

Minutes  
Work Session of the Planning Board  
Village/Town of Mount Kisco  
Tuesday, February 23, 2010

The meeting was called to order at 7:55 P.M. at the Municipal Building Mount Kisco, New York by Chairman Cosentino.

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

**Members Absent:**     **Vice Chairman Sturniolo**

**Staff Present:**        **Nanette Bourne**  
                                  **James Natarelli (Sitting in for Anthony**  
                                  **Oliveri)**  
                                  **Whitney Singleton**

**Acceptance of Minutes:**

**January 12, 2010**

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

**January 26, 2010**

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

**Final Action:**

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

**Present:**    **John Bainlardi, on behalf of the Applicant, 681 East**  
                  **Main Street, LLC**  
                  **Scott W. Blakely, R.L.A., Sr. Vice President, Principal**  
                  **Landscape Architect, Insite Engineering**

Scott Blakely: At the last meeting there was discussion with regard to modifications to one parking space in the southwest corner of the building. Based on our discussions with the Board, we removed the proposed concrete curbing and the planting bed, which allows us to deepen that space by approximate four feet. As protection against the building, we discussed the possibility of a guardrail. In order to maximize the amount of space, we are proposing two steel bollards similar to what we are proposing inside the dumpster enclosure to keep the dumpsters from banging against the building. Four-inch diameter steel concrete filled will give us a little more room than a guardrail would. Those will be painted to match the building.

Stanley Bernstein: We had a discussion on that at the site visit, and I thought we eliminated the one and moved the other two four feet, but we did not eliminate. All of them went in.

Scott Blakely: Correct. We eliminated the planting bed and pulled the last one in.

Ralph Vigliotti: Did the air handlers that are on the roof now just go in within the last couple of weeks?

John Bainlardi: About two months ago.

Ralph Vigliotti: The question then would be air handlers. Depending on how you drive, you do not see the air handlers from 117 from the front of the building. But when you are driving north of 128, they are literally in your face. What provisions have you made to screen the air handlers according to code?

Scott Blakely: I am not familiar with the building code.

Ralph Vigliotti: I took some pictures. It is quite evident that you need to do something to screen the air handlers.

Chairman Cosentino: Whitney, are there any provisions to the code for screening the air handlers?

Whitney Singleton: There are provisions regarding them. You are not supposed to have anything within 10 feet of the edge of the building. If they screen it, that is perfectly fine. It is required to be screened by the code.

Chairman Cosentino: Please give him the code so he can refer to it.

At this point, Mr. Singleton read the code as follows: "All mechanical equipment and impertinences located on a roof of any structure shall be suitably screened from the view of any inhabitants, residents. All features shall be enclosed and shall be screened by the walls and material. All features shall be set back at least the distance equal to height of the structure but not less than 10 feet." I think the screening of these items could be from the adjoining property to the south would be sufficient to satisfy this provision.

Ralph Vigliotti: It would be adjoining property, but there are two fronts to the building, 128 and 117. It would be adjoining property and it would be screenage from 128. We can make it a condition on the resolution, but it is something that needs to be addressed.

John Bainlardi: I am agreeable to a condition that we will screen the HVAC units on the roof in accordance with code.

Scott Blakely: We will then contact the architect and make sure he complies.

John Bainlardi: I actually have him looking into that already.

Ralph Vigliotti: But you did not mention it.

John Bainlardi: No. In parking in the rear of the building, currently as you're coming in since that's going to be kind of a significant entrance, I thought it would be appropriate to screen it in some manner.

Chairman Cosentino: We will make that a condition so we can follow through on this.

Nanette Bourne: May I make a recommendation? When the screening is selected, before it goes in, it needs to be approved and reviewed by the engineer and Building Inspector. We may have a lot of faith in this architect, but there are a lot of different kinds of screening.

Chairman Cosentino: Please have the architect bring the screening to the Building Inspector. He will probably send it back to us to look at anyway, but it will be a condition.

Sol Gibbons: The numbers on the parking spaces conflict a little bit. You are talking about 48 spaces in the resolution, and the drawing shows 45. I count 44.

Scott Blakely: There are 45.

Joseph Morreale: The differential is the seven that are right behind the building.

John Bainlardi: There are seven parking spaces there. The crosshatched area, which would be in front of the stairway for the pedestrian access, and then there is seven spaces. The other crosshatched area will be removed.

Doug Hertz: So this is a space?

Scott Blakely: This provides a drainage area. We did not want to close this off, so the drainage will go through here and we eliminated this little pass-through. This is relatively steep to walk on.

Doug Hertz: So, Sol, your comment goes to the last "Whereas"?

Sol Gibbons: "Whereas the 48 spaces on the site." That is what is specified in the resolution.

Ralph Vigliotti: There is also another section in the resolution that says, "Whereas the subject site has 53 existing spaces."

Doug Hertz: So, in the "whereas's" on page two, the first one states, "it is determined that 17 parking spaces must be allocated to the said food use, and the remaining 31." There will not be a remaining 31. It will be 28. We need to make that change.

Stanley Bernstein: The air handlers are complete HVAC? Any new renovations or is it the standard system?

John Bainlardi: I think they are the standard system.

Joseph Morreale: Is there a ratio of handicapped parking to regular parking?

Scott Blakely: One to 25 spaces requires one handicapped stall, 26 to 50 require two spaces. There are two together, and the required eight-foot aisle is in between the two, which leads us right directly onto the sidewalk in the front.

Joseph Morreale: One is directly against the entranceway.

Scott Blakely: Correct.

Joseph Morreale: And the driver of that car would pull in, and the driver would be on the other side. That is odd.

Scott Blakely: Typically, if there are two handicapped spaces proposed, they are always configured. They share the middle aisle.

Joseph Morreale: Is it okay to put it at an entrance to a parking lot?

Chairman Cosentino: It is state approved.

Joseph Morreale: Thank you.

Ralph Vigliotti: Are there two steps to get from the sidewalk to the rear entrance, which will be an active entrance to this particular site? Is it a flat sidewalk from the parking lot, or if you are handicapped and you are parked in the back, do you have to go down two steps?

Scott Blakely: There are two steps.

Ralph Vigliotti: Is there any way of designing the back so there are no steps?

Scott Blakely: There is a grade change there right now. If you recall the ramp from the parking area down to the pedestrian area it is relatively steep. It is in excess of the required eight percent ramp.

Chairman Cosentino: And you have a ramp in the front, complying with ADA?

Scott Blakely: Yes. We have handrails on either side.

Sol Gibbons: Is this space going to be closed off?

Scott Blakely: No. This gap in this landscaped island is going to remain. This provides a drainage way from the water in the parking lot to drain down through here. It is not a walkway.

Doug Hertz: To finish all those numberings, on Page 2, on the seventh "whereas" where we say 48 spaces, it should say 45 spaces. Regarding the outdoor seating area that is in the front of the building, you had talked about possibly using this back space, and we were

wondering if that front space is going to become an attractive nuisance rather than a really useful space.

John Bainlardi: I am not concerned about it becoming an attractive nuisance because my intention is to have the tables and chairs removed indoors when the users are not operating the business. I would like to have the discussion out there to see how it goes and let the user determine whether or not people would want to sit out there. If it is being used, great. If it becomes an issue, then we will be the first to look to eliminate that. The last thing I want are issues at the property.

Chairman Cosentino: I do not think we can write it up as such, where you leave it up to the Board's discretion, once he gets the permit, to tell him that we do not like it and bring the tables in. How many tables would be outside according to the footage inside?

John Bainlardi: We proposed three small card tables outside, two chairs at each table, six people altogether.

Chairman Cosentino: If we allow under permit for him to have outside seating and then two or three months later decide we do not like it, how do you go about taking that permit away from him once it is issued to him and there are no problems there such as police problems, accidents, etc? How do we tell him we do not like it as a Board?

Whitney Singleton: You do not.

Chairman Cosentino: Either we let him have the tables through the resolution or you do not. That is something we have to decide as we have this resolution before us.

John Bainlardi: May I ask specifically what your concerns are?

Chairman Cosentino: I believe the Board feels it is mainly aesthetics. It may not look good there.

John Bainlardi: Do you mean the idea of people sitting out in front?

Doug Hertz: I am more worried about it becoming a loitering zone.

Scott Blakely: We plan to remove the tables during non-business hours and bring them into the building.

Ralph Vigliotti: Your business hours are 6 A.M. to 11 P.M. Those are lengthy business hours.

John Bainlardi: We can agree to pull the seating in early in the evening.

Ralph Vigliotti: Does the outdoor dining code indicate that you have to pull the tables in every night?

Whitney Singleton: Not if it is on private property.

Ralph Vigliotti: I think it may become an attractive nuisance. You certainly have lots of area in the back for outdoor dining that may lend itself very well to the businesses there.

John Bainlardi: Why would the seating in the rear in your opinion be less of an attractive nuisance than seating in the front?

Ralph Vigliotti: It is the rear of the building versus the front of the building. Out of sight out of mind.

John Bainlardi: It may not be visible from Main, but it is certainly visible from Lexington.

Scott Blakely: We have provided a very extensive landscape plan along that frontage where we are pulling the asphalt out also. There is going to be a landscape buffer providing separation between that sitting area and Main Street from a visual aspect.

Doug Hertz: You are only talking about six chairs and three tables.

Joseph Morreale: John, why do you think it necessary?

John Bainlardi: We are spending a fair amount of money to create this environment. Initially in discussions with our architect, we thought that this would be an opportunity to have seating outdoors that would benefit the users of the property. We are creating this area and feel that it has a little vibrancy to have people sit out there and enjoy a cup of coffee and watch traffic go by. It may turn out that people do not want to sit out there because of the traffic, but I would really like to have the ability to have them out there. We are saying that this is an issue, and believe me I will be the first one to nip that in the bud because I do not want people loitering at the property anymore than the village does.

Doug Hertz: Part of my concern is people walking through the plantings around this. Will this be private enough so it will not encourage people to walk across this?

Scott Blakely: I believe it will be. We have made a mix of lawn area, out from the curb in approximately 10-15 feet and then a mix of shrubs, grasses, perennials for a depth of about 15 feet. There are four small flowering crab apples here. This will be fairly densely planted. We have given it a little room to grow in.

Joseph Morreale: There is nothing like a true hedge that would be a barrier.

Scott Blakely: There are no hedges, but there are plant materials that are formed in a hedge shape.

Joseph Morreale: There is no physical barrier.

Scott Blakely: We have to keep the plant materials low enough so you can see the façade of the building. We have tried to soften the façade of the building rather than try to hide anything.

John Bainlardi: I think the other consideration, which would probably lessen the chance of people walking across this, is that the sidewalk

does not run across the full length. The connection to the clearly defined sidewalk is on the corner. If you are coming from the parking lot you are coming to the nearest point, which is not the landscaping but the decorative sidewalk.

Joseph Morreale: I would assume the tables outside would only be for about six months of the year. I am also concerned about garbage.

John Bainlardi: We have indicated that we will have two trash receptacles out there. I pretty strongly worded in my agreement with my tenants that they will have to actively clean the site. As the property owner, I am also going to have a maintenance management contract for snow removal and landscaping. We will maintain the property as well on a continuing basis.

Chairman Cosentino: You just said, "tenants." Does that mean you have another tenant?

John Bainlardi: We are talking, but we are not at a point yet where we want to get anyone excited one way or the other.

Ralph Vigliotti: We have done it in the past with new tenants coming before this Board with regard to a review. Right now we have one tenant secured, and to insure that the parking is in place for the next tenants, that it would come before us for review.

Whitney Singleton: Perhaps I am not understanding how this process is working.

Ralph Vigliotti: We have a piece of property down the road on Lexington Avenue in which they need to come before us to ensure that the new tenant of the vacant storefront does not exacerbate the limited parking that is available. We put that in the resolution, so as to insure that would not happen.

Chairman Cosentino: Anything that Mr. Bainlardi wants to put into his building has to come back before this Board.

Whitney Singleton: Not necessarily. There is a process. There is a provision in the code. There may be a possibility that he does not have to come back.

At this point in the meeting, Mr. Singleton read the following changes to the resolution:

- Page one - Whereas #1, cross out "and 107."
- Your board is going to need to make a determination on the parking fees. That is a function of whether this is a major or minor site plan application.
- Paragraph four - as Nanette has provided, there has to be a SEQRA determination by your board.
- Page two - Whereas #5 should state "to accommodate a multi-tenanted building."
- Page two - Whereas #6, substitute the word "eliminate" for the words "replace the." Your Board is going to need to make a determination as to whether 17 is the appropriate number of parking spaces.

- Page two - Whereas #7 should say, "where a stop sign is proposed.
- Page two - Whereas #8 should read "to relocate."
- Page two - Whereas #10: as your board discussed earlier, the number of parking spaces should be changed.
- Page three - Condition #7: all the plans should reflect the last revised date of February 17, 2010.
- Page three - Condition #9: is it the site lighting plan? It states sighting simulations. It should state the actual plan and it should be dated February 17, 2010.
- Page three - Condition #10: I have some concerns as to the Board's ability to do that. It has to do with erosion and sedimentation problems. I suggest an additional paragraph, F, read, "the applicant shall be required to implement any interim measures that the village engineer deems necessary and appropriate."
- Page four - Condition #17: I would suggest eliminating #17 and consolidating it with #18 so #18 would read, "as long as there is food preparation, sales, or consumption on site, the property owner shall provide trash pick up at a frequency that shall not be less than twice per week and prevents overflow, adequately controls odor and eliminates vector presence. Garbage pick up shall be arranged to occur at off-peak hours.
- Add a new Condition #20, which states" failure to ensure compliance for the aforementioned three conditions which are the trash pick up, deliveries being on-site and the backing of vehicles onto the street, by tenants and by agents of the tenants and/or owner shall constitute a site plan violation of the applicant," if this is the Board's pleasure, as we have had problems with enforcement.
- Add a new condition that future re-demising of the space shall be in accordance with the provisions of 110-38 and 110-45 of the village code of Mount Kisco.

Ralph Vigliotti: You have highlighted something, which I have highlighted since day one; "whereas the Planning Board has determined that 17 parking spaces must be allocated to said food retail use." For the record, we never used the North Bedford Road Dunkin Donuts as one of the sites during our review process, and we were remiss by not doing that. Also, for the record, I honestly believe that number should be 25 if not even higher. Our planner said 17 or 18, and we went with the lower number, ironically, rather than the higher number knowing that 17 is way too low for this type of establishment.

Chairman Cosentino: The problem here is if you allocate him 25, that goes against any other business that he puts in there, lowering his car count.

Ralph Vigliotti: If you are putting in a food retail use that warrants more parking spaces, then that is what it is. We were remiss by not using one of the Dunkin Donuts as a site to review for the parking use. It is right here in town and we did not use it. Many of us know there are 25-30 cars parked there on the high peak of the mornings, up until 11:00. It is a food retail use, and we have other food retail uses that we have never given a parking count of 17.



Whitney Singleton: The parking count is discretionary with your board. The parking allocation of 17 would be the minimum allowed by the code.

Chairman Cosentino: I am not disagreeing with Mr. Vigliotti, but under the circumstances, if you allocate 25, you are not leaving the client much room to rent out any other space in his building. He will come before us and we will tell him he cannot comply with parking, so close your building down. Under the circumstances the property is what it is and he has to make the best of it. I agree with you, but it is the property that has to be taken into consideration.

John Bainlardi: To supplement the record further, we also had a determination as to a parking count by a zoning officer, which I believe was 10 or 11 parking space.

Whitney Singleton: That was incorrect.

John Bainlardi: I am satisfied with 17 parking spaces. First, let me state that I have no problem with any of the modifications or conditions that Mr. Singleton articulated. I would like to add two things. In #6, I would like to be able to get a permit issued prior to the issuance of the county or state permits and change "issuance of a building permit" to "issuance of a final Certificate of Occupancy," which will allow us to pull building permits and start interior work while the site work is ongoing. We will not lose time.

Chairman Cosentino: I do not see why we cannot make it here.

John Bainlardi: The second item, for clarification, #19, "backing up of delivery vehicles from or onto East Main Street or Lexington Avenue shall be prohibited." We need to add the provision "with the exception of vehicles utilizing the loading area on Lexington, backing up of delivery vehicles from and onto East Main Street onto Lexington Avenue shall be prohibited." You either have to back in or back out on the existing condition. I do not know how you would turn around.

Whitney Singleton: John raises a good point. It is a pre-existing division. It is up to your board to determine whether it is being exacerbated or whether there is a feasible alternative for him. I believe this is something that is represented consistently as being used for delivery.

Chairman Cosentino: You need to use common sense here. You either back out or back in.

Scott Blakely: I would think from a safety standpoint you would want to back in so you have sight distance.

Doug Hertz: Certainly we can say East Main Street because there will be no backing up of deliveries from East Main Street.

John Bainlardi: We can even extend that to the access for the parking area on Lexington as well.

Nanette Bourne: So the condition is changed to "back up of delivery vehicles from or onto East Main Street shall be prohibited."

Chairman Cosentino: Yes. Not on Lexington.

Nanette Bourne: Are we leaving the issue of outdoor dining the way it is?

Chairman Cosentino: I have no problem with the three small tables.

Doug Hertz: As long as it is properly screened.

John Bainlardi: I will personally stay on top of it.

Chairman Cosentino: That will stay the way it is.

**Motion to Accept the Resolution of Approval for Modifications to the Approve Site Plan at 681 Main Street, LLC, PB2009-09 with Conditions Stated**

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

**Continuing Review:**

**BMW of Mount Kisco**  
**250 Kisco Avenue**  
**PB2009-16**

**Present: Robert Sherwood, Landscape Architect**  
**Rich Stavridis, Owner**

Mr. Sherwood commented that Mr. Slaker was not here this evening due to inclement weather.

Robert Sherwood: Mr. Slaker was looking forward to presenting the plan. We both think we have come a long way since the last Board meeting. We have taken into consideration a lot of your comments and responses and we are trying to accommodate a lot of things. Some of the highlights of the plan that we are showing now is the red plan, which is the first proposal that we showed you, highlighting where the walls are and where the display area was. Showing you the second plan here in this blue color as an overlay and then the third plan that we are presenting tonight. Some of the highlights - the display area frontage has dropped significantly. We put this all down in a letter to you. We have 145 linear feet now of display frontage and that is over 50% reduction from this first plan that we showed you. The actual physical area has been reduced as well by about 40%. The retaining walls now conform to your code of nothing being over 60 linear feet and 6 feet in height. We have reduced the amount of steep slope disturbance that we have. Obviously, this whole slope is a steep slopes and we are disturbing about 20% less than the original plan. We have 100% reduction in the amount of walls that are within the buffer. No longer are any walls within that 10 foot buffer. We are trying to massage this as best we can into the codes and with your comments trying to reduce the overall size of the visual effect of these

walls being now broken up achieved that. We did many reiterations back and forth with the client, trying to figure out if we slid this proposal down here into the corner. Physically we do not have enough room to get any cars in there. By the time we do a 10 foot buffer and try to put some walls in, etc. Unfortunately, we are pushing down farther into the site and that means we have a little bit longer of an access point to the display area. But once again we are reducing the overall impact by some significant numbers.

Doug Hertz: Your access way is going to be grasscrete?

Robert Sherwood: Yes. Highlighted with different colors. The physical display area will be gravel. The retaining walls will be a veneer stone wall similar to what they used on the building.

Chairman Cosentino: There are three oak trees that the Board is concerned about taking down.

Robert Sherwood: I think there are issues with two of them, according to John. John had said there are issues with those trees anyway, so I am not sure about that.

Chairman Cosentino: Unless they are dead, and an arborist can prove that. You can use the arborist the village uses. We do not want to see those trees down.

Ralph Vigliotti: There are actually five there, correct?

Robert Sherwood: The three big oak trees and a few smaller 16" maple trees.

Ralph Vigliotti: Why are you proposing to take any trees down?

Robert Sherwood: Unfortunately, the grading that is coming down into here is more than likely to impact the trees. The roof walls are necessarily one-sided anyway. Tree roots are not going to be growing underneath the sidewalk and with the amount of grading and excavation for retaining walls.

Chairman Cosentino: What about putting a stone wall pot around it to save them?

Robert Sherwood: I am not 100 sure when we look at these trees as to the height, what that is going to do with the display. It will be an issue.

Ralph Vigliotti: I think it is all about the display area. I have seen the trees. The foliage is down, so I cannot tell whether they are healthy or not. Those trees have been there for 30 years. There is no reason to touch them at all unless they are dead.

Robert Sherwood: We are looking not to block the display area.

Ralph Vigliotti: That is not our concern. Our concern is protecting what is there, what another developer put in 30 years ago, whether we put those trees in as a town or whether the pre-existing owner of that establishment put those in, why would we even consider taking

those down? Because they might be in the way of the view of a display area.

Robert Sherwood: In looking back at the old records in which we went back to 1970, there was no plan at all. A lot of this stuff just happened. There was nothing that was set up with the town for plantings that we see. We go back to 1971 or 1972. 1969 was an original, uncut version, which you guys did not have a copy of and we could not find. We looked at it to make sure, as we had talked earlier about this. This whole area was something as a result of what they were doing up here. This was not natural.

Stanley Bernstein: Mr. Slaker mentioned it and I read it in the letter that it is a man made slope. You are telling me that this was flat and they had to build a ramp to get up to the property. Is that correct?

Rich Stavridis: I do not want to say it was flat, no.

Stanley Bernstein: What was there before?

Robert Sherwood: I am not sure exactly where it was, but they had cut in this roadway.

Stanley Bernstein: The slope was always there. Additional rubble was put on top to change the slope. What you are saying that the whole thing was flat and they built a ramp to get up to the property.

Robert Sherwood: The slope was there, but it was definitely disturbed. It is not something that is completely natural.

Stanley Bernstein: The slope has been disturbed. What does that matter? We can only not touch something that has never been disturbed? If you do that there is second and third growth all over Westchester County. There is not one original primeval forest left in Westchester County. Everything at one time has been disturbed, either for farm land or some other reason. Just the fact that it was disturbed has no consequence whatsoever. It is also in John Slaker's letter that it is not natural; it was planted. In 40 years of being there, anything becomes natural. The fact that you want to take something down that is existing and put a garden there, is anathema to me. I bring to mind in 1988 where there was a very large fire in Yellowstone Park. I was there the following year and it looked disgusting. Does that mean we should have knocked down all of those burnt trees and put a garden there? Is that what you are trying to say? What is there now has naturalized. It is part of the landscape and its part of the slope. Don't tell me you are not disturbing anything that can very well be disturbed, because it should not be disturbed.

Robert Sherwood: I guess we are looking at it differently, as we are looking to make this much more appealing. This is Kisco Avenue and we feel that it is a commercial zone and that we would need a display area. Due to the way things are, as far as business, we are looking at increasing our visibility, and this is one way. We are not looking to put a line of cars up here. We're looking to make it a very nice display area. As you can see, we've gone from basically what we've talked about to the beginning to what this is now, and it's a big change. I will say I think some of the changes are actually better than what it was originally.

Doug Hertz: I agree with that statement. Do you have any elevation of what that would look like?

Robert Sherwood: Our next step is to try to prepare a rendering similar to the original first version.

Doug Hertz: For my edification, in the center, where you don't have a wall, are you proposing to slope it out?

Robert Sherwood: Yes. It will be a slope trying to break up those walls so it feels like it is not one long wall. That was one of the major comments that were brought up. We want to try to bring that within your code, more up to 60 linear feet retaining wall.

Doug Hertz: Compared to where you started, I think you have come a long way, yet I hear what my fellow Board members are saying.

Rich Stavridis: If I can comment on the intent of John Slaker's letter is not to say that it's a man-made slope so why not disturb it again. I think what the intent of that was saying that it has been a created slope at one point, and it wasn't a virgin steep slope. I think it was his intent to say that the site was heavily developed with the building. Certainly the road was cut up there and certainly the site was not flat when they built that, but it was a cut and fill situation on the plans that we've seen.

Ralph Vigliotti: It was a cut and fill to enhance what they had damaged early on. You've come a long way. You still have a long way to go, and that is you have too many cars being displayed on that property. As a village, we have to deal with establishing a precedent that will become a past practice on this Board that other dealerships down the road look at your display area and want the same. They now can say that you are being arbitrary and capricious to us. You allowed it to another dealership, why not us? When Volvo came in and they wanted more of a display area than they received from this Board, they have one car being displayed. As far as I'm concerned, we should follow that line, which is we have one car being displayed in the entire village on that road, I believe. One car is displayed. There are many in parking lots. Folks chose to go with properties that were flat that had parking lots. Those were decisions made. As far as I'm concerned, at the very best, you show one car. And that sets the tone for the remainder of that road, which will have many more dealerships over the next 10, 15, 20 years. You're dealing with steep slopes. The rendering you have on the back page is not accurate. It is showing that as a flat area. The road going up has much more of a pitch. The angle is way off. If you're going to show a rendering of what it is going to look like, then it should be 100 percent accurate, and it's not. I understand you have a business in town. It's our job to protect this half-acre, and it's a wild half-acre wooded area. Most people will give up all sorts of things to have wild wooded areas near their homes, in their villages, and that's what we have there.

Joseph Morreale: As you are driving by and seeing cars sort of on an embankment, either tiered or landscaped, but they're cars. I am curious about how many different models you plan on having at this facility.

Robert Sherwood: Probably 14 or 15.

Joseph Morreale: That is why you came in and you wanted to have one for each model.

Robert Sherwood: That was not the original intent, but obviously I wanted to get as many as we could expose. The whole idea is not so much models, because we're not going to have people down here. It is just to show exposure of the car dealership.

Joseph Morreale: I know you've been saying that. I am very familiar with high-end cars, and I find it astounding that you feel that you have to put BMW's in a visual way on the roadway, when all people have to see is that this is the BMW dealer in Mount Kisco and they are going to shoot right up that road to the showroom.

Robert Sherwood: I don't disagree, but after being there for as long as we have now, there has been a major issue of locating us as you're driving by. People have driven right by us, saying we can't find you. There has been a tremendous amount of people that have called and said, where are you?

Ralph Vigliotti: Have they said, we're lost, we're never going to come to your dealership again or do they turn around and come back and go up the hill? You are a destination dealership. Folks know you exist in Mount Kisco. You have a very large dealership; one of the few in the area. It's a destination. They know they are getting off the Saw Mill; they are going down that road. If they have to pass real quickly they are going to make a U-turn and come back. They are not driving down the road shopping.

Doug Hertz: I beg to differ. I live right there, and I drive by it all the time. Every time I drive by, the one thought in my mind is that it actually looks like a corporate headquarters. It does not look like a dealership.

Ralph Vigliotti: Then it's a signage issue.

Doug Hertz: I appreciate their issue.

Ralph Vigliotti: They have to appreciate our issue, and that is to protect and serve the interest of the people of this village and to protect our code. Protecting that code is important, as it is to protect the hill, the mountain and everything else that we've done.

Robert Sherwood: I understand what you're saying, but I'm looking across the street and saying I can't believe what is there to begin with. You look at Toyota and Lexus. It is all lines of cars, and that is something you approved.

Stanley Bernstein: You got in there before Lexus. You could have taken Lexus and had your cars all over the place. You decided to go up on the mountain, where you would be a Valhalla.

Robert Sherwood: We attempted to do that probably for a year and a half, and we could not come to terms.

Stanley Bernstein: I call this a self-created hardship, if it is in fact a hardship, which it is probably not. You knew the site limitations; you know it's on a slope. That building should not have been built, period.

It was an existing building that was built in the bad old days when no one cared about the environment at all. You should have been limited to the existing building and not expand it. When you expanded it, you created a tremendous amount of damage. I was on the Board at that time, and I was incensed about it. There was one day during the rain where the whole slope was in the middle of Kisco Avenue. It's a self-created hardship. As a point of law, the Planning Board was created in a city, town and village enabling legislation, by New York State and we are charged with the health, safety and welfare of the municipality and keeping our municipality the way we think the residents want it. There is nothing in that enabling legislation that says we must ensure a profit to the applicant. There is nothing that says we have to embellish their bottom line. That is up to the applicant, who picks a place and says let's see if we can make a buck here. It has nothing to do with the Planning Board.

Chairman Cosentino: What puzzles me is that we are looking at a small area to put a display there, and yet, before this Board there is an application to destroy a whole mountain?

Stanley Bernstein: I voted against it.

Chairman Cosentino: I am puzzled when I see a small area. Mr. Vigliotti, what do you say about an application that is before us that is going to be destroying the whole mountain?

Ralph Vigliotti: Same thing. I voted against it.

Chairman Cosentino: So, we have two members here that will vote against any developer who is going to knock a tree down. Is that what we have?

Ralph Vigliotti: I have a right to speak my peace.

Chairman Cosentino: You spoke your piece. I have a right to question you.

Ralph Vigliotti: I have a right to question you, Mr. Chairman, but I am not going to do that.

Chairman Cosentino: I have the right to question you, as Chairman.

Ralph Vigliotti: It is the section that tags on to Kisco Mountain and it is a green space that has gone wild. It's too big.

Chairman Cosentino: I have no right to question your vote. I don't try to steer your vote to go in any direction. I am saying that you have an application before you that is destroying a whole mountain, and here you have a little piece. If you vote against it, I understand what you're doing, but I am puzzled. If the Board doesn't like it, we should tell the applicant so he doesn't spend any more money. That is the issue here. Thousands and thousands of dollars was spent already and if this Board feels that they do not want this, they should be told so they don't continue. It's only fair to him.

Ralph Vigliotti: The statement was made that they want to take those two trees down because they will get in the way of the display. It's still too big.

Joseph Morreale: I am still astounded that you feel you need to sell BMW's. All you have to do is tell people that the dealership is there with some signage. If people want a BMW they will go right up that hill and buy one.

Robert Sherwood: To a degree, I don't disagree with what you are saying. When you have other traffic, and one of the reason we are on Kisco Avenue is to be close to other dealerships like Volvo and Lexus, there is big plusses to have exposure there, where people may not be thinking BMW, and they see something as opposed to they don't see the sign. A display definitely does help bring traffic.

Joseph Morreale: My reading of people now is that they go on the internet and take a look before they go out and look. I am concerned about security, eyesore, and congestion. There are a whole set of things that come with this that trouble me. I am picturing people stopping on the road and getting out and looking. This is a main road; not a small road. I wonder if it's worth it to the village to have you do this and I question the impact on your business if you don't have it. I don't see that.

Robert Sherwood: The impact to a positive side, you mean?

Joseph Morreale: No. I am assuming you're going to be very successful without this. This is marginal in terms of the success you'll have. That's how I see it.

Robert Sherwood: We are definitely having some issues with exposure, and unfortunately we are living it when we have people telling us - and I can't imagine how many people haven't told us - that they can't find us and they just keep going. I hear what you are saying, but there are definitely people that are still driving in town. It's very good for us to have that exposure because it's something that is in their mind. They know the BMW dealership is there.

Chairman Cosentino: For the Board's information, I have an email from Vice Chairman Sturniolo who could not be here, that if the size went down to what it is, he was in favor of the project. He asked me to share that with the Board.

Ralph Vigliotti: I don't know if we can submit that in any form.

Chairman Cosentino: He asked me to relay the message.

Joseph Morreale: Is there anything else you can do here?

Robert Sherwood: The unfortunate part is that at this point we've condensed it, we've done everything we can to make this more or less feasible for us as far as the display. To bring it down to one car just unfortunately does not make sense for us to go ahead and move ahead with something like that. The display area is reduced tremendously. The appearance, and there are people that do not agree, is going to make a very nice appearance after the modifications we've made.

Ralph Vigliotti: At what point - is it eight cars that forces people to be reminded that you have a BMW dealership or is it six or five? People are going by there 40 miles an hour. Are they really looking at these



cars? Your sign, in all fairness, is too small. You should be going before the ZBA for a change in your sign.

Robert Sherwood: We did that at length and it didn't happen because of the sign ordinance.

Ralph Vigliotti: There is nothing on your façade.

Robert Sherwood: There is a sign on the building. Unfortunately, you can't see the sign on the building because it's up so high. That is why we are looking to get exposure down here on Kisco Avenue.

Doug Hertz: What is the display area length of the current display proposed?

Rich Stavridis: The display area frontage is 145 feet.

Doug Hertz: What is your property frontage?

Rich Stavridis: Probably 600 plus. I would also like to point out that the wild woodsy effect is a lot of this part of the slope. From about the corner of the building down - and I don't want to get into the semantics of what is natural and what is wild - most of this is under planted with juniper with trees growing up into it. To my mind, that is not a wild woodsy look. The wild woodsy look does start a little bit farther down from this proposal.

Joseph Morreale: That is half a football field.

Ralph Vigliotti: Not excluding the road in that would have to cut the vegetation. That's another 50 feet. I think you're being greedy. I know at some point I will be on this Board and another car dealership is going to come before us and point directly at your site and say, I want exactly the same on my dealership.

Robert Sherwood: That's where I'm puzzled. I look at this and I say if you were to have the other dealerships look like this it would be considerably better looking than what you have. When you look at Lexus, all it is is lines of cars. Toyota is all a parking lot. I look at this and we are trying to do the best thing.

Ralph Vigliotti: They will raise their property and have their cars sit higher than the parking lot. That's what they have to do if they want to show their cars. I'm looking at past practice, set the precedent, which becomes past practice that we have to deal with. Whether it be on 117, Kisco Avenue, this will come back to haunt us for 10 or 15 years.

Robert Sherwood: I hear what you're saying. I'm not understanding it, but I hear what you're saying.

Ralph Vigliotti: Does the steep slopes permit need to be reviewed?

Nanette Bourne: They don't have enough information on here.

Rich Stavridis: Yes, we are going to need a steep slope permit. Again, we wanted to bring this to a point where we could get a complete negative feedback or positive feedback and progress it

forward. We have been through a lot of reiterations and as you know, we feel like we've come a long way. Some members of the Board don't. I think at our first meeting, we had 12 cars out here and we said what we can cut it down to, so we cut it down to eight cars. It's up to the client to see if he can facilitate a little bit smaller of an area. To go through all the construction to have one car out there is not going to work. That is not a true concern of your board, as we know. But, obviously it is the clients.

Doug Hertz: Thinking about a lot of the other sites that we've dealt with and other dealerships in the area, and I think they have some unique circumstances that would help mitigate other dealers coming in and asking for something similar. In the first there was a huge amount of footage and they are asking whether it's this exact proposal or something modified from here. What they're asking is a small portion of that to be used for display. Percentage-wise for Volvo, it is probably similar because Volvo is a small frontage on that. In terms of its causing a nuisance in terms of car stopping, there is a display right across the street, and I don't see people slamming on their breaks to stop.

Joseph Morreale: You can pull into Volvo. It's not the same issue. There is no place to pull in except along the side of the road here.

Robert Sherwood: There is no "side of the road." That is four lanes there.

Doug Hertz: I think what might happen is if you're going to look at them, you're going to end up driving up to the building, which is what we are going for. As one member of the board I would prefer to see this smaller, but I think you've come a tremendous way from where you started, in particular modulating the walls so they are not one monolithic structure is to me, a huge thing. It still feels large to me, but I think you are a lot closer than you were. I agree with the statement that this is the area that feels largely like the woods. I went by this and this area is just kind of nothing.

Robert Sherwood: The road actually curves here, and this is all the cut and fill they did.

Doug Hertz: As one member I don't have any objection to the concept of this. I would prefer to come down to a smaller size. I think it could be effective with fewer cars.

Stanley Bernstein: When this original application came before us, they had four cars out there for a display on top of boulders. We rejected it. We did not want any display on Kisco Avenue at the time. I think we should stick to our guns.

Doug Hertz: I hear what you're saying, and I remember that as being Land Rover. There were other iterations of things happening at that - test tracks, etc.

Rich Stavridis: The access came off Kisco Avenue to park those cars as well.

Doug Hertz: When I look at what is happening on the street - I live right there - this should bother me, but it doesn't. What is happening

here with the rehab of the building on the corner of Preston Way and Kisco Avenue - we've set this street up. It's commercial, and there is no getting around the fact that it's commercial. To me, pretending that this building does not exist; we did a lot of work with them to make sure that night lighting and all these other things that were up and visible to the rest of the village was really constrained, and I think it was very successful.

Sol Gibbons: The plantings out there now don't need any maintenance at all, but you say some of them are ragged?

Robert Sherwood: They've been left alone for so long they are overgrown and it's a mess. When you come up to the top of the building and see what we've done up there and see what we have down there, the two don't match. Obviously we are trying to get those in sync.

Sol Gibbons: I can understand you wanting to remove those trees so you can see your display, but the first three oak trees, I think, should not be touched. The elevation here will not be disturbed where those trees are.

Robert Sherwood: That elevation won't be touched, but we want to definitely landscape to go in tune with everything here.

Sol Gibbons: You're not going to change the elevation at all?

Robert Sherwood: No, it stays the same.

Sol Gibbons: So why would you have to take the trees out if you're not going to change the elevation?

Robert Sherwood: That is something that we should talk about.

Rich Stavridis: We can absolutely leave the trees. I looked at them. I believe one of the them is going to be completely dead this year and one is about half dead. When spring comes, we can let them leaf out and at the expense of the owner here, he was going to take them down at that point.

Chairman Cosentino: I think you need an arborist's report.

Robert Sherwood: Not a problem.

Sol Gibbons: How about the other ones that you have to take down if you want the display to be seen?

Robert Sherwood: I wish I was more comfortable saying that they are going to block here. I am assuming they are, obviously we want to have a nice clean look here and have all the landscaping. I need to look at it closely.

Sol Gibbons: I don't have too much of an objection to you doing this, but I agree with Doug that it should be a little bit smaller.

Robert Sherwood: Can we define smaller?

Doug Hertz: Can you define smaller?

Joseph Morreale: If you put four cars to the right of where you have 38/39 here, then you don't need to take out most of the trees you've "x'd" out. If you're taking out nine trees, if you don't have cars there you don't need to "x" out the trees.

Robert Sherwood: We should look at these trees. They are straggly, horrible looking pine trees.

Rich Stavridis: The ones that are in the center of this access way have to go.

Joseph Morreale: You can save the oaks and the maple.

Rich Stavridis: The oaks are far out of the disturbance area for sure. This one will be impacted by the disturbance. These two maples are going to be impacted by grading and activities.

Joseph Morreale: So if we let you do anything you're going to wind up destroying these trees anyway.

Robert Sherwood: These two here have a possibility. These two we should look at and do what we can do to save them. If the trees are fine, they are not going to hinder us over there.

Joseph Morreale: If I take your argument, which I'm still questioning, do three or four cars work for you? Even after you do this, it could still look like a headquarters, and three cars just happen to be out there. I am not convinced after all is said and done that you're going to get what you're trying to get. Therefore, we have gone ahead and now put cars alongside the road and ripped out the side of the hill and you haven't gained much and we lost.

Robert Sherwood: I know what you're saying. I will disagree that I think it is going to give us the display that we need to catch people's attention. This is going to be a display area and with the rocks and the way that they're accented, it will show the cars nicely. When you look at headquarters, they don't normally display cars out front like this.

Ralph Vigliotti: You could drive by there and you wouldn't know if they were Volvos or BMW's until you got to that sign, as you go by there quickly.

Robert Sherwood: That is one of the reasons we want to have some type of display area because if I do the four cars, I agree that you may not catch it.

Ralph Vigliotti: I don't think you're going to catch it if you had 12. People are not going to see it when they go by till they get to the sign.

Robert Sherwood: So again we are back to defining smaller.

Joseph Morreale: Have you done this anywhere else?

Robert Sherwood: We have one in Hudson Valley on Route 9 in Wappinger's Falls.

Joseph Morreale: I've driven that road many times, and I've never noticed that.

Robert Sherwood: There is a bern that goes down and that is where the cars are displayed.

Joseph Morreale: My reaction is such that it is raising the question in my head again. If I didn't notice that in all the years I've been driving that road. I don't know what else we can say tonight. We seem to be very split. We're not in agreement that this is much of a scale down. We are very concerned about the look and the hillside, distraction, parking, etc. Is it back to the drawing board? Is it give up the whole idea?

Chairman Cosentino: Maybe we should give them an idea of how many cars the Board would like to see.

Rich Stavridis: That is my question again. When we look at this display area, we take out two cars and keep the display area; do we spread the cars out? If I can I want to get as much as I can display, because again, when you drive by to have everything condensed, it isn't going to achieve what we're trying to achieve, which is have that exposure with the vehicles.

Chairman Cosentino: The Board is not happy with the size of it now. Obviously, if you are going to please the Board and if they want to go along with it, you are going to have to reduce the size. How much you reduce the size is up to the Board.

Robert Sherwood: I appreciate what you're saying, but so far we've reduced it - actually cut it in half. When I come back again and cut 40 feet off of it, am I going to be reducing it more? You have to give me some type of idea what you're thinking. Obviously we've done it now three times, and we've reduced it to half.

Ralph Vigliotti: You had 12 cars originally?

Rich Stavridis: 12 cars and the display area was 300+ feet. Now I'm at 145 feet. It's a long display area, and we've condensed that with the same amount of cars. Personally, I would envision them only having two cars in this three car spot just for the angle that they're parked on, you're not going to get a lot of exposure. This is such a tight angle on a 22-foot deep area and a parking spot is 20 feet deep. We are really compacting this. Graphically we show eight cars because we didn't want to deceive the Board. If we could fit eight cars out there, we want to put them out there. At the same time we don't want to deceive you and say we are only going to put six and you drive by and there are eight cars out there.

Doug Hertz: I have a feeling that if anything were approved it would stipulate that.

Rich Stavridis: Obviously, I understand what you're saying, but if you can give us some guideline of what you're thinking, that would help us.

Sol Gibbons: If you reduce that to six cars, would you still need the 145 feet?

Robert Sherwood: I would like to have 145 feet only because again if I spread it out, as you're driving by, as I condense that it's less area that people can actually see, and that's what we're trying to not have happen. Is it the number of the cars or the size of the display area?

Doug Hertz: I think it's to some extent, both.

Ralph Vigliotti: There is currently a BMW sign at the entrance driveway, and I think it's undersized, but the property extends several hundred feet to the north. Can a sign be placed at the other end of their property as people are getting off the Saw Mill to know that they are in BMW territory?

Whitney Singleton: Not permitted. One sign per frontage.

Chairman Cosentino: As a suggestion, cut the length 25 feet less with a maximum of five cars. I don't know how the rest of the Board feels.

Robert Sherwood: Unfortunately, again my biggest thing is driving by. You get to a point if there is one car I know you're going to miss it. Obviously we are going to invest a lot of money, so I want it to work.

Joseph Morreale: What is the speed on the road?

Whitney Singleton: 30 miles per hour.

Joseph Morreale: How fast do you go by at 150 feet?

Doug Hertz: Two seconds.

Joseph Morreale: My point is that if you are really trying to attract people, then what do you need? What attracts people and how fast do they see it? You keep saying no matter what I would like to keep the same distance even if I have fewer cars out there. Really, what you are talking about is, how long does it take people to recognize it? When we say five cars, 25 feet we are shooting in the dark here.

Robert Sherwood: I think eight cars, 145 feet is good.

Joseph Morreale: Why?

Robert Sherwood: Only because I have a feeling that when I look at the space that we're talking about because we have marked it by us, is that I have a visual that you can see it without having to turn your head. You see it as a gradual.

Ralph Vigliotti: Actually, if you are a solo driver you will see it very well heading north away from the property. When you are driving south as the driver, you have to look through the passenger side and you are not going to be able to see up through. It is all about signage. I have driven by Lexus. If I did not see the sign, I would not have any idea it was Lexus. You know it is a car dealership. You are at a distance and you are driving by so fast. The reason I know is that I live in town and I know it is a destination and I know that high-end cars in Kisco are located on Kisco Avenue. If I miss it, I turn around and go back.

Robert Sherwood: Again, realize that our intent is not only that when someone is looking for a BMW he find one; our intent is to have exposure when people are driving by, because it is something that we want them to know when it comes time to look for a car. It is important to us that we are always on display.

Joseph Morreale: I drive a Lexus. When I go by the Lexus dealer, I am looking at two things, the building with the sign on it and the logo. I do not even see the cars. You have the logo on the front, and you are saying people do not see the logo?

Robert Sherwood: Yes. People go right by. Most of our traffic comes off the Saw Mill.

Joseph Morreale: So it is at the wrong end. You need another sign.

Chairman Cosentino: The new sign ordinance allows one sign on the frontage.

Robert Sherwood: I do not want to come back again and we did not do what we feel was going to be enough. To go to six cars with 145 feet I think could work for us, but to go down to five or four, I think is too little.

Ralph Vigliotti: Two issues - the number of cars and the amount of green space that is being disrupted. If a smaller number of cars decrease the space substantially, I could feel a little differently. I am still in favor of maintaining a pure green space there, but if the green space shrinks substantially and the number of cars shrinks, you may have me swayed a little.

Joseph Morreale: I would throw out a number of four. You could do four different models in four different colors and that would give you a pretty big visual.

Ralph Vigliotti: For me it is green space, the slopes and retaining walls that are being put in place that is disturbing that piece of property. If you cut down the number of cars, you should be able to cut down the green space proportionately. You have a long driveway going in.

Rich Stavridis: We do - it is mostly for grade change to get down into the area. We felt that if we had a green space in grass, etc., people were not going to want to park here and walk down to the cars. We evolved that with the Board as well.

Joseph Morreale: With all due respect to Mr. Vigliotti, I kind of like the green space with less cars. I am not bothered by the green space because it is more natural, and they do a good job with the walls, but if you have fewer cars, it looks much less congested.

Chairman Cosentino: We are down to four or five cars and more green space.

Joseph Morreale: Assuming you come back, it would be helpful if we did have a better rendering.

Chairman Cosentino: Cut 25 feet off with four cars and give us a rendering.

Robert Sherwood: We will have to look at it. Of course, I want to have what we have here.

Chairman Cosentino: Think about it and come back. If you decide you want to go with the 4 cars and 25 feet less, bring back a rendering.

Robert Sherwood: I would rather sit here with five cars and come back with a rendering than four because when you look at that space you are talking about 25 feet off, there is going to be space there where I could get five cars.

Sol Gibbons: Are you still considering putting the plantings in that form BMW?

Robert Sherwood: The issue we had with doing that out front is that you would not be able to see it driving by because you are down at that level. I would have to increase the slope here.

### **Correspondence**

- Letter from Nancy Placona, Board Secretary to Chairman Cosentino and Members of the Planning Board dated February 18, 2010 re Case #ZBA09-05, 38-40 Oakridge Road, Nickolas and Stuart Pinnetti.

Whitney Singleton: You have a letter seeking the input of your board as to the adequacy of access for Mr. Pinnetti. The Zoning Board is looking for your input.

Chairman Cosentino: Mr. Pinnetti went before the ZBA to get relief and the ZBA stated they want the input from the Planning Board as to why he should get relief. They are waiting for our answer.

Whitney Singleton: They are looking for input from your board as a Board is normally charged with the laying out of sites for development, as to whether or not the access to this site is suitable for all purposes, emergency services, fire protection, garbage, snowplow.

Doug Hertz: We have already made a determination that it is inadequate.

Whitney Singleton: You cannot make the determination. It is not before you legally. It's legally before the Zoning Board and one of the things in statute in 7-712 B provides is the authority of the Zoning Board to ask for the input of other boards, commissions or officials. Pursuant to that authority, they are asking the input of the Board that normally provides for the development within the community as to the adequacy of the road, and they asked for the input of the village engineer for his input based on not only upon the existing conditions, but the applicant is proposing to do the road improvements and whether or not that would sufficiently mitigate the matter so as to warrant development in that parcel. If that relief were granted under 7-736, then the applicant would have to come back to your board for a



steep slopes permit. If the relief is not granted, the application goes nowhere.

Stanley Bernstein: I move that we recommend to the Zoning Board that this application be denied.

Nanette Bourne: This discussion keeps coming up and does not get resolved. In my opinion, it is the village engineer's opinion whether it can meet the general specifications and the village attorney.

Whitney Singleton: There has been a whole bunch of research, title reports, etc., and there was a revised denial letter written by Austin. The state law provides that Austin is prohibited by law from issuing a building permit for a parcel of land, which should not have frontage on a street on the official map of the village, if you have an official map. We have an official map. This street does not appear on the official map. The question becomes, what do you do in that situation? The law provides for, notwithstanding that it is not on the official map, the applicant to seek the equivalent of a variance on the same standards for a variance from the Zoning Board of Appeals provided that they think that safe access can be secured without adverse impacts on the adjoining property owners. He has made an application. I do not know that the application itself sufficiently articulates what it means to articulate, but that is another issue. The Zoning Board is nevertheless in a position where they have to determine whether 15 feet at its widest point of access from this parcel all the way out to Grove Street is sufficient access. There are proposed improvements to that access that Mr. Pinnetti has made in his set of plans that would be appropriate for the Village Engineer and your board to review. The question becomes, is that access that is being proposed sufficient to provide access so that this parcel can be developed? The Zoning Board is saying that is not really our decision, but under the state law we are allowed to ask for the input of other boards, commissions, agencies and officials, and we would like to so request that input. They would like to have the benefit of your Board's wisdom and of the Village Engineer's wisdom as to whether this is suitable for development. I do not know that it is just a vote. I think it requires site visits, plan reviews, etc.

Chairman Cosentino: We also need Anthony to be here as he is going to be the one following through. I would like to put this on an agenda for further discussion.

Whitney Singleton: Keep in mind, this referral occurred last Tuesday.

Chairman Cosentino: I would like to put this on the next agenda for further discussion.

Whitney Singleton: One of the problems is that we only have one set of plans submitted. He submitted his application, which was four or five pages. When he appeared at the meeting, he submitted 17 different documents without copying them.

Chairman Cosentino: We need a set of plans and all the documentation that was given to the ZBA for us to review, and we need a site visit.

Chairman Cosentino: There are rules and procedures, which must be read by all Board members, and we will review them at the next meeting.

There being no further business to come before the Board, on a motion by Mr. Vigliotti seconded by Dr. Morreale, the meeting was adjourned at 10:00 pm.

Respectfully submitted,

Stanley Bernstein  
Recording Secretary

dm