any grading beyond that, was grade it so that it met the existing grade. We would cut it and the existing grade would meet the top of that wall. The idea was that we would cut and fill. I didn't do the exact numbers, but we're trying to make a balanced job out of it.

Joseph Morreale: How long will this take?

Rich Stavridis: I don't really have an answer for that, and I don't want to guess. I am not sure. We would not start this for quite some time, obviously.

John Slaker: The wall design would be similar to like what we did up in the back. A poured concrete wall with full footing and then stone veneer with the granite cap.

Vice Chairman Sturniolo: Does the average BMW buyer buy off the lot or do they wait for the color and options that they want?

Rich Stavridis: The majority of the people are repeat buyers, which is good. They kind of know what they want, so a lot of them have to order cars. The car is ordered for them. But there are new people that come in and buy off the lot. One of the things, again I like our business. Please don't get me wrong, but I want to improve our business. In improving it, of course, we feel this is going to help. Right now, a lot of the cars are ordered.

Anthony Oliveri: I have a few notes. If you do come back with formal application, please submit a survey with that. The wall will need engineering calculations. With the steep slopes law you need to show sections, do a slope analysis. The steep slope law does of course discourage long lengths of wall and terracing, but that is for the Board to decide. The drainage behind the wall is ----- close to the property line. You should show your buffer setbacks, have a zoning table on here. The lighting should be in conformance with the illumination guidelines. I see you have the details for the silt fence here. You can use the hay bales if you don't use the silt fence, as long as it's not the sole use. You need to show the construction entrance where you stockpile soil.

Chairman Cosentino: You need to now file for an application, and we will put you back on the agenda.

Ralph Vigliotti: Beyond that, there were some recommendations by the Board that you need to take into consideration.

Rich Stavridis: Will we get a memo from the Board?

Ralph Vigliotti: I think the Board members should go around and intimate what they feel should be improved, as this is conceptual. I think you need to take some notes on what we're talking about.

Doug Hertz: My suggestion was to shorten up the line of cars and eliminate the cars nearest where you are driving in. I also don't know about the signage, where it sits on the building.

Chairman Cosentino: That's the Architectural Review Board. We can recommend a location.

Doug Hertz: I would not have a problem with having something as a visual on that back wall.

Ralph Vigliotti: You have to give up something. You can't have three signs.

John Slaker: We would substitute the BMW for all the planting, all flowers if we could get a physical sign somewhere in the middle up on that back wall.

Ralph Vigliotti: What would you say that scale is?

John Slaker: This is actually bigger. It stands up out of the ground.

Rich Stavridis: The total sign is 7.5 feet. The BMW is much smaller.

Ralph Vigliotti: Is the emblem on both sides?

Rich Stavridis: Yes.

Joseph Morreale: I of course raised the parking question. My concern here is that we wouldn't have to worry too much about the main street, and of course we want to put no parking signs in front of this beautiful display.

John Slaker: It was part of our approval when the lanes were widened and the traffic light was added over there. There are no left turn signs now, and it's very heavily restricted along there.

Joseph Morreale: What about the driveway?

Rich Stavridis: We'll answer hopefully that because we will eliminate that entrance there.

John Slaker: When you come up this driveway that slope starts dropping off very quickly. When you're looking from this driveway you look straight down that slope. So, if we eliminate these few cars in the beginning, you're going to be looking down on the rooftop of the first car, when you're up here on the driveway. So, if we do the grass like we said, make the curb non-mountable, put a gate of some sort that makes it more barrier proof, I think you're going to have less temptation, because people aren't going to be able to figure out how to get there. There is no access.

Ralph Vigliotti: A curb would say no access.

Joseph Morreale: Can we move the BMW greenery and don't build a slope? Couldn't your sign go right on the lower wall there rather than behind the cars?

John Slaker: Do you mean continue the wall and not gap it?

Joseph Morreale: Yes. If the wall continued you could put the sign there.

John Slaker: The reason we broke the wall because I was afraid it was too much going down that road. Each wall is a little over 100 feet. We didn't want that straight wall, we wanted it broken up.

Doug Hertz: I prefer the visual break.

John Slaker: If we could get some sort of a sign in the middle up there where that red car is on that six foot wall, to put the circle, all of that then would be flowers and shrubs in front of it.

Joseph Morreale: It would draw attention to the sign if you did that.

Ralph Vigliotti: Your attention would be brought up past the cars to the sign.

John Slaker: If the sign is up that much higher, you will see it either driving or walking from wherever you are.

Chairman Cosentino: You next have to make application, work with those improvements, and we'll put you back on the agenda. I have to say Doug had a good idea here.

Vice Chairman Sturniolo: Don't forget the sign ordinance.

Rich Stavridis: We won't. Thank you.

Formal Application

Joe Mangi
222 Main Street (FAB)
PB2009-13

Present: Joe Mangi
Salvatore Trioano

Chairman Cosentino: We left off with the ramp. We made quite a few site visits there with the Building Inspector. That is the only place you could put it where it would work.

Salvatore Trioano: We struggled with the property a good bit and determined that this was the most effective way to get access.

Chairman Cosentino: I am relaying this question from the Building Inspector also. When the ramp goes up, I know you are going to have railings on both sides. When you hang a right, that is going to be ramped up but the other is going to be straight across. You're going to have a curb there also aren't you?

Joseph Mangi: We will have a curb and a railing along the side.

Chairman Cosentino: So when you hang a right you're going to have a railing too?

Joseph Mangi: Correct.

Chairman Cosentino: There is nothing else you can do. The tables inside on the other side of the door have to be removed.

Joseph Mangi: They won't be there any longer. I'll move them to the side.

Chairman Cosentino: Aesthetically, the ARB approved it. I don't have any other questions. Fellow Planning Board members?

Anthony Oliveri: The issue I have is that the plan is based on an old architectural site plan. There is no survey submitted that I know of. We might have mentioned this at the last conceptual. You may find a survey in the file.

Salvatore Trioano: There is no existing condition survey. I actually conducted a little bit of field measurements with a level and everything else to determine what the grades were, but we are relying on the original surveys and the site plans.

Chairman Cosentino: Is that okay with you?

Anthony Oliveri: For a site plan you really need a survey to base it on. You are basing it on an old plan from an architect. At the least it would need to be surveyed in the field with the property lines. We have dimensions on there based off this plan, but we have no survey.

Salvatore Trioano: The dimensions are based on my field measurements from the building.

Anthony Oliveri: Is the property line staked or marked?

Salvatore Trioano: It actually reflects back to the property line, being that the actual edge of the sidewalk.

Chairman Cosentino: This is not an end building. This is a building that has two stores to the left and maybe four stores to the right.

Anthony Oliveri: The property line is based on the edge of the sidewalk and measurements are needed from the old site plan. So there are measurements on the site plan now. If it gets approved this way, that measurement is approved without a survey. If you remember a previous application we had to draw it on the survey.

Joseph Mangi: Mango's is two doors over from me, and his outdoor seating is lined up exactly where mine is, based on the same line.

Anthony Oliveri: I'm not saying you're wrong. Let it be on record you have no survey for the property.

Joseph Mangi: This is Jerry Montalbano's record survey.

Anthony Oliveri: It's not a survey. It's a site plan from an architect.

Joseph Mangi: Which is based on a survey.

Chairman Cosentino: What year was that?

Joseph Mangi: 1973.

Chairman Cosentino: If the engineer requests a survey, and Whitney is going to want one. So I will put it for approval on the next meeting with the condition that they bring a survey, or whatever Whitney wants, and the survey reflects that. We will put you on for approval at the next meeting.

Joseph Morreale: Which way does those doors open to the left?

Chairman Cosentino: Out. They have to open out by law.

Joseph Mangi: That is why there is a small stub of railing that actually goes here. This one door doesn't open.

Chairman Cosentino: Austin looked at it and said there is plenty of room.

Stanley Bernstein: Right now you have to put in a tentative sidewalk.

Joseph Mangi: Right now, going into the place, yes, I have to. Part of this application is to make this so that this is a more comfortable step. Right now it's a very large step.

Chairman Cosentino: I will put this on for approval for our next meeting with the provision that whatever the village attorney is going to ask for and the village engineer is going to ask for will be present, and we'll take it from there.

Joseph Mangi: Thank you very much.

Formal Application:

**John Bainlardi
681 Main Street
PB2009-09**

**John Bainlardi for the applicant 681 East Main Street, LLC
Scott Blakely, Insite Engineering**

Scott Blakely: We last appeared before your Board last month for a conceptual review. We have since made a formal application and basically have supplied the additional information required. We have provided a detailed landscape plan and a grading and erosion control plan, a layout drawing and construction details for this site. A brief synopsis of what we are proposing to do. The aerial photograph is an existing conditions aerial and some of the improvements that we are looking to make on the site are to bring the parking up to current code, which includes re-striping the parking areas on the west side of the building and eliminating asphalt in the rear portion of the building here. Also, the removal of parking in the front of the building and the access drive off of Main Street. That was one of the recommendations that the Board had made, and John has permitted us to include that in our site plan. What we have been able to do by the removal of that asphalt pavement is to bring the coverage in conformance with current code. We went from it's existing 93% coverage down to less than maximum than what is required. We have also re-striping the parking lot. There are a total of 45 parking

spaces proposed. Currently there is about 52 spaces on site. Spaces that we lost were along the frontage where we are now proposing an approved walkway to the building, a landscaped area to help soften the new building. Ira presented the building façade at the last meeting, which I think the Board agreed was a huge improvement to this corner of the site. A couple of the other things that John and I have been working on since we submitted these drawings were some modifications to certain things that are on the drawings now. We included a refuse enclosure detail. We are going to look to upgrade the materials utilized for that enclosure. This drawing indicates some bumper blocks along this side of the building. We had originally proposed a narrow concrete sidewalk in here, and what John and I have talked about was the elimination of this narrow sidewalk and the elimination of the bumper blocks, which are really a maintenance issue for plowing. Then, creating additional green space along this side of the building to help break up that proposed stucco finish on that side. We are going to make a couple of modifications to the drainage. I don't know if Anthony had comments on our drainage, but we show a trench detail on our drawing. We are going to use a more decorative trench detail because it's going to be in a pedestrian area. There are two things that we have not shown on the drawings yet. One is a monument sign. We will work out the details with John and then present that to your Board. Also, we have been working closely with our lighting consultant. He is very familiar with your new illumination guidelines, and he is having a difficult time coming up with a design that meets all of your criteria. We have a number of options that we looked at. We are trying to minimize the number of fixtures on this site. We are hoping to deal with some building mounted fixtures in this area to see if we can get enough light in the parking area, and he has not achieved that yet. We're working closely with him to try and get as close to your guidelines as possible. I guess the real question that he had for me, is there any flexibility in certain criteria in your guidelines as far as mounting height, foot candles within the parking areas?

Doug Hertz: Do you want to go higher?

Scott Blakely: We may need to go higher in certain areas and lower in others.

Doug Hertz: Lower is not a problem. Do you mean foot candles or height?

Scott Blakely: Foot candles. He has laid out to date a number of pole lights. We have some very difficult areas, such as this area along this property line. We have about a 3.5 foot high railroad tie retaining wall. In order for us to light this and meet your standards, we'd have to install the pole lights behind the retaining wall, which would have an issue with the structural integrity of that wall. We've been trying to light off the building to see if we can get enough light along this curb line, but we have not been able to do it.

John Bainlardi: I guess specifically the question would be the pole light. I think 10 feet for this particular zone is what he is recommending.

Scott Blakely: For retail there is the shopping center, which allows a maximum height of 15 feet, and then there is general retail use. I'm not sure what this would fall within. It's in a shopping area. You've got retail here and here and the gas station across the street. You don't have any adjacent residential uses.

Anthony Oliveri: The shopping center may have a minimum number of stores. I'm not sure exactly.

Scott Blakely: Is there any specific person that we could have him talk to?

Chairman Cosentino: It would be Nanette, but unfortunately she is not here tonight.

Doug Hertz: Typically we are trying to limit heights of lamp heads and things like that.

Vice Chairman Sturniolo: What about bollards along that wall?

Scott Blakely: It's something that we've talked about with him, possibilities of different options. I think what we need to do is to sit down with him a little more and kind of brainstorm and get some options, and come up with a couple of different ideas on how to do this.

John Bainlardi: First I'd like to just try and meet the guidelines. If we can meet the guidelines, then there is no issue. If the pole heights will be helpful, talking about decorative poles at a 12 or 14 foot height, that would be helpful in order to help us with a couple of the issues that we are up against.

Vice Chairman Sturniolo: Then you have to deal with the foot candle level at that lower pole height that you just described as low.

Scott Blakely: We will work to come up with a couple of different options and we'll make a submission for your review.

Vice Chairman Sturniolo: We had also talked about the sidewalk along the north part of the building.

John Bainlardi: I met with the village planner, Jim Palmer, and Jeff Econom happened to be there as well at the time, to discuss whether or not there could be some assistance either through some block (?) grants or a sidewalk fund. I also was informed by Mr. Palmer and Mr. Econom that the county was proposing to do quite a bit of improvement along Lexington, continuing onto the other side of Main Street. There are some sidewalks in that plan that are proposed along Lexington. We are trying to see if we could kind of tack on to the county's work. I suggested to Jim that I would prefer if the Board were amenable to this to make some sort of contribution towards the extension of that sidewalk. I really prefer to not be involved in securing the necessary approvals for this section. Over here, I am willing to commit to this, because this is an impervious surface. There is already macadam. You're going from an impervious to a pervious. I think maybe possibly in this area there may be some issues. They are going to look into that for me.

Anthony Oliveri: Isn't Lexington a State road?

John Bainlardi: Lexington is a county road.

Chairman Cosentino: I want a letter from Jim Palmer and Jeff Econom regarding the conversation that was held with Mr. Bainlardi concerning the sidewalks on the north side of Mr. Bainlardi's property. I would like that for the record.

John Bainlardi: I went in there and kind of broached the subject, just to find out whether or not there was any possibility.

Ralph Vigliotti: No matter what happens, ----- there needs to be sidewalk there.

John Bainlardi: Just for clarification, is it just this section here to extend to this point?

Ralph Vigliotti: It should extend to the front of the building.

Chairman Cosentino: There is a driveway there, and I think there are sidewalks over there anyway.

Scott Blakely: No. There is asphalt pavement that stops maybe roughly 8 to 10 feet on this side of the building. From this point, this is all asphalt.

Chairman Cosentino: How many feet in sidewalks are we talking about, approximately?

Scott Blakely: It could be 120 - 130 feet.

Ralph Vigliotti: The back is going to end up being the most active portion of the site. The sidewalks should at least go to the back of the building so folks can make access to the village.

John Bainlardi: We have a rear entrance.

Ralph Vigliotti: Folks should be able to walk on a sidewalk to get to that site and not go through grass or whatever.

Chairman Cosentino: Dunkin Donuts, which is going to be there is going to draw a lot of business from 666, walkers that is. They are going to be walking across and for the safety and welfare of the people, which is what we do, we would like to see a sidewalk put there. I do not know when - with the economy the way it is today - the county or the state is going to come and blacktop and put sidewalks in. They may never do it. We are responsible to the public. This Board believes that 666 will have a lot of walkers to Dunkin Donuts getting coffee. I think this Board, not to have you spend more money because we are not in that business either. But for the safety and welfare of the people, I think we need a sidewalk there.

John Bainlardi: We'll see what we can do in this area. We will look into extending it the whole way. I think if we can at least get them into the parking area. They are going to use the back entrance.

Chairman Cosentino: Yes, and that drops the footage. It's not as bad, but we would like to see a sidewalk there regardless of the conversation that took place.

John Bainlardi: With respect to the approval of the sidewalks, if we go in this direction, is it possible that we could have it be phased so that I can get the store opened and some other work done.

Chairman Cosentino: I am sure the Board will work something out with you on that. We are not going to hold you up.

Vice Chairman Sturniolo: The other thought about the sidewalk as well is that the chairman said the importance of it because of people walking from the other strip mall to Dunkin Donuts. We, and I say collectively we, do not know who the other occupants are going to be of your building. They could be another heavy walking traffic generating business that will also intensify people from 666 walking over. We need to be proactive down the road.

Chairman Cosentino: There are a lot of doctor's offices there, and they are going to use the Dunkin Donuts.

Ralph Vigliotti: It behooves you to put a sidewalk system in that is safe so they don't get in their car and take up parking spaces. In the winter, if that becomes a slushy mud bearing walkway, they are going to get in their cars and they are going to take up usable parking spaces. So you want to make it attractive for the pedestrian, the folks that work at 666 and those that are in the neighborhood that is just south of there.

Doug Hertz: Is your concern that the sidewalks are outside of your property line?

John Bainlardi: Part of it. Part of it is outside the property line. The other thing is the question of impervious pavement onto what is currently a pervious surface. Those are issues I prefer not to get entangled in.

Chairman Cosentino: You now know the Board's wishes on that, so see what you can do.

John Bainlardi: We'll do our best.

Scott Blakely: It's not an easy task. We've got some existing utility poles located in here. But like John said, we'll do our best.

Ralph Vigliotti: I think you're making a big deal out of nothing here.

John Bainlardi: I hope you're right.

Ralph Vigliotti: The whole idea of looking at the site plan is to make it safe for traffic, flow of pedestrians and future consumers. We are debating over something that has to be done. For the record, our planner came up with 18 parking spaces, and she used several Dunkin Donuts that are well outside of Westchester County to come up with her documentation. I am a little curious as to why we didn't use the Dunkin Donuts on North Bedford Road as one of the two Dunkin Donuts as a site to use in determining parking spaces for this Dunkin Donuts. I still believe the 18 spaces is not enough. We did a site visit on Saturday, and there were at least 30 cars in the North Bedford Road Dunkin Donuts and four or five or six in the adjacent property next door. That begs the question to you guys, if you can get away with the 18 spaces, if they're taking 35 realistically - whatever is going next-door is going to be basing their needs on realistic, not necessarily on what has been granted. The conversations on our site visit was that a number of large trucks from Con Ed and Cablevision park on the site that's adjacent. You need to hear this again and again, because what is stirring the drink on this site? Is it Dunkin Donuts or it is going to be whoever is taking over the majority of the site? I don't agree with our planner. She should have used something that is right in your face. There is a Dunkin Donuts right in town and that is not used for any kind of criteria. I don't understand that. I'm flabbergasted by that. It's like saying, "we're putting a Target in town, but we're not going to look at your Target in Mount Kisco." We'll look at one in Poughkeepsie to determine traffic flow and use and parking. I've said it before, I need to say it again, and I leave you with that.

Chairman Cosentino: I think when Dunkin Donuts opens up in John's place, I think that is going to take a lot of business away from the north Dunkin Donuts. It will split. I think there won't be as many cars in Dunkin Donuts on North Bedford Road once Dunkin Donuts opens up at 666.

Ralph Vigliotti: Be careful. If you put Dunkin Donuts of North Bedford Road out of business, you won't have enough parking. I say that lightheartedly.

Joseph Morreale: On the original black and white diagram, do you see where all these cars are parked here - is it possible to park there and walk across the lot and walk into Dunkin Donuts here?

Scott Blakely: There is a retaining wall that exists along the rear of the property. I think it varies from five or six feet here as high as eight feet here. They cannot physically go from this parking lot to here, but they could walk through this planting bed and come around.

Joseph Morreale: If that is true, then there is where your overflow parking is going to take place, if there isn't enough parking spaces.

Chairman Cosentino: You won't get a parking space there. It's all filled up. There is never a space there. Parking is very difficult for 666. It was meant for office space, and it became medical. This is what you have when you have office and medical in the same zoning. This is what we are trying to prevent now.

Joseph Morreale: In time it could work the other way around, because the hours are different.

Chairman Cosentino: That may very well be.

Joseph Morreale: Are there tables at Dunkin Donuts or simply take out?

John Bainlardi: There are 12 tables, 21 seats proposed. We could reduce the number of seating to four or five seats. On the balance of the space, my expectation is that if you put Dunkin Donuts in this corner that the balance of the space would have to be some sort of dry retail use. I need to be clear that is understood from the Board's standpoint, because the last thing I want to do is commit to a Dunkin Donuts use, come back to a dry retail use on the other side and then you say I don't have enough parking. I don't want to be in that situation. I'd like to have some clarity that the balance of the space would be a dry retail use. Something that is not a dry retail use, either we got some guidance now that would be permitted, or if I have to come back for that.

Chairman Cosentino: Do you have anyone in mind?

John Bainlardi: We're talking. We are putting a new marketing campaign out there, and we're fielding calls. We've turned down a lot of inappropriate uses. We'd like to have some stability. If there was a professional, not medical office, we would have to come back and that would have to be looked at from a parking standpoint and certainly a change of use. A professional office, an attorney or an architect, would be a use that is a low traffic generator. If we could get to a point where there is an approved resolution, we can then say the balance of the space is one of these types of uses, we're done and we don't have to come back.

Ralph Vigliotti: Austin mentions the traffic lane. His recommendation would go before the ZBA with regard to the 24-foot traffic lane versus the 23 feet 1 inch that you have now on the southwest corner.

Scott Blakely: He is not specifically talking about the traffic access aisle. He is talking about our proposed refuse location.

Anthony Oliveri: He is pointing out that the refuse is within that traffic aisle. That will be the variance.

Scott Blakely: It may need a variance the way it's proposed. We also have looked into a couple of different options for the refuse location. We could modify the size of the refuse location. Right now we have 10 x 20 or 22. We could reduce that size down. John can make sure that his pick-up schedule corresponds with the amount of trash that ends up in that refuse. We have the ability to relocate it. We could put it back in this corner.

Anthony Oliveri: There is a standard detail that is in the works, which requires it to be the same construction scale as the building. Austin mentioned this is a legal, non-complying condition.

Stanley Bernstein: In viewing the other Dunkin Donuts, there are a couple of things that are very, very important that you have to bear in mind. One is litter. The Dunkin Donuts on North Bedford Road generates an enormous amount of litter. The wind picks it up and blows it against all the shrubbery within a circle from both sides of 117 and up and down the block. You need to be cognizant of that and make sure your tenant is on top of the litter problem.

John Bainlardi: We are not going to leave that obligation to the tenant. We are going to take on that responsibility for that obligation and we are going to charge the tenants accordingly.

Anthony Oliveri: The main issues are the aisle width with regard to the building the parking, and it didn't seem like there was any drainage on the south parking lot side at all. I propose possibly a trench drain across the driveway on 117. There is a drain line right in front there, and you are doing a curb there already. That would be working with the state there.

Scott Blakely: We have some curb replacement. Obviously any work we do - the removal of the pavement, the installation of the sidewalk in the front. We have calls into the DOT to discuss these issues with them. There is one catch basin at 117 and an existing drain line in the ground here.

Ralph Vigliotti: We know the traffic lane is three feet short. We know the flow of traffic on this site is an interesting flow. Dunkin Donuts attracts large vehicles such as Con Ed, Cablevision and sanitation trucks. Can they, without backing up, pass each other with 20 feet, with their mirrors?

Anthony Oliveri: I noted that a 24 foot lane was required. The Building Inspector brought up an issue that it's a legal non-compliant condition. I'm not sure what that means.

Whitney Singleton: Because the applicant is not proposing anything that would aggravate the situation or increase the degree of non-compliance it is legally allowed to continue.

Chairman Cosentino: That is the determination from the Building Inspector and we can't change that.

Anthony Oliveri: He is only citing the need for a variance with respect to the trash container.

Ralph Vigliotti: I still need an answer for the record. This is your site, you want it to work. You are proposing to put in a business that attracts large trucks. Can they safely get by one another? I need an answer to that question. At some point there is going to be problems down there when that occurs, and that will cause those trucks to park across the street on another property or on 666, creating problems on the adjacent properties.

Chairman Cosentino: What you said is 100 percent correct. Unfortunately, the Building Inspector has made a determination. You would have to change the Building Inspector's decision of a non-conforming driveway in order to make your two trucks work. To answer your question, I don't think two trucks are going to pass one another, but we cannot change it.

Ralph Vigliotti: As the developer of the site, you want this to work.

Scott Blakely: We can look into it and run some truck turning templates through there based on certain truck size and present that.

Joseph Morreale: Your rear entrance is near the loading dock. Is there any issue with people walking through?

Scott Blakely: Austin brought it up in his memo. We are going to look to create a pedestrian access in this location along this portion of the building. Austin recommends some type of sidewalk that has some type of protection. We are looking at putting a sidewalk in this location and moving this pedestrian access here into this space. This will shift these around so you'll have an access here. We are also looking at the

possibility of placing a couple of bollards in here so when the traffic backs up into this it has the ability to stop before the pedestrian traffic. I think that will protect all of that.

John Bainlardi: Also, Austin was suggesting we demarcate this pedestrian path. We are showing a proposed concrete sidewalk in the outdoor seating area and at the terrace in the back. I would like to make that a decorative feature, with the same thing in the front, so visually it's clear that it is a pedestrian walk protected by those bollards.

Scott Blakely: What is our procedure, next steps?

Chairman Cosentino: We've asked for certain things, and you have a lot of work to do with drainage, and the memo points.

Scott Blakely: Will this project require a public hearing?

Whitney Singleton: No.

Scott Blakely: Include a breakdown of the parking per Nanette's memo.

John Bainlardi: May I have a little feedback about the sidewalk on the side? Would you prefer to see it as a sidewalk or a landscaped area with a curb?

Chairman Cosentino: I think landscaped is better than the sidewalk.

Special Discussion

Old Iron Warehouse Cary Place PB2005-20

**Present: John W. Furst, Esq., Cuddy & Feder
Alan Pilch, P.E., R.L.A., Evans Associates**

Chairman Cosentino: It is my understanding that you are asking for an extension on the site plan so you can pursue your DEC.

Alan Pilch: Yes. DEC and Army Corp. of Engineers are still outstanding agencies. After that we still have to follow-up with the village board.

Anthony Oliveri: I think we have received correspondence from DEP that they are in the process of reviewing.

Alan Pilch: DEP granted their approval. The last email I received from Ellen Hart at DEC dated November 3 stated there was a question from DEP and they expect to have a permit issued within a few weeks.

Chairman Cosentino: How long of an extension are you seeking?

John Furst: Just to be safe, we'd like another one-year extension. Even after the outside agency approvals we still have to go back to the village. Again, this is to commence construction and there are still conditions that we have to meet with the Building Inspector prior to construction. This might be a little conservative.

Anthony Oliveri: There were also issues with the conditions with the right of way work. Where does all that stand?

John Furst: That is with the village board.

Anthony Oliveri: Is getting the permit from the health department in the works?

John Furst: That is in the works, and I think the issues with the Army Corp. and the DEC have to be cleared up before we can approach the village.

Whitney Singleton: What activity are you undertaking as far as the ----- issues?

Alan Pilch: There are two direct wetland impacts. One is the sanitary sewer, which is about 400 square feet of impact to the south of the site. There is a sanitary sewer from the building to the existing sanitary sewer at Main, south of the building. That has always been in the plans. The other is the discharge of run off from the new catch

basins and storm water facilities in Cary Place that the applicant has agreed to install. There is essentially a vegetated swale, which is going to convey the outlet from the storm water facilities in Cary Place to the water course. That is about 220 square feet.

Whitney Singleton: That is actually within the wetlands?

Alan Pilch: A portion of it is within the wetland itself. It's all off site. The sanitary sewer is located to the south of the building, and part of it is just a vegetated swale, which conveys the flows from the new storm water facilities in Cary Place. It created a safe, non-erode-able discharge. We have submitted all the materials to the Army Corp. of Engineers and they are doing their final processing of it.

Chairman Cosentino: I think six months is enough, and you can always come back for an extension.

John Furst: If that pleases the Board.

Motion to Extend the Approval by Six Months, Old Iron Warehouse, Cary Place, PB2005-20.

Motion: Doug Hertz
Second: Joseph Morreale
Aye: Sol Gibbons
Aye: Ralph Vigliotti
Aye: Stanley Bernstein
Aye: Vice Chairman Sturniolo
Aye: Joseph Morreale
Aye: Doug Hertz
Aye: Chairman Cosentino

Whitney Singleton: This extension is on the same terms and conditions as the prior conditions.

Chairman Cosentino: There are the same conditions that exist on the approval. Whitney will speak with Nancy on that.

Vice Chairman Sturniolo: Has that illegally parked construction equipment been removed?

Chairman Cosentino: Yes, but now there is a trailer there. What is the trailer for?

Alan Pilch: It's not ours. I'm not sure.

Chairman Cosentino: That should be removed.

Alan Pilch: I will do so.

Correspondence

- Letter from Mid-Hudson South Mobility Advisory form - meeting notice December 9, 2009,
- Letter from Timothy C. Idoni to the Mount Kisco Planning Board dated November 9, 2009 re Plot Line Change re Crème de la Crème.

Vice Chairman Sturniolo: Earlier I brought up the subject of the permitted use question on Goldens Bridge Precision. Can this Board request through Donna that this memo be generated to the Building Inspector for a response?

Chairman Cosentino: Yes.

Whitney Singleton: I can convey to you the scope of the conversation that I had with the Building Inspector relative to the last time that item appeared on your agenda.

Ralph Vigliotti: On Ms. Bourne's memo to us, item six goes back to the Dunkin Donuts site. "The applicant should provide the justification for providing an aisle width that is less than that required by code, 20 feet 9 inches v. 24 feet. If there is no alternatives for meeting this requirement, this component may require ZBA approval." Whitney is there a legal opinion on that?

Whitney Singleton: Yes. She has no authority to make that determination to the village.

Ralph Vigliotti: So you're saying that they don't need to go to the Zoning Board of Appeals?

Whitney Singleton: I'm saying that they need to go to the ZBA but the Building Inspector makes that determination. Not only has he not said anything, he has said something to the contrary.

Ralph Vigliotti: We seem to have conflicts with what our engineer is saying and what our planner is saying.

Whitney Singleton: Correct.

Chairman Cosentino: But the nature of the beast is that you cannot disagree with the Building Inspector. He's made his decision and that is it.

Ralph Vigliotti: I find his decision is not based on safety for that site. There is a reason for the aisle width to be 24 feet. Knowing that the size trucks that are going to go through there, he should have had a stronger statement in recommendation in an effort to make it safe. I do not see that here. We have to look at this much more seriously.

Whitney Singleton: You have that now. There are 18-wheeler trucks that just stop in the front of Dunkin Donuts on North Bedford Road. They don't even pull over.

Ralph Vigliotti: That we have no control over because it's a traffic enforcement piece. We have control now to help regulate this to make this site work. I am happy with all the improvements that they've made, but the site flow does not work.

Chairman Cosentino: The problem is that the Building Inspector made a decision and the village attorney just said that the village planner has no authority to make that determination.

Anthony Oliveri: That is just the determination of having to get a variance. The Planning Board could still require them to have a wider aisle if you think it is a safety issue.

Ralph Vigliotti: Do we have the authority as a Planning Board to insist that the aisle conform to the current code?

Whitney Singleton: Currently, no. The applicant is proposing modifications to the site. You are undergoing a certain amount of site modification. The question becomes is a non-complying condition that pre-exists requirements in the village relative to aisle zone. The question then becomes, has he done anything to increase the degree of non-compliance? If he hasn't, then it is the Building Inspector's interpretation that it is allowed to continue in that matter.

Joseph Morreale: Is it possible for us to ask the Building Inspector to come before us so we can discuss this with him and see if we might have him reconsider that?

Whitney Singleton: Yes. You can certainly ask him.

Anthony Oliveri: It's only a determination whether or not it has to get a variance. He is not saying it's acceptable, he's saying it's there and it's pre-existing so they don't have to go for a variance. Is there anything the Planning Board has within their power to say we want to look at other options?

Chairman Cosentino: It will not hurt for us to do that.

Ralph Vigliotti: I just want this site to work.

Anthony Oliveri: He can go for a variance and get the variance.

Ralph Vigliotti: If he gets the variance, fine, but I think we need to push the envelope as much as we can.

Whitney Singleton: The area that we are talking about is actually in a turn, is it not?

Chairman Cosentino: Yes.

Whitney Singleton: Maybe the way to address it is the elimination of parking spaces.

Ralph Vigliotti: We know now. It's sitting in front of us. It's our job to make this site work. Right now it does not work because it's not 24 feet. There is not even a buffer there they can go over. What can we do to send something off to Austin in letter form?

Whitney Singleton: You can ask the applicant to address it.

Chairman Cosentino: I think Ralph is looking for stronger answers than the applicant can give him.

Ralph Vigliotti: If we take a real close look at that corner it's horrible.

Whitney Singleton: Generally speaking our code has provisions in it -110-34 and 110-35. The question becomes the increase in traffic and the change. Is the applicant bringing a change to the site that warrants a modification to mitigate it? That is what the new law that is going to be adopted says. There is not free range over the entire site. It is going to give you the ability to address those site plan element which have been exacerbated or modified by proposals by particular applicants. Theoretically it is a significant increase in traffic on the site. That is the modification, in my estimation, that the applicant has proposed, and you are trying to deal with it with a requisite mitigation. The Building Inspector in the first instance is the person who makes the interpretations of the zoning laws. If someone doesn't like this determination they can request him to reconsider it. They can appeal his decision, but he makes the determinations.

Ralph Vigliotti: What is the process to, if the Board sees fit to do so, to send off a letter to appeal his decision?

Whitney Singleton: You can appeal the decision to the Zoning Board of Appeals, like any other person that is not in agreement with the determination of the Building Inspector.

Vice Chairman Sturniolo: Maybe the first step would be that a memo be sent from this Board to the Building Inspector highlighting the issues and asking him to review it.

Ralph Vigliotti: That is a good first step. Is that something you can send off?

Whitney Singleton: Yes. And I will say that the Planning Board continues to have concerns as to the viability of the site. Ultimately, any changes that are need to come about to address that situation are going to have to come from the applicant.

Ralph Vigliotti: In helping him move forward and not delaying his end, he needs to know early on where we are coming from.

Whitney Singleton: Are you clear as to what the items are that you would like to see reviewed?

Ralph Vigliotti: Unfortunately, we have not been able to visit the site. It's fenced in. We can certainly do something and so a site visit at some point to see if this works. If he takes three feet off that edge and bevels the edge, he's created three extra feet.

Anthony Oliveri: You would have to do that and also lose one parking spot on the end of that row of nine.

Joseph Morreale: My concern is that the Building Inspector has already made a decision, so why would the applicant do anything, unless we can reconsider the decision.

Vice Chairman Sturniolo: We should start with the reconsideration of the decision.

Whitney Singleton: I will send him a email tomorrow explaining that the Planning Board would like him to re-evaluate his position relative to this, deeming this to be a critical component of the application. Would you like me to copy the applicant on that?

Ralph Vigliotti: Yes. I think they need to know early on that we have concerns.

Vice Chairman Sturniolo: Regarding Golden's Bridge, I found in the minutes the following: "The principal use is not permitted without gas. That is the problem. I recommend that we table this until we hear from the Building Inspector on whether this is a permitted use or not. This Board has to see this in writing. As far as I'm concerned, he didn't say one way or another. We will put you back on the agenda as soon as we find out that information from Austin Cassidy.

Whitney Singleton: I relayed to the Building Inspector the very next morning that the Planning Board does not want to see that application again without a written memo from you saying that this is a permitted use.

Chairman Cosentino: I think they have withdrawn their application.

Vice Chairman Sturniolo: I am still questioning when we ask for information why we don't get it. We'll see what happens with this email now.

As there was no further business, on a motion by Mr. Vigliotti, seconded by Vice Chairman Sturniolo the meeting was adjourned at 10:30 P.M. by Chairman Cosentino.

Respectfully submitted,

Stanley Bernstein
Recording Secretary

dm