

Minutes
Meeting of the Planning Board
Regular Session
Village/Town of Mount Kisco
Wednesday, January 23, 2013

In the absence of the Chairman, Vice Chairman Sturniolo called the meeting to order at 7:55 P.M. at the Municipal Building Mount Kisco, New York.

Members Present: **Vice Chairman Sturniolo**
 Stanley Bernstein
 Ralph Vigliotti
 Enrico Mareschi

Members Absent: **Chairman Joseph Cosentino**
 Doug Hertz
 Sol Gibbons

Staff Present: **Whitney Singleton**
 Anthony Oliveri

Staff Absent: **Nanette Bourne**
 Austin Cassidy

Extension of Site Plan Approval:

130-132 Main Street (KH Realty LLC)
Grandberg & Associates

Vice Chairman Sturniolo questioned if anyone from 130-132 Main Street was present this evening, and no one was at this time.

Whitney Singleton: The (applicant) did not say they were not going to be present. They were told they were going to be the first item on the agenda and that it would be up for renewal. I don't know of Mr. Grandberg was under the impression he had to be here. He was not told that he was needed to be here.

Vice Chairman Sturniolo: I have some questions that I can send in an email. Who would be the best vehicle to get it over to Ira?

Whitney Singleton: I have his email address.

Vice Chairman Sturniolo: I mean just to forward my comments that I was planning on asking tonight.

Whitney Singleton: Do you want to put this off to the last item on the agenda to see if they show up?

Vice Chairman Sturniolo: Yes.

Special Discussion:

Planning Board Calendar 2013

Planning Board Rules and Procedures

Vice Chairman Sturniolo: Mr. Bernstein has brought up a few points as well as Mr. Mareschi regarding the adoption of our Planning Board calendar for 2013, and the Planning Board Rules and Procedures.

Stanley Bernstein: There was a little lack of communication on this, so let's go over it now. I do not quite understand by what the secretary means about not making any of the changes to the 2013 calendar. I counted the days, and there was a discrepancy. Some of the days were accurate and some weren't. I marked them. In addition, the Board decided at our last meeting that when it's a joint work session and regular session, we should not use the 15-day, but the 21-day lead. I changed that also. I don't understand what "having made any changes in the calendar, not been any decisions on whether the calendar is going to change due dates of submission." But there was a decision, and I conveyed to the secretary that we are going to use the 21-day lead-time whenever there is a joint meeting. There should have been no problem. The only thing I have to do now is go back and count days again. As far as the rules and regulations, there are some grammatical and punctuation errors which were not revised since 2010. I made some changes and they were filled in. There is one problem; she deleted a paragraph, which she shouldn't have. Page two, third paragraph, starting with "Application shall" I outlined that for a discussion on some other subject in regard to Rules and Regulations, not the actual changes in the Rules and Regulations. I circled the entire paragraph, which I discussed at the last meeting. I told her to disregard it and don't put in the box around it and leave the paragraph exactly as it says. The paragraph stays, it's not deleted. On the other pages there are only grammatical and punctuation changes, having nothing to do with the substance of the items.

The following changes were made:

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Continuation of Order

Applicants and citizens attending the Board meeting also shall observe the same rules of propriety, decorum, and good conduct applicable to members of the Board. Any applicant or citizen desiring to address the Board may be recognized by the Chair and shall come to the podium and/or microphone, shall state his/her name and his/her address in an audible tone for the record and shall limit his/her remarks to the question under discussion.

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Motions, Discussion and Voting

Paragraph 1: To express their views - changed to express his/her views

..At a time should take place – changed to shall take place

...explain their vote – changed to explain his/her vote

Paragraph 3: to explain their vote – changed to to explain his/her vote

Vice Chairman Sturniolo: I understand Mr. Bernstein's logic for using his or her views, but if we made it his views and put some sentence at the end that it's gender neutral. Is that necessary to cover all bases?

Whitney Singleton: I think his/her is fine.

Stanley Bernstein: The problem with the dates is the counting, and when it's a joint regular/work session, we should hold to the 21 days rather than the 15 days.

Ralph Vigliotti: I agree with 21 and 21. We've used that for years.

Vice Chairman Sturniolo: 21 for the joint meetings only, and then normal meetings, either 15 or 21. Did we agree to that at the last meeting?

Stanley Bernstein: Yes.

Ralph Vigliotti: The question is always, is the 15 days enough time?

Stanley Bernstein: That could be raised and voted upon, if you want to make everything 21 days. That could be done.

Ralph Vigliotti: It certainly eliminates any confusion.

Stanley Bernstein: I could never understand why there were two different lead times. What makes a work session less of a lead-time than a regular session?

Whitney Singleton: Because you are not dealing with the formality of a formal application. You may want information from an applicant in anticipation of meeting, or from your consultants.

Stanley Bernstein: Do you think it is advisable to keep the 15 and 21?

Vice Chairman Sturniolo: I would like to see it 15 and 21, and the joint meeting for 21.

Whitney Singleton: We actually have other sections here in the code that is not rules and procedure, but actually code sections. There are dates and lead times that are contrary to the practice of your Board that is set forth in the code.

Stanley Bernstein: These rules and regulations are very, very old. Weren't they based upon the code?

Whitney Singleton: They are not consistent with the code.

Stanley Bernstein: Perhaps it should be re-written with the code in mind.

Whitney Singleton: I think one or the other should change depending on the preferred practices of your Board.

Stanley Bernstein: Changing the code is a big operation because of the Village Board.

Whitney Singleton: There are going to be other changes to the code, and they can be piggybacked anytime. There is a public hearing coming up to change code provisions relative to development and building coverage in residential neighborhoods. There could be additions to that. It doesn't have to be arbitrary. Your Board should determine what it deems appropriate. One of the reasons for the longer lead-time with the regular sessions is that you have public hearing requirements, you have drafted resolutions, and you'll be taking formal actions. In a work sessions, you are most likely not doing any of those types of things. The only thing I've seen your Board do in a work session is to make SEQRA determinations.

Vice Chairman Sturniolo: Along with that, you also have the time requirements to send out notices to affected property owners around, so you need the additional 21-days. My personal feeling is to leave it at 15 and 21, with the combination.

Stanley Bernstein: When there is a combination, we will go to the longer lead-time.

Vice Chairman Sturniolo: I personally don't want to see the time limit undercutting the time and the devotion and research that staff has to do on any applicant. It is important to give them as much time as possible, and it is important to keep the lid on the pressure cooker for the applicant as well; not to be able to drag it out. There are times we do make accommodations for certain reasons and have to expand it, but I'd like to see it not expanded on paper yet, and deal with it on a one-time only basis.

Stanley Bernstein: That sounds reasonable. I don't know what Nancy wants now. I gave her the dates that I counted. She did change a couple of them based on counts, and she says it has not been determined if we are going to go 21 or 15 for the joint sessions. I told her the Board decided that. I will tell her to go ahead with whatever numbers are there.

Vice Chairman Sturniolo: I see no conflicts with the given calendar.

The rest of the Board agreed.

Ralph Vigliotti: I used to look at the school calendar to see when the spring break is to ensure Planning Board members are available.

Stanley Bernstein: I did not check any other activities that may coincide with the Planning Board.

Vice Chairman Sturniolo: I will check the school calendar and send everyone an email.

Stanley Bernstein: We will see a final version before we vote, and the other Planning Board members will be back to vote.

The Vice Chair instructed the Recording Secretary to leave a note to the Planning Board Secretary that the Planning Board will re-visit this issue at the next Planning Board meeting for final determination.

Continuing Review

**Little Crepe
29 East Main Street
PB2012-17 69.81-2-5
Site Plan**

**Present: Viktor K. Solarik, Viktor K. Solarik: Architects,
Architect for the Project
Bonnie Saran, Tenant for Little Crepe and Little Spice
Bazaar**

Viktor K. Solarik: It really is not Little Crepe. It is the whole site at 25-29 East Main Street. That is why we are here, to upgrade the site plan for the entire property. There are several businesses on the property. There is Billy's, which is the hair salon on the corner, there is a little store on the side, and then there is the Foot Reflexology which is a separate building on North Moger Avenue.

Bonnie Saran: Maya is next to Little Kabob Station. Little Crepe Street and Little Spice Bazaar come under the same site plan.

Stanley Bernstein: Is Kabob Station part of that?

Bonnie Saran: No, Kabob is a separate landlord.

Whitney Singleton: She has three stores in a row in three separate buildings.

Viktor K. Solarik: The three stores are Little Spice Bazaar, Little Crepe Street, which is on this property that we are reviewing tonight, and next door, on a separate property is Little Kabob Station.

Stanley Bernstein: But they are all yours.

Bonnie Saran: Yes. I am the tenant for the three stores.

Viktor K. Solarik: But there are more stores on the property as well. On the first floor street level, there are five tenants. On the second floor there are offices. The Board requested some additional information on the floor plans, usage and square foot area. We have prepared plans for each of the floors. On the first floor is the hair salon, gift store, Little Spice Bazaar and Little Crepe Street. Behind that on North Moger Avenue is Foot Reflexology. On the second floor of the main building there is an attorney's office, the Chamber of Commerce which occupies the central area overlooking the intersection, and another office up front, which is a driving school that looks over to Main Street. There is a psychologist who has one office and acupuncture, which is the back. The cross-dashed areas are corridors and common areas. The square footage for each of the tenants is listed on the plan. Then, there is a third and fourth floor of the former hotel building, which is visible from the street at the highest point. The third floor actually originally had four apartments. They are unoccupied now. As the residential permit has expired, they will now be used as an office, which is a permitted use. The same on the fourth floor. There are two apartments, per se, and the square footage is listed on the plan. That is the information that the Board requested at the last meeting.

Vice Chairman Sturniolo: How is trash removed from those individual offices on the second floor?

Viktor K. Solarik: They have a back stair, which goes down to the alley. There is also a side stair, which goes onto Moger Avenue.

Vice Chairman Sturniolo: Is that where they bring their individual trash bags?

Viktor K. Solarik: They don't generate much trash because they are offices, but most of it is taken out through the back door into the alley. As a matter of fact, there is a separation on the plan. The front part, which is accessible from Main Street, and from the back, is the professional office, acupuncturist, and driving school. This door (indicating) is closed off because the Chamber of Commerce occupies this. This part (indicating) and this office are accessible only through the side stair coming up from North Moger. On the street level, (indicating) this is the stair that goes up to the second floor from Main Street. This is the stair that goes up to the side offices from North Moger. This (indicating) is the stair that goes up to the backside of the second floor.

Vice Chairman Sturniolo: Where is the staircase from Main Street in relationship to previous drawing that shows where Billy's Hair Salon is?

Viktor K. Solarik: Actually, it is part of the footprint of Billy's Hair Salon. If you are in the salon, you can see the underside of the stair.

Vice Chairman Sturniolo: So to get to the stairs you don't need to go into the salon?

Viktor K. Solarik: No. There is a separate entrance on the side. (Indicating) This is the door to Billy's on the corner; this is a separate door that goes upstairs only, without interfering with the ground floor.

Vice Chairman Sturniolo: Going back to the overall site plan, your business is in two locations, two different properties?

Bonnie Saran: Yes. We have an opening between Little Spice Bazaar and Little Crepe Street.

Vice Chairman Sturniolo: How is that shown?

Viktor K. Solarik: On the first floor there is an opening that connects these two stores.

Vice Chairman Sturniolo: Below that opening are the individual sidewalk access doors into the two locations?

Viktor K. Solarik: Correct, from the street.

Vice Chairman Sturniolo: Anything that the restaurant needs to provide to the Little Spice Bazaar or the other way around is the internal; not using the sidewalk?

Viktor K. Solarik: Yes.

Ralph Vigliotti: How do you manage the trash?

Bonnie Saran: I have a six-day pick up of the trash with CRP Sanitation.

Ralph Vigliotti: Is that from the front or the rear?

Bonnie Saran: That is from the front. We don't have space in the rear for pick up, but we have space in the rear for the garbage cans. Every night we put the garbage cans up front. In the early morning, we have a pick up.

Ralph Vigliotti: What happens with the trash containers once they're picked up?

Bonnie Saran: They are put back into the same spot in the back in the early morning. We have three 80 or 100 gallon containers with lids.

Vice Chairman Sturniolo: So you never have trash coming out the front?

Bonnie Saran: At 9:30 pm after we close at 9, we put the trash out. In the morning by about 7:30 or 8 it gets picked up. My staff then rolls the trash cans to the spot in the back.

Stanley Bernstein: Is there any reason you can't get the trash picked up from the alley?

Bonnie Saran: The alley is too narrow and the truck cannot go through the back.

Stanley Bernstein: It can stay on the side on North Moger.

Viktor K. Solarik: It would totally block traffic.

Stanley Bernstein: It blocks traffic on Main Street as well at rush hour in the morning.

Viktor K. Solarik: Not really. He pulls all the way to the side.

Stanley Bernstein: I am there almost everyday. Deliveries block off the westbound lane and it's a mess there almost every morning.

Bonnie Saran: I understand. The same company picks up for American Lily and Maya. So he gets one spot so he's not always moving his truck. They do the entire strip.

Vice Chairman Sturniolo: What time does that take place?

Bonnie Saran: Normally 8 am. If it's snowing, he comes late. Once in a blue moon, his truck gets spoiled. In that case, my staffs of two people who come in the early morning clean the entire sidewalk and all the stores. If they don't come by 8:30, they take the trash and put it at the back.

Vice Chairman Sturniolo: The reason I asked is that the Planning Board was at a site visit at Maya Restaurant on a Saturday. We were there during the garbage pick up. It was 10:00 or 10:15.

Bonnie Saran: That is a possibility, because I understood that Maya

has switched to Briar Carting. Initially they had a different company but that company closed and everybody switched to Briar Carting. 10:15 is a rare occasion. Sometimes the guys forget to take out the garbage. If they are around the area they will drive around and come back for a second round. Did you see garbage outside Little Kabob?

Stanley Bernstein: Yes, and also by that door where you said that some of the offices have to come down the stairs onto Main Street. There were garbage cans out in front of that door. It was not in the alleyway, especially since you mentioned that there is no access between the two sections, which I do believe is against a few different codes because you have to have two accesses. This means each section only has one, one onto Moger and one onto Main. Half the offices can only go one way, and the other half can only go the other way. That means there is no secondary exit.

Viktor K. Solarik: The one half of the second floor has access to two staircases. This portion (indicating) has access, these have access down here. There is a door over here, but it's locked. Maybe this needs to be rectified.

Stanley Bernstein: They have to be rectified. You seem to be the most knowledgeable of this building of anyone who has set foot in this room.

Ralph Vigliotti: The door in question is an emergency door with a push-bar. Folks on the Moger Avenue side can just push the bar, but the folks on the other side can't make access to that side. That needs to be rectified immediately. You have a fire situation that could be a potential horror story. The fire department may want to do a site visit to ensure that it meets all the regulations for fire emergency exits.

Viktor K. Solarik: I thought they do annual visits.

Whitney Singleton: The frequency of the visitation of the fire inspector depends upon the underlying use. I have a notation for the resolution that they will either have to provide sufficient pre-dates or that they comply with the uniform fire and building code. We will work that into the resolution.

Vice Chairman Sturniolo: Are you proposing any exterior lighting changes to the two businesses?

Viktor K. Solarik: No. Before we opened the latest store, we had to go to the Architectural Review Board (ARB) and get an approval for a new awning and illumination of the awning over this store (indicating). That has been approved and installed per the approved plan. There are three gooseneck lights that shine down onto the sign of the awning, just like everyone else in town.

Ralph Vigliotti: Because the trash for all of the businesses there, which are thriving, I would recommend to put in the resolution that the trash be picked up before a certain hour of the morning before traffic and parking becomes an issue.

Bonnie Saran: It would be very nice if the town could give us a letter. We could then send it to them and it could be enforced.

Whitney Singleton: There are provisions in the code for that. Unfortunately, they are not specific enough. There are a lot of people that complain about this. You said you put the trash out the night before and it gets picked up the next day. If you were to be utilizing village pick up, technically you are not allowed to do that. You have to put the trash out no earlier than 6 am. The provisions for private carting are that it has to be picked up between 7 am and 6 pm. There is no provision as to what time it has to be outside.

Bonnie Saran: For us, the earlier the pick up the better it is. If they pick up before six, that would be the best. You are dependent on a handful of people who are picking up the garbage.

Vice Chairman Sturniolo: How would we structure the resolution to address that?

Whitney Singleton: The best thing to do is have them comply with the law. There are provisions in here for uniform services for pick up. When you have seven different carters for eight different occupants, there should be a common trash pick up service for the building, not for each individual tenant.

Vice Chairman Sturniolo: That would apply to the one site, which is owned by a different owner. I am not trying to be difficult. I am trying to get some commonality to address the applicant's concern and by the same token we need to be concerned.

Whitney Singleton: I will talk to Jim (Palmer) about it and address that in the resolution. That actually segues into the other issue of the truck pulling up front and what should be done with it. There was some discussion by the Board previously that you have deliveries to and from your store, you have pick-up and then you have garbage. Also there are other people who are parking to go to other locations. The Board was grappling with the issue of what is the best thing to do with the space in front of your building. Should it be designated a delivery area or should it be deemed to be parking. Should it be pushed back?

Bonnie Saran: I would think that it should not be parking because a parking spot is taken up pretty quick over there. I think if that is a designated area for delivery, it will make it easier for everyone. That way no one is standing at the back. They will all know this is the parking spot and they can park there. If they don't get a spot, they can drive around until they can get that spot.

Vice Chairman Sturniolo: Realistically it is all predicated on everyone doing their own due diligence – being there at a certain time, making sure the garbage is out at a certain time, etc. It can get involved, but you have to make a stab at it somehow.

Viktor K. Solarik: It would also improve the traffic at the traffic light if there was an area for deliveries and pick-up, which would push the truck where it is parked now, further away from the intersection. Traffic would flow further east.

Bonnie Saran: I have another suggestion that has nothing to do with this plan. Outside Billy's in the evenings specifically, there is less light. Now, no one hangs out in front of Kabob Station or Little Crepe Street or Little Spice Bazaar, but people from Maya get drunk over there and

I've had a few instances. There are a lot of families with children that come to our restaurant. That patch is a little dark, so everyone hangs out there on North Moger.

Enrico Mareschi: What are your hours there?

Bonnie Saran: We open at 10 and close at 10.

Whitney Singleton: The Board of Trustees has been discussing improved lighting there recently, so I won't be surprised if you see something soon.

Bonnie Saran: That would be really nice if that happens.

Stanley Bernstein: On the first floor plan, there is a corridor on the north side of the building, north of the hair salon. There is door from the hair salon into the corridor, another door to the toilet. What is that?

Viktor K. Solarik: That is actually an employee sitting area and lunchroom.

Stanley Bernstein: There are no windows.

Viktor K. Solarik: If you forgive me, the plan shows no window. There is actually a little window under the stair that faces out into the alleyway.

Stanley Bernstein: Your suggestion of the no parking is an excellent idea, except that we are in a bind with parking. Having more public transportation would solve a lot of our problems. Parking is a definite problem in this area where it is central commercial and there is no off-street parking. If you eliminate the parking on Main Street it will be a big problem, although I would like to see it eliminated.

Ralph Vigliotti: The North Moger lot has a lot of parking at night, and it's not that far. People just want to pull up in front of the business and walk five feet. The North Moger lot is only a block away.

Viktor K. Solarik: There is parking with signage but it discourages people.

Ralph Vigliotti: West of Annie Sez is public parking. I don't think patrons know they can park there. They may not even know there is parking there.

Bonnie Saran: That is a good suggestion. If you have signs that show there is additional parking.

Stanley Bernstein: The parking at Annie Sez and the party store is not fully utilized, and still you can't park there. I wonder if the village can make some sort of accommodation to incorporate that in, like they did in Shopper's Park with all the merchants.

Whitney Singleton: It was attempted.

Stanley Bernstein: If it was an open lot and you saw the front was all filled, then you'll go to the next area. But if you come in and see

that's all open and there is no parking allowed, it discourages anyone from going into North Moger because that goes way down and you could walk a half a mile.

Viktor K. Solarik: That is the other problem. Once you're on North Moger, there is no going back.

Ralph Vigliotti: If you go up North Moger, can you get into our municipal parking lot by making that left turn into Annie Sez?

Whitney Singleton: It's exit only.

Ralph Vigliotti: Is it because the driveway is too narrow, or was it designed that way?

Whitney Singleton: I do not recall.

Ralph Vigliotti: What's happening now is Main Street, which has taken years to develop into a restaurant corridor. We need to take a look on how we can help support that. There are probably ten restaurants on Main Street and South Moger. How do we use the North Moger lot? How do we help people gain access? How do we increase the lighting? Maybe the one-way going out should be a one-way going in, so they can at least get into that lot and make a decision if they want to park there. I think the signage needs to be improved. Good things are happening on Main Street, and I would like to see it continue.

Vice Chairman Sturniolo: To answer your question as to why you can't do the left hand turn, it's a one way out and there may be site line issues because it's a steep incline on your way out when you have to make a left-hand turn onto North Moger. If you were traveling north on Moger and you wanted to turn left into the parking lot, it may be a site line issue that you may not see a car at the bottom of the exit ramp trying to come out.

Anthony Oliveri: I believe that is not village property there, and that may be another problem.

Vice Chairman Sturniolo: This goes to Mr. Vigliotti's point. We need to address this globally if we are concerned about preserving the vibrancy of downtown Mount Kisco, and the restaurants, and the new businesses and stores. Everyone kind of has to pitch in a little bit on this thing, and that's a bigger issue to address than a site plan issue that we are focusing on right now. Let's see how we come up with constructive changes to the draft resolution.

It was agreed a draft resolution would be crafted for the February 13 meeting for approval. Vice Chairman Sturniolo requested Mr. Solarik bring with him what he showed the Architectural Review Board as well.

Viktor K. Solarik: We received a 90-day temporary Certificate of Occupancy. I just want to make sure we can complete that 90-day window or if there is any chance we can extend. How should we address that? It was December 5.

Whitney Singleton: The Planning Board is going to get a draft at their next meeting. Unless there is some degree of urgency, they will approve it, and you will have it two weeks later. There will be no

problem.

Stanley Bernstein: This store (indicating) is in a different building, and I understand that is yours also. I understand you cook certain things and you have to bring them around.

Bonnie Saran: We have no cooking at Little Spice Bazaar. It's just a juice bar. Everyday we make about 30 gallons of our own yogurt. There is no cooking at Little Spice Bazaar, but for the drinks, we make our own yogurt at Kabob Station. There are cooking facilities at Little Crepe Street and Little Kabob Station.

Stanley Bernstein: Do you have to go around to serve?

Bonnie Saran: The yogurt is put into eight-quart containers and then it goes into Little Spice Bazaar in the morning. It's a little more complicated than that, though. All three places are all separate concepts. All the staff is used between all the three places. They know how to make the juices; they are working at Little Crepe Street as well as Little Kabob Station. It depends on how busy it gets. During lunchtime we are very busy and the people want to sit at Little Crepe Street. Everyone wants to sit at a different place. At lunchtime, if they are at Little Spice Bazaar they will take their food in take-out containers and sit at Little Crepe Street. The door at Little Kabob Station is such that it is freezing over there. Anything that you can think of that can go against a restaurant is present at Kabob Station. We only have 60 amps of electric. It's so tiny that for us to put in any kind of heat, even though I have that heating unit on top, to add any kind of additional heating, we need at least 100 amps of electric. I am trying to work with Con Edison, but they have to pull up the line from the Chase Bank. I have already applied to them. I allow them to go to Little Spice Bazaar to eat. I don't want to. I avoid doing that. For me it's difficult, and I try to adjust just a handful of people.

Vice Chairman Sturniolo: You also need to be aware of Westchester County health code with the in and out.

Bonnie Saran: I totally understand. For lunchtime, it's all take-out containers. During the dinnertime, the problem is the winter months. When it's really cold, I will let them go. The reason I have not expanded Little Kabob Station is because I cannot cook more food than what I'm already making. I only have three burners in the kitchen. 85 percent of our business is take-out, and I can't make any more food than what I'm already making.

Vice Chairman Sturniolo: Is it gas?

Bonnie Saran: Yes, at all our restaurants. Thank you very much.

Conceptual Application:

**333 North Bedford Road
Field House
Create South Access Corner Easement
PB2013-2-69.50-2-1
Site Plan Approval**

Present: Michael Gallin, AIA - Principal, Gallin & Beeler Design Studio
James Diamond, Diamond Properties – Property Owner

Representing the Village: Senior Associate, Fredrick P. Clark Associates, Inc.

Vice Chairman Sturniolo: Michael, if you could give us a thumbnail sketch of what we are looking at and why, before we ask Anthony and John to comment on engineering and traffic issues.

Michael Gallin: Absolutely. I see one Board member was not here as part of the initial approval process. I will give you a very brief history and then we can talk about what we are doing here. 333 North Bedford Road property is mostly in Mount Kisco. A small section is in Bedford. This has been an ongoing redevelopment for seven years. At this point, the main building, which is 575,000 feet, is almost completely occupied. The only remaining tenant space is this space (indicating). It has been occupied with a balance of uses from the historic warehousing use to entertainment facility with Grand Prix New York. There is a self-storage facility, Mount Kisco Athletic Club, a tile showroom and distribution center, and the like. As part of the original approval and as a reminder, the soccer field was built and is used by the community. The property is approaching stabilization, which is really great. The immediate application has to do with these three highlighted areas. It really has three separate parts that we want to include in a single application. There is some relation between them, but to a certain degree they are separate entities. In no particular order, we will start with the work adjacent to the soccer field. As part of the initial application, there was discussion that Diamond Properties will build restroom facilities and a storage facility adjacent to the soccer field. This proposal is the implementation of that commitment, and it is being done in a way that we believe is what we feel is above and beyond than what we were initially asked to do and provide a further amenity to that portion of the site. We will get into the details of that. This piece of the project is a proposal to open up Easement One to vehicular traffic. The primary entrances to this site are via Ice House Road, where a traffic light has been added, and at the north end of the site in Bedford. We always hoped that there would be opportunities to provide additional relief from the property to Bedford Road to help mitigate the traffic at those intersections and to give more flexibility and traffic flow. The issue with this easement historically was always the fact that there were encroachments into that easement by the southerly and northerly property owner. Some of those encroachments still exist including these two buildings. However, for minor traffic flow out of that easement, we believe that it is now a real benefit to open that up and that we can do some relatively minor work to the western portion of that easement and provide a secondary exiting out through that easement. We are anticipating that would primarily be for traffic heading out to the southbound.

The third piece of this project is associated with a joint improvement between 295 North Bedford Road and 333 North Bedford Road. Diamond Properties, within the last year, purchased 295 North Bedford Road. There is some opportunity to reconfigure that lot in relation to the 333 lot to better both of the properties and to genuinely improve the neighborhood. Currently 295 are completely paved.

There is no landscaping. There is really no parking added. It's just not functioning well for any purpose. Our proposal is to open an access off of 333 and provide parking, handicap accessibility and create a valuable building.

Vice Chairman Sturniolo: What is the grade difference between 295 and the lower portion?

Michael Gallin: As you're coming down Ice House Road it's sloping down hill. We are at 300 sort of at the bottom of Ice House Road at the main intersection at the parking lot. We have to climb back uphill here, approximately two and a quarter feet. There is a few feet change between these two, and that is why we are sort of ramping up into this parking lot.

Vice Chairman Sturniolo: That is the former building where Clements was in back and Simone on the other side?

Jim Diamond: Yes.

Michael Gallin: This portion of the building was actually the historic icehouse. It's a very tall structure.

Vice Chairman Sturniolo: We knew where the water came from when they made the ice there.

Michael Gallin: The intention here is that the structure is kept. We relocated some entrances into the structure. We built a handicap ramp to get up to the level. There are some level changes inside the building that we have to solve. We create legitimate handicap parking spaces and code compliant additional parking spaces. Currently there is a very narrow access drive off of Ice House Road and there is paved area all through here. The proposal is to eliminate all this paved area around Ice House Road to create a legitimate curb, some landscaping, and a buffer. Then, create new access via the 333-lot that brings you into the parking lot on the side of the building.

Anthony Oliveri: I would point out that this property is going to come in under separate from 295, so it is just the improvements that are on 333 that are really part of this application.

Michael Gallin: We submitted both applications, but will the other one will be heard at a subsequent meeting?

Anthony Oliveri: I think it's on for the first meeting in February.

Michael Gallin: Whether or not they are two applications, they really need to be considered together. Obviously, one is contingent on the other, and we would not be doing this access drive. We ask that, even though they are two separate properties, that they be considered in conjunction. This is a blow up of the area where we are proposing to open up what we've called Easement One, the southern most access easement. What we are proposing would result in the elimination of 3 parking spaces in this (indicating) corner of the lot. This lot was always envisioned as being primarily serving the field, but also serving overflow from the remainder of the site. There is a natural separation here that we built with landscaping. We will tie into that and create two landscaped areas on either side to demarcate the edges. We

would eliminate some of the fencing in here and just create a reasonably well-defined boundary between the adjacent properties and this easement. Currently there is encroachment on both sides. That will allow vehicular traffic out and in through this easement and access to site. Not intending that this is going to be our primary circulation to the site. It is simply an overflow in and out. There will be no signage.

Vice Chairman Sturniolo: The former Lincoln Mercury dealership on the north side, and the repair facility for Nissan. How far are they currently encroaching into the easement with their angular parking?

Michael Gallin: I'm not sure any of the parking has been approved on a site plan. I don't have a blow up of this area that shows how much, but these buildings are between two and three feet encroaching the outer edge of the property. As you come back in the easement, the buildings are about a foot over the property line. Along here there is haphazard parking that has evolved over the years.

Ralph Vigliotti: How is that going to be addressed? It's going to be a one-way out, so those folks that have been entering that property have been making the left-hand turn or the right-hand turn to get in. Now, we are proposing a one-way out. Are we going to eliminate that parking in total, or are they going to have to come up the one-way all the way around to get in?

Michael Gallin: We are not proposing a one way. This is two-way. We are proposing it operates just the way it operates today.

Jim Diamond: We really can't restrict the use and the turns in and out because it's not used only for us, it's used for both of these buildings, and they have an easement to use it the way they've been using it.

Ralph Vigliotti: In one hand, we are gaining something. The right hand turn out, eliminating the left hand turn out. I'm not sure we are gaining anything here. If it becomes an active way in because cars are stacked from the light to get in, they are going to try to make that left hand turn heading north on 117 to get into the site. Right now, it's just a half dozen cars that are frequently going to the two sites or work there. I think it's going to need to spend some time on this.

Michael Gallin: In terms of exiting, we do not anticipate that many people are going to drive to the southern entrance to make a left to go north. We do believe that there will be people to come out here to turn right to exit. We actually think that's a benefit. It gets them out of this zone and takes some traffic off of Bedford Road. That is our primary goal – to allow people to make that right hand turn at that end of the site.

Jim Diamond: Currently, around two-thirds of the people leaving Ice House Road turn right both in the morning and in the afternoon.

Vice Chairman Sturniolo: So that will supplement that philosophy.

Michael Gallin: Correct. Where we result in additional northbound traffic making left turns in – there probably will be some additional cars that will make left turns.

Jim Diamond: I believe it would be very minimal, because I make this

left turn everyday. I don't think there has ever been a queue there – never more than one car in front of you.

Ralph Vigliotti: I use the club, and there are times in the day where you are fourth or fifth in line, sometimes you're the first.

Jim Diamond: I find it's a very easy entry point. You've got enough time on the light to get in. It's not an issue where you have to go through multiple cycles. The problem we are trying to solve is that right now, 95 percent of the time Ice House Road works fine. When Saw Mill Club has an event that ends at 6 pm, and 20 or 30 cars leave all at the same time, we end up with a queue coming down Ice House Road towards the bottom. It's not terrible. It takes around two or three light cycles to get out. As John Collins indicated when we first submitted this, there would be a natural limit to how many natural trips that could exit the site, because we would not have a lot of time on the light, which is absolutely true. We really have enough time on that light for three cars to exit; two or three in a worst case if people are sort of dozing as the light turns, up to maybe five or six best case. If we could take that southbound traffic out of that queue, you would always get out pretty much on your first light cycle. That is the problem I'm trying to solve.

Vice Chairman Sturniolo: I would assume that Easement One is going to help the issue with Ice House Road, but also serve as an access to the soccer field and the newly envisioned Field House. The soccer field at The Field House is going to be used probably at times when the Martabano building, the car dealership and the other one on the other side are closed primarily on weekends.

Michael Gallin: Correct for the service building. There certainly is going to be a lower traffic volume, but the car dealership is, I'm sure, open on Saturday.

Vice Chairman Sturniolo: The car dealership but not the repair facility, which you need to access via Easement One. Most of the car purchases coming in either park in the front or around the back, as you just pointed. If my logic is correct, it doesn't seem to be in conflict with the soccer field or little league events.

Michael Gallin: Agreed. Ultimately, if we had control over these properties and it was economically feasible, it would be great to redevelop this as such.

Ralph Vigliotti: You have an easement for the driveway?

Jim Diamond: We own the driveway; they have an easement.

Ralph Vigliotti: But they are parking into your portion of that driveway?

Jim Diamond: Correct.

Ralph Vigliotti: How are you going to manage that? Are you curbing it or striping it? I foresee the tractor-trailer making deliveries of cars. Is that going to prevent people from getting out? Is that driveway wide enough to accommodate a tractor-trailer taking cars out and cars coming up that driveway?

Michael Gallin: If there is a tractor-trailer in this driveway now, the cars cannot maneuver.

Ralph Vigliotti: Is there enough room for those cars to make a U-turn and go down that hill and come out another exit?

Michael Gallin: In the current configuration.

Ralph Vigliotti: Worst case scenario is a tractor trailer delivering cars, folks leaving the club choose to go up that road, making the right hand turn and head south and they hit the tractor trailer that is in the way. Will there be enough room for them to back out and turn around?

Michael Gallin: Yes.

Ralph Vigliotti: Do they go on private property to make that turn? I am not trying to create issues.

Michael Gallin: That is a good question.

Vice Chairman Sturniolo: In reality, they offload the cars on 117.

Jim Diamond: If you remember, before we improved Ice House Road there were cars parked up and down the whole road on both sides. There had been a fence at the bottom, and it was not a road that was in use. Over a decade it became sort of a parking lot. As soon as we made it clear that it was an active road; opened it up, curbed it, painted the sides yellow, we really never had a problem again. It's a similar situation here now where there is chain link fence here. It's not really used as a road; it's currently used as a parking lot. But it is a road, and their easement is to use it for site access as a road. It is not a truck parking lot.

Ralph Vigliotti: Unless you curb the road between the two buildings so no one is parking there, you are going to lose total control of that area. I think they have parking lots in back of their buildings.

Jim Diamond: They do.

Ralph Vigliotti: If you're trying to be a nice guy and allow them to park there, that is not going to work. I think you need to do something permanent.

Jim Diamond: I agree. The idea is that once this is opened up, there won't be any room here for parking.

Ralph Vigliotti: Absolutely not. How will you entertain that to make sure? Striping? Curbing with landscaping? What will you do there to make sure that it is truly a road and not a road going through a parking lot to make the right hand turn out?

Jim Diamond: I don't think it is a matter of physical changes to the road. I think it's just operational and talking to the people who are in the building. That is what we did at Ice House Road. We explained to people, this is no longer a parking lot.

Ralph Vigliotti: Ice House Road is a dedicated road with curbs, and you

never have to worry about anyone one parking or pulling out as you're going down or up it. We need to do the same thing on this new road that you're proposing. If it's going to be a legitimate road, we need to control. You have no control now of what takes place between the two buildings.

Jim Diamond: We can't curb all the way up, because the buildings do have access. There are loading doors, etc. We have a similar situation on Ice House Road. The back of the old Nissan building and Simone.

Ralph Vigliotti: We need to see everything in a drawing form, as far as curbs starting and ending, etc.

Vice Chairman Sturniolo: I believe Mr. Vigliotti is pointing to the enforcement and the measures you are going to have to take to ensure that road are left in pristine condition.

Michael Gallin: Understood. We will work that through. The challenge here is not to artificially inherit site plan problems from these other two sites to prevent us from making progress towards making the overall area better. Within the realm of what we can do, we will look at this area and see what we can do. We can admit that this is not an ideal configuration, but for them it seems to work. We need to make sure that whatever we propose does not somehow make it not work.

Vice Chairman Sturniolo: Also, Easement One has always been part of the parallel access road concept running through 333 parallel to 117 to get you into Bedford. That becomes a plus in the long-range plan, if and when it develops. Also, the soccer field was built and given over from Diamond Properties to Mount Kisco for recreational use, and the proposed Field House locker room was a part of that, so that Field House is to the benefit of the village more so than to the benefit of 333.

Michael Gallin: Absolutely. We did not really speak much about what we are proposing to The Field House. Let me walk through that quickly. The Field House itself is this long thin structure here. We are actually proposing to berm up the hill on the south side of that structure such that there is a series of retaining walls here to create a terraced viewing area, so that people can sit on this hill and then climb onto the top of the structure, and there would actually be a terraced patio where you could also sit and watch the sporting events. In addition to creating two accessible handicap bathrooms, a storage room, some vending machines; all of which will be to serve the soccer field and the park, we are creating a natural grandstand that will allow people to view and gather and enjoy the area. We think this will be a great asset to that whole park. We will continue the sidewalk down to connect.

Ralph Vigliotti: Are you fixed on the location that you're proposing?

Michael Gallin: We are fixed in a few ways. We need the plumbing to work.

Ralph Vigliotti: It would be wonderful if it was at the 50-yard line or closer to the 50-yard line. Right now it's at the 10 or 20-yard line. If it were down another 20 or 30 yards you would really be in the full

point of the action.

Jim Diamond: We do have a lot of additional seating along the field going all the way down that we installed a few years ago. Another good thing about this location is that it is by the parking area. It is bathrooms, storage, vending. Having it convenient to where people are parking makes sense.

Michael Gallin: We also think it's a good connection to the park environment we are creating in front. It helps us tie this whole system together. It works in terms of our plumbing, which is an important consideration as well.

Jim Diamond: We tried to make this whole thing architecturally interesting landscape wise with this whole path. The work we recently did in front of Cosentino, as we go in the spring and summer and it really fills in, will look really nice.

Anthony Oliveri: Going through my memo, you need to have:

- A survey of the easement area – topography, site conditions, etc.,
- With the formal application we need to get full size plans,
- It seems apparent that you have a decrease overall in your impervious areas. You need to officially verify that,
- One issue that could come up is that this is the first time we are dealing with a new structure on the site. This is in the DEP Main Street area. You need to verify with them that there is no permit required from them. I've seen in the past where if you take an area of grass or a pervious area and change it, even though you have a decrease in a pervious area, they could have an issue with that. You will have to review it with them.
- The traffic and zoning will need to be reviewed by F.P. Clark,

Michael Gallin: To speak briefly on the traffic, we did recently complete the 90 percent traffic analysis, and the findings came in below all of the thresholds that had been set.

Anthony Oliveri: I think F.P. Clark will take a look at all that as a whole.

- On the easement area, we will need to see graying. Now that you are introducing curbs, are you putting in drainage in the easement area to pick up any flow along the curb line,
- The Board will want to see a lighting and landscaping plan,
- You will have to include a detail on the retaining walls; type of retaining walls you are proposing for The Field House,
- Show your connection to sewer and water to The Field House on a utility plan,
- Provide a sediment and erosion control plan,
- Any signage or striping in the easement area – you mentioned tonight that you are not planning any improvements on Route 117, but I would think DOT is going to want to take a look at this, since it is a new exit from a larger property. Be sure the DOT has no requirements.

Vice Chairman Sturniolo: Please talk a little about Belgian Block.

Michael Gallin: Throughout the site in general, as opposed to concrete curbing, we have been utilizing Belgian Block curbing. We find that

the cost is comparable to concrete curbing, and it gives it a softer aesthetic and a nicer look. It can be a bit of a maintenance issue in terms of snow plows knocking off the blocks, but Diamond Properties is willing to absorb that cost and that risk because of the added benefit of the effect that as long as you repair it and you maintain it, it tends to look better over time and it softens up the site.

Vice Chairman Sturniolo: I remember when we first went through the approval process we discussed Belgian Block, and I wanted to get it into the record why you're continuing to use it for a visual advantage.

Michael Gallin: We do have curbing along Ice House Road, and we will continue that. Anywhere within the site itself, we are utilizing the Belgian Block.

John Lange: David Stolman prepared this memo as part of his concept review. In terms of conceptual comments, the original number of parking spaces was 896, and that was through a series of studies, brought down to 799. This would take three spaces away or four-tenths of one percent. We do not see that as being a real issue. I think the Board can use its ability to waive those three spaces subject to the attorney's recommendations. We will have to do a more intense review and full-scale plans. These were fine for conceptual, but we want to see different accesses on that main road and make sure that is all going to work. We will work with John Collins. The DOT could potentially ask for a synchro analysis, but I don't know if John Collins has had conversations with DOT on that. Also, generically, a third access is not something that the state likes; however this was an existing one, so that may not be an issue at all. Mr. Galante of our office will go over all the aspects of the traffic report. In terms of zoning, obviously there will be accessory uses to the rec fields, so that is not an issue, and when we looked at the calculations, it does not appear that any of the increases and decreases in coverage will violate the zoning standards, so I think you're fine. You said you own the property and you give them an easement? Do you have an easement through their property?

Jim Diamond: No, it's our property. All these easements were put in place at the same time, in the mid-fifties at some point. That easement has been in place for each of the building owners along one of these roadways. An easement for access, ingress and egress over our land. There was really no impediment to using it before, we didn't necessarily see; we contemplated a potential need for it, but it didn't seem entirely necessary. Now that we see the property in operation, we think it works really well the way it's been designed, but we have noticed this one issue with more people turning right than turning left, and a couple of times a day we get queues building up. We think in terms of people using the health club and leaving, it would be a little bit more convenient. Nobody likes to sit in three or four traffic lights waiting to get out of some place.

Michael Gallin: Every application that we had provided, from the very first one, has always showed this proposal. In terms of the alignment of this parking lot, this was always discussed with the Board and presented. It was the complexity of the encroachments onto this aisle way and the fact that we got it to work without opening this up just didn't make sense to address it at the time.

John Lange: Was there any specific encumbrance that prevented it?

Michael Gallin: No.

John Lange: The situation is basically the same.

Michael Gallin: Yes, it's the same situation.

Vice Chairman Sturniolo: Each time a different tenant came into 333, the Planning Board reviewed it. There were certain thresholds of parking requirements and traffic studies that had to be met that we reviewed. We are not looking at this microscopically; we are looking at it in a broad based term, although we focused in on whether it's Grand Prix or The Wine Enthusiast or the Saw Mill Club or Cosentino Tile and Stone Gallery, we've been looking at or staying on top of it in small matters.

John Lange: Absolutely. One of the things we noted was the mix and use of the parking seems to work very well. There does not appear to be any issue at all.

Jim Diamond: The one thing that has changed from our perspective, as the property got more leased, the Saw Mill Club was not even occupied until 2010, and none of these spaces were. So, it was the north side of the building. What really has changed is just operationally, as we filled up the south side of the building, we now see the benefit of actually pursuing what we had talked about from the beginning but never pushed along.

John Lange: We want to take a good look at it and make sure we have a whole set of drawings and make sure we have the alignment the right way. Mr. Galante will certainly take a good hard look at that. The last part was that The Field House is stated 14 feet high. You might want to do some elevations just for the Planning Board.

Michael Gallin: We will do that.

At this point, the Vice Chair instructed the Recording Secretary that when the applicant goes to the Architectural Review Board, the findings and determination of the ARB be conveyed to the Planning Board.

Whitney Singleton: I take it that the ownership of the Clements (sic) is not the same ownership.

Jim Diamond: Correct. Different LLC.

Whitney Singleton: Are you going to show an easement?

Jim Diamond: Yes. We own both properties. We can record an easement between the two properties.

Whitney Singleton: I recognize that you're showing an improvement, but is there a reason you're only providing half the required parking at 295?

Jim Diamond: There is a limit to the sizes. It's just what's available there in terms of space. We thought it was important to clean up Ice

House Road so it's as nice as possible. That is why we got rid of all the blacktop there where there could theoretically be some additional parking spaces. Given the type of use this is, storage, industrial, I think the parking is adequate. We are actually using most of the space now for our own use as storage for our equipment.

Whitney Singleton: I don't think it has bearing, but I will raise the issue that there is prohibitions in the code as to the ability to placing an access point within a certain proximity to an intersection. While this is not an intersection, I don't know whether Anthony or FP Clark is going to have any issues with regard to site distance. Is it on grade so you'll be able to see? Is that what it is?

Michael Gallin: It's on grade. We have an access point here (indicating) and here. It's a parking lot, and there are stop signs at this intersection now.

John Lange: That is where full-scale drawings will help us see where the lanes are and we can do our work.

Michael Gallin: Absolutely. There will be much less traffic coming out of here than out of these drive lanes that have significantly more parking.

Whitney Singleton: Lastly, the issue of the history of Easement One, not the history since you bought the property, but was there a reason that access was not provided when Grand Union was there? Was it because of trucks? There might be something in the file that addresses that. I don't know. I think that was a concern that was raised. What was the precipitating factor that showed to begin with, or did it ever exist?

Jim Diamond: When we first acquired the property we got old easements and a whole stack of paperwork, and there was no real reference to anything one way or the other about it. My guess would be that Grand Union just wanted to control access points just from a security perspective. They were probably a little bit worried about too much access in terms of theft.

Michael Gallin: They had a gatehouse here (indicating) and gates here. They had all their energy focused on all the traffic coming in and out of here in a much secured way. They didn't want anyone coming on Ice House Road or any other road. They wanted a single entrance at this location. I'm sure that had something to do with security and control.

Whitney Singleton: Have you had any dialogue at all with the Martabanos? Not that it's your responsibility per se, but I think that the Planning Board should look at the approved site plan of the adjoining properties. I presume that they have an easement for ingress and egress, but I think I've seen some plans showing parking in that easement area and that should be reconciled. I'm not saying that Jim doesn't have rights to remove anything, but it might be an impact that the Board wants to look at. Also, I realize that this is very helpful for a conceptual perspective, and both memos raise full size drawings, but when you get to this area (indicating) you should show all the way out to 117. I believe there is a lot of stoops and walls encroaching that area.

Michael Gallin: When we did the original survey for the property, we did not get detailed information along there, so we will have to get some additional information and provide that as part of the full.

Anthony Oliveri: When you come with the formal, it's important you provide that "existing conditions" look, and on the 295 as well.

Michael Gallin: Will the village pull up the previous historic approvals?

Whitney Singleton: I will recommend to the Planning Board that be made available for you to review during your process. We have talked about this with other applicants. People come in and show a plan, and it's not frequently till later on that we discover what was already existing in the file when there was some very helpful in the file that was not made available to the Board.

Vice Chairman Sturniolo: I believe the Planning Board at an appropriate time, once you do a formal submission, should do a site visit so we are all on the same page.

Michael Gallin: I'm not sure exactly why this application got segmented from the 333 application, but we would certainly appreciate in the future we can discuss both of these in conjunction.

Vice Chairman Sturniolo: I need to find that out. I don't know. I only heard about the segmentation today.

Michael Gallin: That would clearly make sense for review.

John Lange: I think it was two separate properties.

Anthony Oliveri: The pre-conceptual applications had come in, and the conceptualls were supposed to be on a work session for the first meeting of the month. I think Chairman Cosentino made the decision to at least get this one in for this meeting. I'm not sure what drove that decision.

Michael Gallin: Thank you very much.

Discussion:

130-132 Main Street

Vice Chairman Sturniolo: At this point, Whitney and Anthony, I will send you an email regarding 130-132 with my questions, and my fellow Planning Board members, if you have any questions, submit them as well.

Whitney Singleton: The question is they were simply seeking to get an extension of the existing approval with no modifications. I don't think they were contemplating any substantive issues. I can't explain why Mr. Grandberg is not here, but they are very concerned about not being able to move forward with the construction, with the site plan having expired. I don't know how you want to handle that.

Stanley Bernstein: Did they mention anything about why there was such a delay? It's been close to a year.

Whitney Singleton: My understanding that a significant amount of money has been spent here.

Anthony Oliveri: The construction has been going on for quite awhile. They have been working on lowering the slab of the basement, and they are next moving on to the utility connections, which they have to do out on the state roadway, so it's a DOT permit involved there. They are going to need some time.

Whitney Singleton: The approval they received from Austin required them to complete all the basement work before moving on to the rest of the site. They are now at that point where they are ready to do it, reach contractors, and start to move forward. When they went to move forward to go from the basement to upstairs, the building inspector noticed there was an issue, not with regard to substance, but of timing. They came over to see me, and we conferenced in the Planning Board Chairman on this and identified the fact that all they need to do is extend the permit. To date, the building inspector is saying, "right now, I have an expired plan." He wants some direction from the Planning Board. If you feel as though there is a need to defer on getting the approval and you don't have a problem with a temporary extension, I don't think they would contemplate a need for discussing anything substantively since they are not proposing to change anything substantive.

Vice Chairman Sturniolo: In that case, to address their concerns and my concern as well, I motion that we grant them a temporary extension so they can do what they have to do tomorrow morning. I will still send both of you an email and I would expect from the applicant and Mr. Grandberg direct responses to the questions that I am raising.

Whitney Singleton: You want to do a 90-day extension as opposed to a one-year extension?

Vice Chairman Sturniolo: Yes, and then we can address it if need be.

Whitney Singleton: If you can take a look at the old resolution, I will tell you what I'm proposing as changes to the resolution given the fact that the circumstances have now changed.

Vice Chairman Sturniolo: On Page 3, the fourth Whereas says, "The Planning Board recognizes that it is authorized by the village code..." Could we insert the word "sole?" "The village code to be the sole determining body of the parking requirements." If my interpretation of the code is correct, and we are the sole determining body.

Whitney Singleton: That is speaking to rooftop dining, because we've never had that before. While you are on that page Condition #1 should probably read "construction shall, and then a long deletion, and then pick up with be completed within one year of the date hereof."

Vice Chairman Sturniolo: That will kick in the 90-day period. Page 5. Underscore the importance of numbers 22, 23, 24, and you said 28 have been addressed by the village Board.

Whitney Singleton: Yes, addressed and approved.

Vice Chairman Sturniolo: Those are my comments.

Whitney Singleton: I had a final condition to be tacked on to address the fact that this is a renewal two years later, to say that all conditions contained in the May 10, 2011 resolution of approval shall be deemed incorporated herein as if they were fully set forth within this resolution except to the extent specifically superseded by this resolution of extension of 90 days.

Vice Chairman Sturniolo: That's fine.

Ralph Vigliotti: What does the applicant need to do at the 91st day, or in preparation for the 90-days?

Whitney Singleton: We can either give an approval tonight for 90 days, or we can give an approval tonight for the year subject to your Board's finalized acceptance of the resolution.

Vice Chairman Sturniolo: I made a motion for 90 days.

Ralph Vigliotti: How does the applicant address this as we approach the 90 days?

Whitney Singleton: Right now applicants ask for an extension and the Board makes an assessment. The Board then makes a motion and it's approved for an extension of another year.

Ralph Vigliotti: So the applicant within the 90 days needs to come before us. Obviously they are not going to finish in 90 days.

Whitney Singleton: The question is what is it you want to have them address? They are simply seeking to renew what is there. They are not proposing a change. We can have them come before you, and I would think they would be here just to secure that, but they are not. What substantively is it that you wish them to address? Beyond the language you just talked about?

Vice Chairman Sturniolo: There is nothing I would like them to do other than to honor their commitment to that No. 22, 23, 28, and the other language change we said. Outside of that, I don't see anything that we want them to do for construction, erosion, or planning purposes.

Enrico Mareschi: Are we hoping they finish the first floor by 90 days?

Ralph Vigliotti: No.

Whitney Singleton: Do you want to give them some sort of temporary approval so you can haul them in here and ask them questions, or do you simply want to extend them for a year subject to your Board's final approval of the language?

Vice Chairman Sturniolo: In that case, I would modify my motion to give them the extension for a year subject to definitive answers to the questions that I raised tonight that both of you are going to convey.

Whitney Singleton: I will send out to you the proposed language modification.

Motion to Grant the Extension for One Year for 130-132 Main Street
Conditioned on Positive Responses from Questions Raised by the
Planning Board to the Applicant

Motion: Vice Chairman Sturniolo
Second: Enrico Mareschi
Aye: Ralph Vigliotti
Aye: Stanley Bernstein
Aye: Enrico Mareschi
Aye: Vice Chairman Sturniolo

*As there was no further business to be discussed by the Planning
Board, on motion by Mr. Vigliotti seconded by Vice Chairman Sturniolo,
the meeting was adjourned at 9:50 PM.*

Respectfully submitted,

Stanley Bernstein,
Recording Secretary

dm