

Minutes  
Meeting of the Planning Board  
Village/Town of Mount Kisco  
Tuesday, November 12, 2013

*Chairman Cosentino called the meeting to order at 8:05 P.M. in Village Hall.*

**Members Present:**     **Chairman Joseph Cosentino**  
                                  **Vice Chairman Sturniolo**  
                                  **Ralph Vigliotti**  
                                  **Enrico Mareschi**  
                                  **Doug Hertz**  
                                  **Sol Gibbons**

**Members Absent:**     **Stanley Bernstein**

**Staff Present:**        **Whitney Singleton**  
                                  **Anthony Oliveri**  
                                  **Rob Melillo**  
                                  **Jan K. Johannessen**

**Minutes:**

August 27, 2013

Motion:                 Vice Chairman Sturniolo  
Second:                Doug Hertz  
Aye:                     Sol Gibbons  
Aye:                     Ralph Vigliotti  
Aye:                     Enrico Mareschi  
Aye:                     Chairman Cosentino  
Abstain:                Vice Chairman Sturniolo

*A correction was made on the August 27, 2013 minutes on page 12 line 46. The word termination should be determination.*

**Minutes:**

September 24, 2013

Motion:                 Doug Hertz  
Second:                Enrico Mareschi  
Aye:                     Sol Gibbons  
Aye:                     Ralph Vigliotti  
Aye:                     Vice Chairman Sturniolo  
Aye:                     Chairman Cosentino

**Public Hearing**

**The Hearth at Mount Kisco  
270 Kisco Avenue  
PB2012-15, 69.49-4-1 (SBL)**

**Site Plan  
Special Use Permit  
Steep Slopes Permit  
Wetland Permit**

***No one from the public was present to submit/share views on the subject, and no written correspondence was submitted to the Planning Board.***

***No one was in attendance from The Hearth.***

Whitney Singleton: As you are aware, at the applicant's request, the public hearing is going to be adjourned to the November 26, 2013 Planning Board meeting. The public hearing will be continued at that point in time, or such further adjourn date that they determine. At this point in time, it would be the 26<sup>th</sup>.

**Public Hearing:**

**Arroway Chevrolet/Cadillac  
175 North Bedford Road  
PB2011-05-69.66-2-3 (SBL)  
Amended Special Use Permit  
Amended Site Plan  
Wetland Permit**

**Present: Scott W. Blakely, R.I.A., Sr. Vice President/Principal  
Landscape Architect, Insite Engineering**

**Vincent Franze, A.I.A., Principal, Franz & Franze  
Architecture, PLLC**

**Charles Martabano, Attorney at Law, representing  
the applicant**

***Mr. Hertz was recused from this session.***

***No one from the public was present to submit/share views on the subject.***

Scott Blakely: Since we last appeared before your Board, the project has been modified to include just the façade improvements for the Chevrolet dealership. A separate Cadillac addition has been removed from the application based on the current dealer waiting for feedback from Cadillac. It could be a year and a half before it has a final determination.

Charles Martabano: You indicated at the last meeting why we were doing a phased plan and suggested it might be simpler if we did a single phase plan, which is what we are doing now. That would mean

Village of Mount Kisco  
Planning Board Meeting  
November 12, 2013

that if Cadillac comes back in the future and says, " Yes, we are not going to relocate. We'd like to be here." Then we will come in with a separate plan. We have revised to define it to the one project.

Scott Blakely: Since our last meeting, we have addressed the consultants' memos and have resubmitted. One of the requests of the Planning Board was to give you acetate, which we have supplied. The black and white is the current site plan, the proposal. And the red is the existing conditions. This way you can see the modifications that were made. We have basically made the circulation improvements in this area (indicating). The current driveway is in here with this island. We have removed this island and reconstructed an island here to help with this turning movement. We are providing parking against the building here (indicating). We are making some slight modifications to the parking in the front. This curb line has been moved out to incorporate that 20-foot access aisle for the fire lane. We are making some slight improvements for the car delivery area. Currently there is surface parking in that area. There are really no proposed modifications to any curbing or anything in the back of the building. We show the loading space and obviously all the planting we are proposing along North Bedford Road and Preston Way.

Vice Chairman Sturniolo: How far along are you with the village regarding planting on their property on Preston Way?

Charles Martabano: Until we were finalized here, I was not going to go to the village Board, but we will go to their next meeting, assuming this is the way that we are going.

Scott Blakely: We did have all of our outside agency approvals – Department of Transportation (DOT), Department of Environmental Protection (DEP), and we have resubmitted with the DEP. We've had discussions with them. They will issue a letter to us modifying our permit. We did get an extension letter from the DOT. I have had discussions with Heather Gearloff (sic) (from the Department of Environmental Conservation (DEC), and they will want to amend our permit based on the modifications to the site plan. We are minimizing the amount of disturbance within those 100 feet.

Whitney Singleton: Is this for your storm water plan?

Scott Blakely: Our storm water plan has been submitted to DEP, and they will be issuing a modification based on the change in the plan.

Anthony Oliveri: I have a few comments. The parking counts need a final review by Rob and Jan. The way it is shown on this plan was counts for the required parking and the space for the vehicle storage, which is how we suggested it. Noting the existing dumpster is remaining as is, they are showing it on the plan now, so it will be part of the site plan. I also noted it might be advisable to add some signage or arrows, and maybe relocate that fence on the east side of the building because that is required parking now, and it flows back into that southeast corner. It would help to delineate that from vehicle storage. That might address some of the Board's concerns with the whole parking situation.

Scott Blakely: We have assigned the entire proposed customer parking. There are 32 customer parking spaces. The remaining 60 required spaces are going to be for employees.

Chairman Cosentino: Wasn't there unloading there, with trucks pulling in there?

Charles Martabano: Yes.

Chairman Cosentino: How does it get out?

Scott Blakely: We have a truck-turning template on one of the plans that we submitted. He pulls in this way (indicating) and then backs in and drives out.

Chairman Cosentino: Isn't there cars there?

Scott Blakely: No. This is going to be vehicle storage here (indicating).

Chairman Cosentino: So those are cars that are there now are going to be removed?

Scott Blakely: Yes.

Chairman Cosentino: If he is going to go in and make a left, there are cars there right now. Are they going to be removed? There are cars against the curb facing out.

Scott Blakely: They are going to stay. There is a 24-foot wide aisle there.

Chairman Cosentino: He is going to back into a 24-foot wide aisle? He is good.

Charles Martabano: Oh, yes. You can do it in much less than that, actually.

Scott Blakely: So we have 32 spaces assigned. Those other 16 spaces are going to be for employees.

Chairman Cosentino: Anthony, please go through your comments.

Anthony Oliveri: I noted on the new plan you added a Vortechs unit. You show a grate directly into the unit. I'm not sure you can do that. You may need an outdoor catch basin feeding into the Vortech unit. You need to verify that.

Scott Blakely: We will verify that. I know our project engineer did speak to them. I don't know the specifics, but I will get you an answer on that.

Anthony Oliveri: On the plan, your connection of that unit out to the drain that goes out to 117 needs to be verified on the plan. You need a certain amount of head to make that work. You really have to check that now; otherwise you may not be able to use that. There is a

couple of parking stall dimensions that look undersized on the west side. There was a weird thing on the southeast corner with some long striping. It might be a typo on the drawing. Some of the striping seems to extend all the way out on the bottom.

Scott Blakely: That is an existing condition right now. They double-park vehicles in there. We are not planning on that.

Anthony Oliveri: So you have to stripe it accordingly.

Scott Blakely: We can do that.

Anthony Oliveri: On the west side of the building there is some space that is kind of squeezed in, where that truck loading is. That might not make the dimensions.

Scott Blakely: We will double-check that. We have plenty of area for one or two additional spaces.

Anthony Oliveri: On the illumination, I noted that trespass lighting does get exceeded at the property line in a couple of spots, and you do end up with zero foot candles in a couple of other parking areas. I understand it is existing lighting that is being modified, but again, that is going to be up to the Board where they want to go with that.

Vice Chairman Sturniolo: What can you do about the lighting?

Scott Blakely: We can check with the manufacturer to see if we can put shields on. There are a couple of existing fixtures along Preston Way, right at the property line. We are going to try to get a shield on the back of those to cut that.

Vice Chairman Sturniolo: Full cut-offs.

Scott Blakely: Right now, all of those fixtures, as you know, are mounted at 45-degree angles. Based on the last approval, the Board approved us taking those and putting them horizontal to the ground. Now we will look to see if we can get a shield on the back to maybe cut down the foot candles at the property line.

Vice Chairman Sturniolo: What about the zero foot candles?

Scott Blakely: It occurs in the back of the parking area. We can take a look at the existing lighting on the back of the building and see if we can do some wall-mounted fixtures that are cut-off and supplement that lighting so we can get a little bit of lighting back there. This section (indicating) isn't used at night. It's the goal not to have customers come behind the building, now that we have 32 parking spaces for customers in the front. We would love to keep them out of this back area and just use that for employees, service vehicles and some car storage. We would like to leave the fence in this location and we'd like to leave the fence in that (indicating) location.

Chairman Cosentino: Rob, please go through your comments.

Robert Melillo: Parking spaces one, two and four do not meet the required stall sizes. Also, the plans are unclear on pages SP-1, left rear of the building. It appears as if applicant is proposing additional parking spaces. If so, the applicant needs to clarify that area.

Scott Blakely: They are striped now.

Robert Melillo: Are you proposing them as spaces or are you not?

Scott Blakely: We are going to propose those as spaces, but they are there now. You wanted us to show just the 92. We could have labeled those 93 through 100.

Robert Melillo: If it is car storage or additional parking, label them up. Regarding the rooftop parking for employees, I don't remember if there was an interior staircase for those employees to use, or if they have to walk down the ramp in inclement weather.

Charles Martabano: There is an interior staircase.

Robert Melillo: I didn't see anything on the plans. If you make a note of that, that would be great. You might have to refresh my memory on reading the parking requirements. You have for office administration 916 square feet, and now there is a proposal of 2,301. I could not determine where the 1385 amount came from.

Scott Blakely: That had to deal with the sales office space. We had included that as indoor sales area. When we met, we made the determination that we would include that as office space.

Robert Melillo: Thank you. Also, the zoning table needs to show setback for the second side yard for existing conditions. You did not label the second side yard. You have two fronts and two sides. You didn't give us the setback for the building on the side.

Scott Blakely: How would that be considered? You have the two fronts, and then isn't this the side?

Robert Melillo: Yes, but it's the other corner of the building. You are shooting one corner; you have to shoot the other corner, too.

Scott Blakely: So you want to see this offset, too? Because it's greater than the one we show at 47 feet.

Robert Melillo: Also, prior to approval, you must show proof of approval from the village for plantings in the right-of-way.

Charles Martabano: We can do that as a condition of approval. I will go to the next village Board meeting, and that should be fine.

Jan Johannessen: I had a few comments. We did refer the application to the Westchester County Planning Board in accordance with 239-M of the General Municipal Law. That took place on October 30. We have yet to hear back from the County. They had a 30-day window in which to provide comments. We had a similar comment regarding the lighting. It exceeds maximum requirement in certain areas, and it

doesn't meet the minimum requirements in certain areas. We request that the applicant identify the proposed hours of operation for all outdoor light fixtures. That is a requirement of the code. Also, please clarify which areas of the parking lot are going to be repaved or re-striped. Also, the existing dumpster at the corner of the property that you can see from North Bedford Road, it extends above the white landscaped wall. We recommend the applicant install the dumpster enclosure that was previously proposed as part of Phase Two, because you can see the dumpster from the public right-of-way.

Vice Chairman Sturniolo: That also ties into the dumpster enclosure specifications that the Planning Board has been looking at and asking each applicant to provide. I know Anthony has copies of it.

Jan Johannessen: Do you have a preferred detail?

Vice Chairman Sturniolo: Yes.

Anthony Oliveri: There was a detail developed. We can get that to you. It talks about using like materials with the building and bollards as protection. We can get that to you so you can make that change.

Whitney Singleton: We discussed previously there are some errors on the Environmental Assessment Form (EAF) that need to be corrected. You still have it as a phased development.

Charles Martabano: Yes, we have to change that.

Jan Johannessen: There are two locations in the EAF that talk about whether the project is phased. It was corrected in Part Two, but not in Part One.

Charles Martabano: We will fix that, thank you.

Chairman Cosentino: We will now take comments from the Board.

Ralph Vigliotti: At some point, you are going to present to the Board the turning radii for the tractor-trailers?

Scott Blakely: It's on the drawings.

Ralph Vigliotti: Is this is full-size delivery truck?

Scott Blakely: Yes, it is. We show the truck pulling in.

Ralph Vigliotti: It's got to turn wide. Is the truck coming across the double line in order to do that? I guess so.

Scott Blakely: (indicating) This is the path right here. Then he backs into here. Then we show him pulling out this way.

Ralph Vigliotti: This is all concrete here, correct?

Scott Blakely: No. This is concrete curb, and this is planted area. Lawn, shrubs, etc.

Ralph Vigliotti: Is this curb short enough to allow that movement?

Scott Blakely: It is. This is a 55-footer, and the owner has confirmed that that is the largest truck that comes to this site. You had asked us to confirm that with the original.

Ralph Vigliotti: Is there still an exit onto 117 at the end of this aisle of cars?

Scott Blakely: I believe there is, yes. This is a one-way system from this point.

Ralph Vigliotti: Is it one-way or two-way around the back?

Scott Blakely: Two-way.

Ralph Vigliotti: I don't believe the town would want the truck to come around the back and come out on 117.

Scott Blakely: I would think this (indicating) narrow opening would be an issue.

Ralph Vigliotti: Okay, that opening is the issue because he has to come around. If the opening had been further south, it would have been easier. Thank you.

Chairman Cosentino: If I were (the driver) I would pull into Target and back in.

Ralph Vigliotti: That may very well happen.

Chairman Cosentino: I'm sure the cluttering of the cars is going to be non-existing, as they are now with the new plan.

Charles Martabano: The new plan is going to be a great improvement, and the Planning Board has a lot to do with that. I think it's going to really work very well. I am sure the County will get back to us by the next meeting on the 26<sup>th</sup>.

Whitney Singleton: If they don't, they technically have until the end of the month.

Charles Martabano: We are hopeful this could be on the agenda for approval on the 26<sup>th</sup> of November.

Whitney Singleton: If you are resubmitting and/or you don't have to make any plan modifications.

Charles Martabano: There are some minor things – numbering spaces, etc. Either way, they can be conditions of approval.

Whitney Singleton: It's up to the Board. The only issue is that you have to afford the County the time to respond.

Charles Martabano: Understood.



Chairman Cosentino: You will have to fix the suggested items on the site plan and come back.

Anthony Oliveri: The biggest thing is the trash enclosure.

Jan Johannessen: I was recommending keeping it where it is but installing a dumpster enclosure.

Chairman Cosentino: Are you going to put a trash enclosure in?

Scott Blakely: We should provide some type of enclosure.

Chairman Cosentino: According to the village specifications.

Scott Blakely: I would want to see the specifications.

Chairman Cosentino: I want to see it on the plans before I make a decision. That means you have to apply again. We want it to look nice.

Charles Martabano: So do we.

Chairman Cosentino: So put the trash enclosure in, so when the cars go by North Bedford Road, they can see something nice as they see in the building.

Ralph Vigliotti: The whole idea is that there is no idea trash is being stored there.

Scott Blakely: Would the Board be satisfied with a three-sided enclosure? Both sides and rear?

Chairman Cosentino: I want it to the village's specifications.

Vice Chairman Sturniolo: The simplest way is to call Anthony tomorrow and he will email you the specifications.

Chairman Cosentino: I don't understand how you are spending hundreds of thousands of dollars, and for a trash enclosure to beautify the village with some plantings, you are heckling.

Scott Blakely: I'm heckling because my client is not here to say yes.

Chairman Cosentino: Maybe he should have been here.

Charles Martabano: Unfortunately, he is out of the county. We will speak with Anthony and our client, and by the time we are back on the 26<sup>th</sup>, we will have an answer.

Chairman Cosentino: I want an answer before the 26<sup>th</sup>.

Charles Martabano: I will call you. We will do the right thing.

Chairman Cosentino: Beautify the area and make the village happy.

Charles Martabano: We will do the right thing.

*The applicant was placed on the agenda for the November 26 Planning Board meeting pending notification from Westchester County.*

**Formal Application**

**Towne Bus Corporation  
343 North Bedford Road  
PB2013-14, 69.51-1-1 (SBL)  
Special Use Permit  
Site Plan  
Change of Use  
Present:**

**Charles Martabano, Attorney at Law, representing the applicant  
Jerome Marksohn, President, Towne Bus Corporation  
Brian Marksohn, Towne Bus Corporation  
Diego Villareale, PE, Project Manager, John Meyer Consulting,  
PC  
George Gaspar, Grandberg Architects**

Charles Martabano: We should start with a bit of an apology. The reason I am saying that is, subsequent to being placed on the agenda, we actually made a revision to the plan because we could not submit to you in time for this meeting. We would like to run through the revisions to the plan, which is basically flipping the building around, which made the site work better. I think your consultants will probably agree once they have a chance to analyze it. Our real purpose in being here tonight is that on the 19<sup>th</sup> we are going to be before the Zoning Board of Appeals. We would like to get a recommendation from this Board to the Zoning Board, and we would like to run through the plan again with you and show you the revised plan and why we did that. We will run through a brief presentation and then answer any questions you might have.

Diego Villareale: This is the original submission on this location. This was the revised site plan submission. In general, the overall concept remained the same. The entrance on the southern side of the property continues to be the entrance with circulation going around the back of the building, and the exit on the northern side of the property.

Chairman Cosentino: Is the building the same size?

Diego Villareale: The building is exactly the same size. It was just a matter of taking it and literally flipping it. Once we received the comments from staff we started evaluating. There was the additional parking space that we wanted to switch. There were some comments regarding landscaping. We just started evaluating the overall operation of the facility. If you could see one thing that happened here, which we thought we could improve on, the bays were conflicting with the fuel island in the back of the property. By flipping the building, we eliminated that conflict. It worked out from a circulation standpoint much, much better. There was more room for the owners to operate their facility; whether it is servicing the buses within the building or buses circulating in the back of the property and being

Village of Mount Kisco  
Planning Board Meeting  
November 12, 2013

fueled at the time. It also took all the parking spaces, and instead of having them on the southern side of the property, it shifted them all to the back of the property. All headlights face the back portion of the property. We only left now, instead of the three that were adjacent to the side of the building, two parking spaces located on the northern side of the building.

Vice Chairman Sturniolo: You said all the headlights face that direction. What is painted on the back of the buses?

Brian Marksohn: "School Bus." It has a bus number, contiguity tape and a telephone number.

Diego Villareale: These parking spaces again are not for storage of buses.

Vice Chairman Sturniolo: It is for transit.

Diego Villareale: Yes. When we flipped the building, we also incorporated a lot of the comments that we received from staff and were able to increase the amount of landscaping along the northern side of the property. We pulled the parking spaces away from the frontage of the property and increased the sidewalk to five feet. From an operation standpoint, it really improved the overall operation.

Vice Chairman Sturniolo: How is the tree plantings impacted now?

Diego Villareale: They are the same. We originally had the three. This one (indicating), instead of being on this island, is on the other side now.

Charles Martabano: It is the same building – just reversed. But it's an important change from our perspective for how the site works. It is still going to look like that, but flipped.

Doug Hertz: Please explain what variance you are going for.

Charles Martabano: For whatever reason, in the code these are permitted uses for repair, fueling, etc., provided they are not located within 1,000 feet of any other such use. If you apply the 1,000 foot, all of North Bedford Road, all of automobile row, all of the uses basically precludes this from being established. There is also a restriction that Rob picked up on that you cannot be within 200 feet of a restaurant serving more than 100 people. Obviously we are going to need that type of variance. Relief from the limitation of 1,000 feet.

Chairman Cosentino: Rob, does that restaurant have a sprinkler system in it?

Robert Melillo: I don't remember.

Charles Martabano: I have no idea why this would continue to be in the code given the development of North Bedford Road, but let me give you a quick view as to why it makes no sense to this area of the village.

Doug Hertz: Does this change - flipping the building - have any effect on the variance?

Charles Martabano: Not at all. It's not a side yard. We've complied 100 percent with all the yards. It's a distance limitation only.

Doug Hertz: So these are two separate issues at the moment, one of which is you're clipping this based on what we saw, but this has no impact on the variances that you're going for?

Charles Martabano: No.

Chairman Cosentino: He would have had to go for them anyway.

Charles Martabano: In any event, we didn't get these to staff in time to really review and comment on it, but I think once they review it, I think they will agree with us that this is a better plan for the site. It works better. In terms of appearance, the only change is going to be the flipping of the building, which George has done so beautifully. We are going to the Zoning Board on the 19<sup>th</sup>. We would love to have a favorable recommendation from the Planning Board. I think you know, and they are aware of all the beneficial changes to this site that are going to come about for this use, this building.

Ralph Vigliotti: I've liked the concept since day one. Is the striping that we see here just striping, or is it curbed with striping?

Diego Villareale: It is just striping. It serves two purposes. One, the handicap aisle meets an eight foot accessible aisle immediately adjacent to it. So, we need that striped area which will provide access to the front of the building. Then, with the circulation of the buses and everything else, we just thought it would be good to have a little extra maneuverability in that area. It is just pavement, and it will be striped.

Ralph Vigliotti: I thought if this was all striping, why couldn't we just move up one parking space and a half to create a little tiny bit more green space here and just move everything up three or four feet.

Diego Villareale: I could look at that. Two or three feet, we could probably achieve. Can't do eight or ten feet, but I'm certain of maybe three or four feet.

Ralph Vigliotti: You have a nice green space through here. I like tonight's concept.

Charles Martabano: It works better. That is the key.

Doug Hertz: I think we have discussed as a Board that it is valuable for us to give at least a sense of the Board to the ZBA on items like this so whether they decide to go with our recommendation or against it, they have some additional information available. I think it's beneficial that we convey our feelings about this application and other applications to the ZBA where it is appropriate and where we've put in some time. I, for one, am for giving them a sense of the Board. I'm

not saying I know the sense of the Board, but it's an appropriate thing to do.

Vice Chairman Sturniolo: I would like to provide the ZBA with a slightly lesser firm posture than Doug articulated because I do have a concern about the separation of automotive uses and 1,000 feet. If that is what the code says, be it practical or not, I would not want to endorse an intentional violation of that.

Charles Martabano: When it's a SEQRA variance, it is not an intentional violation, and it was a pre-existing use for all these years.

Vice Chairman Sturniolo: Agreed it was a pre-existing use all these years.

Ralph Vigliotti: I think the Board from Day One has felt favorable with the concept of turning this site from what it was to a site certainly a lot more positive than what is there now. As one member, and not speaking of anyone on the Board, I think the approach you have taken has been met by individual members of the Planning Board as being favorable. I would not have a problem stating something along those words to the ZBA, not necessarily wholeheartedly, unequivocally, but taking a favorable approach that it is something that may fit for that area.

Sol Gibbons: I think it is an improvement on what is there now. I would agree with it.

Enrico Mareschi: I would definitely go along with it. It's a great improvement.

Vice Chairman Sturniolo: Besides being an improvement, it is also one less obvious, obvious automotive use that is highly visible from 117, looking at the quality and design of George's work.

Charles Martabano: We did everything to change that appearance.

Doug Hertz: It certainly is not going to look like a traditional automotive use that we see throughout the village.

Chairman Cosentino: Just to add a little more fruitcake to it, it's mainly for inspections. You won't be doing motor jobs or transmission jobs there, because they don't want to back up the bays. It's mainly bus inspections, which are needed quite frequently.

Charles Martabano: That is the primary use.

Chairman Cosentino: I have no problems recommending to the Zoning Board that we like the concept of it.

Whitney Singleton: May I ask what it is you are asking to be conveyed to the Zoning Board?

Chairman Cosentino: The Planning Board likes the concept of the building.

Whitney Singleton: That is what the application is to your Board. The application to the Zoning Board is relief from the separation requirements between automotive...

Chairman Cosentino: I think by telling the ZBA that we like the concept as a Board...

Whitney Singleton: You are going to ask me to convey this, correct?

Chairman Cosentino: That is the question.

Ralph Vigliotti: I have a sentence I wrote down. It is very basic. "The Planning Board takes a favorable position to the redevelopment for this site."

Charles Martabano: That's fine, thank you.

Whitney Singleton: Is that something your Board is going to vote on?

Vice Chairman Sturniolo: I would like to have the verbiage that Ralph read entered into the motion, as that is what is going to be communicated to the ZBA.

**Motion:**

**For the Planning Board to Convey to the Zoning Board of Appeals that the Planning Board takes a Favorable Position in the Redevelopment to this Site**

**Motion: Doug Hertz**  
**Second: Enrico Mareschi**  
**Aye: Sol Gibbons**  
**Aye: Ralph Vigliotti**  
**Aye: Vice Chairman Sturniolo**  
**Aye: Enrico Mareschi**  
**Aye: Doug Hertz**  
**Aye: Chairman Cosentino**

**Formal Application**

**Bueti**  
**121 Smith Avenue**  
**PB2013-15, 80.40-2-3 (SBL)**  
**Special Use Permit**

**Present:**

**Connie Bueti – Co-owner**  
**Diego Bueti – Co-owner**  
**Peter J. Gregory, P.E., President, Keane Coppelman, Gregory, Engineers, PC**

Peter Gregory: I am here tonight with the Bueti's, who are looking to purchase the property at 121 Smith Avenue, and we are here tonight for a special permit. We are looking to revert what is recently used as

a professional office building back to a mixed use; office on the first floor and converting the second and third floor space, which was being used as office back to a residential use. It would be an office on the first floor with a two bedroom apartment being constructed on the second and third floor – one apartment.

Vice Chairman Sturniolo: Please repeat the last part.

Peter Gregory: The second and third floor was being used as office space. We are looking to utilize the second and third floor as a single, two-bedroom residential use.

Vice Chairman Sturniolo: The second and third floor is going to be bedroom apartments?

Peter Gregory: That is correct. One to two bedroom apartments.

Enrico Mareschi: One use?

Peter Gregory: It is correct.

Vice Chairman Sturniolo: Will there be a kitchen?

Peter Gregory: Yes, there will be a kitchen on the second floor.

Vice Chairman Sturniolo: Along with the bedroom?

Connie Bueti: No. The bedrooms are going to be on the third floor.

Peter Gregory: It is our understanding that there was an approval for the office space on the first floor, and we did determine that there was an approval at one time for the residential use on the second floor only. I believe the reason why we are here tonight is that we would like to incorporate the third floor space to the residential use, which will require some modifications to that space to comply with building department requirements.

Ralph Vigliotti: Is the garage remaining?

Peter Gregory: There is no garage on the property.

Connie Bueti: There is a new site plan with the new application.

Chairman Cosentino: Rob, please go through your memo.

Robert Melillo:

1. The applicant needs to provide signed and sealed drawings for the proposed interior of the building,
2. The bedrooms on the third floor do not comply with the New York State Building Code. The Code does not allow waking through one bedroom to access the other bedroom,
3. The property will require a fire sprinkler system as per the New York State Building Code,

4. New York State Building Code requires a handicap parking spot. The applicant has not provided a handicap space on the site plan,
5. Because of the reduction in parking due to the required handicap parking space, the applicant may be required to file for a variance on the parking. The applicant will need to consult with the Village Attorney on this item; this is something for the village attorney to look at.
6. It is unclear on the application whether the applicant is applying for Change of Use, Special Use Permit or Site Plan Approval. The applicant should be applying for a Special Use Permit and Change of Use as per the Village definition of Change of Use.

Chairman Cosentino: Are you saying that sprinklers have to be installed in the entire building?

Robert Melillo: Yes.

Chairman Cosentino: (to Ms. Bueti) You understand that, right?

Connie Bueti: Yes. Did you say one handicap parking?

Robert Melillo: The handicap parking code is one handicap spot plus one to get out. It takes up two spots. You are losing a parking spot and adding a handicap spot there. There are six now, so you will actually have only five spots.

Chairman Cosentino: Unless they have space to expand one of the spots.

Peter Gregory: We can look into that. There might be some area adjacent to parking space number six that might comply, but we will look into that and study that.

Chairman Cosentino: Do they have to go before the ZBA?

Robert Melillo: I don't know. That's the question out there. If we are reducing the parking spot to meet the code, do they require a variance?

Whitney Singleton: Yes. We are going to have to go back together and look at 110-35 D to determine what exactly triggers a variance on this application. There is a question of whether a variance is required by going into the third floor, period.

Chairman Cosentino: Also, are you eliminating a parking space by putting in the handicap? I can't see where they are losing one.

Doug Hertz: What is the space to the right of parking space five that is buried under that line?

Peter Gregory: This property shares a driveway for access between 117 and 121. The parking lot continues through to the rear behind



117. Really, it kind of works on the honor system where they are marked with signs as to what parking spaces are for which building. As you come here, (indicating) there is asphalt that continues through with striping as it continues along the rear of the property behind the building. Space five falls on 121s property, but we are not allocating any spaces on that asphalt adjacent to it.

Doug Hertz: Is there handicap parking on the adjacent?

Peter Gregory: I don't know. They have been before this Board within the past couple of years for their change of use.

Doug Hertz: I was wondering if there was a shared spot for the handicap spot and how that works. If parking space six is large enough to accommodate that, they may not lose a spot.

Robert Melillo: The code says that with a nine foot spot, you need to provide another nine-foot spot.

Jan Johannessen: They need to provide a handicap spot and an accessible aisle. They may or may not lose a space, depending on whether there is enough room next to the parking lot. It appears that the lot area calculations to the property are slightly off. It's 155 x 50, and your minimum lot area shows a little less.

Peter Gregory: I will check that.

Jan Johannessen: The zoning requirements that add in your zoning table apply to residential properties in that zoning district not mixed use properties. There is a different set of dimensional requirements for mixed uses in that district, and there is quite a bit of difference. You have to revise the zoning table. We noted the parking deficiency. It is yet to be determined whether they need a variance for that. Also, in this zoning district, conversions require the applicant to meet all zoning setback requirements. It has to be determined whether this is going to be considered a conversion. They don't comply - there is an existing non-conforming for the side property setbacks. If they needed to comply with the underlying zoning, they would need a variance. We need to determine whether this is considered a conversion. There is some homework that needs to be done to determine the extent of variances, if any, for this project. A lighting plan was not submitted. A landscaping plan was not submitted. The Planning Board should determine if existing landscaping and lighting should be supplemented.

Peter Gregory: There really isn't much area for creating new landscaping. Even the areas where there is some, it may be difficult to even supplement what is there now with additional screening. There is a fence along the rear property line. To the east there is all asphalt. There are some plantings along the building and the front is lawn.

Chairman Cosentino: The rear property line is a wall.

Peter Gregory: It is very limited. There are lights there. There is a front porch light. There is a rear doorway light in one spot, I believe

that are existing, that have been there since the previous application had been in.

Chairman Cosentino: Do they have to comply with lighting?

Jan Johannessen: It depends on how you read the application.

Doug Hertz: Who makes this determination? The question is, if we consider the just prior use to have been a violation of site plan, then we got back to the site plan of record, it's not a change of use. It's just an expansion.

Jan Johannessen: The definition of change of use includes expansion.

Whitney Singleton: Your statement is still correct. That is something that we previously discussed with the applicant. If they went back to what was originally approved, they can do it as of right. If they wish to expand, they have to come before the Planning Board, and that was what was discussed. By virtue of expanding the third floor, they are triggering the requirements for the sprinkler, the handicap, the change of use and special use permit. Your other question was, "who makes those determinations?" Those determinations are made in the first instance by the building inspector. I think what Rob has already pointed out is that he has identified these issues, perhaps they need to be discussed some more.

Jan Johannessen: To answer your question about the lighting, I think those are discretionary items for the Planning Board to consider. Certainly the landscaping is. If they were to install new lighting, they would need to comply with the village's standards. No new lighting is proposed. That is also discretionary to the Board.

Chairman Cosentino: There is a lot to this.

Connie Bueti: When you say "expanding," meaning that we are saying we want to use the third floor now, and that's why you're saying "expanding." Because on all the Certificate of Occupancies (C.O.) being used prior, the third floor has been silent. It has not been stated, storage or nothing at all. The second floor has always been residential. But, it has been silent. It did not say what it is being used for at all.

Whitney Singleton: First of all, the statement that it always has been used as an apartment is incorrect. It's not being used as an apartment now.

Connie Bueti: I'm saying the last Certificate of Occupancy had second floor residential.

Whitney Singleton: But you said it's always been used as a residential apartment.

Connie Bueti: It's always been used as office or residential.

Vice Chairman Sturniolo: What was the date of the last Certificate of Occupancy?

Connie Bueti: 1976.

Whitney Singleton: This application is a little bit of a problem. By virtue of them trying to make physical improvements to this site, it is going to require application to your Board. They are proposing to expand the area that residential was previously authorized, even though it has not existed for years. The question is, as we discussed with the gentlemen that we had at the last meeting, if they were to do nothing and the building inspector were to go out there and issue a violation of compliance, compliance would be to restore the kitchen and restore the apartment. But it's been used as an office and there has been - what has been identified to me by the building inspector - as illegal use of the third floor area. A violation can never right into a pre-existing, non-conforming.

Chairman Cosentino: I agree. (to the applicant) When we had our meeting, didn't you say you were not going to use the third floor?

Connie Bueti: This is what I understood from the meeting. Mr. Gregory was there, and we both understood that the second floor would be for residential, and if we wanted to use the third floor we needed to install sprinklers. That was all that was listed. I made sure that I said basement storage, the second and third floor will be one apartment unit, and if we needed to use the third floor, sprinklers would need to be installed.

Whitney Singleton: Then the building inspector went back and looked at the original plans and determined that there was no authorized use for the third floor. Any use that was existing was unauthorized. Let's just be clear. The applicant did not initiate any of this ----- to contract vendee. I'm saying what we are operating from is the original approval, and I appreciate the fact that the C.O. does not say that it is 842 square feet with one closet and one kitchen and an ironing board, etc. It doesn't state that, but according to the building inspector, the plans reveal -----.

Vice Chairman Sturniolo: Is it accurate to say that back in 1976 the specificity of verbiage in a lot of these approvals was a lot more broad based, broad stroked in what we create today?

Whitney Singleton: Yes, there was less specificity then. You will find with different communities now, not only are they referencing what is on the first floor, kitchen, utility room, etc. You have to reference to specific floor plans, square footage and everything else. Back then, a lot of C.O.s said single-family home. It didn't even say two-and-a-half stories. My understanding is that Ralph looked at the actual architectural plans that showed it as being attic space.

Connie Bueti: I have never seen it. We looked at the building department file with Ralph, and nothing went through with my lawyer. Nothing was stated that it was attic; what we've seen from the architectural drawings from here.

Vice Chairman Sturniolo: So the building inspector saw it, but you never did when you were looking at the same files?

Connie Bueti: Yes, and we met with Ralph and he never showed us where he saw it.

Vice Chairman Sturniolo: Where he based his argument on?

Connie Bueti: Exactly.

Chairman Cosentino: But now he addressed the third floor.

Connie Bueti: He addressed the third floor as we need to come back here in front of you.

Chairman Cosentino: We need to go by the code. I see a problem here. I don't know what it is right now. I have to get feedback from staff and put all these pieces together. But I do see a problem.

Connie Bueti: Problem in regard to?

Chairman Cosentino: I don't know. I just see a problem because I cannot go any further. To me, that's a problem.

Jan Johannessen: It seems like the next step is for the building inspector or the village attorney to perhaps nail down the extent of the variances required, if any.

Whitney Singleton: We can go over that tomorrow.

Connie Bueti: I have one question. If we decide not to use the third floor – leave it as is – the second floor, residential, we still need handicap parking?

Robert Melillo: Yes, you do. Handicap parking is required no matter what, for an existing use.

Doug Hertz: Doesn't it just revert back to the site plan of record?

Robert Melillo: Handicap parking by the New York State Building Code is a requirement. If you are to do anything with a property, you are required to bring it up to conformance with handicap parking. If you buy a building and you do work to it, you are required to bring a handicap spot in.

Connie Bueti: When you say "work," what do you mean?

Robert Melillo: Any type of work.

Connie Bueti: Putting a kitchen in?

Robert Melillo: Yes, doing work.

Jan Johannessen: Under your scenario, the third floor would have to revert back to attic.

Connie Bueti: I understand that.

Anthony Oliveri: It may be that the ADA requirements are a certain percentage of the building would have to be renovated.

Robert Melillo: According to the existing building code, 20 percent of the cost of construction has to be dedicated to handicap accessibility. That includes bars in the bathroom, handicap toilets, handicap sinks.

Anthony Oliveri: If they meet that threshold, they have to bring it up to the ADA code. If the handicap spot requirement does kick in, essentially that almost forces the applicant to amend their site plan to show a handicap parking space, especially if it's going to reduce the parking by one spot.

Chairman Cosentino: Why would you have a handicap parking space if you can't have a handicap bathroom?

Robert Melillo: You have to try to make sense of the state requirements. I did a variance with the state where there was no elevator to the second story, but it was all handicap bathrooms on the second floor. The intent is, the day you are able to put an elevator in, it's all ready to go. They (the State) want you to do a little bit each time.

Chairman Cosentino: With that said staff will have to get together, work on it and get back to you.

Connie Bueti: What is our next step?

Whitney Singleton: We will reach out to you.

Connie Bueti: Thank you.

**Conceptual Application:**

**Tesla Mount Kisco Service  
115 Kisco Avenue  
PB2013-0252, 69.65-2-3 (SBL)  
Site Plan and Change of Use**

**Present:**

**Bradley Hoffman, Project Manager, Retail Development  
Tesla Motors, Inc.**

Bradley Hoffman: I represent Tesla Motors. I am based in California, and I manage the East Coast Retail development. I am a little embarrassed. The drawings I have are the wrong version. The ones you have in front of you are more up-to-date than the hard copy I have. I do have a digital one with me. We recently leased the property on 115 Kisco Avenue. We are currently in the process of building that out for the use of service. The reason I am here before you today is because we need a Change of Use permit with the intention of getting a sales overlay on the property. Part of our business model is custom built electric cars. I am not sure if you are familiar with Tesla. They are high-performance electric cars. Our purpose to come to Mount Kisco is because we have a large client base

Village of Mount Kisco  
Planning Board Meeting  
November 12, 2013

in this area. Whenever we go, we like to have a sales license. That is for a couple of different reasons. One, when you buy our car you either buy it on line or in a retail venue, and you need a place to get your car. So, the function of delivery and taking the car is often considered sales. The final transaction documents are processed in that town. Two, at the same time, we have a lot of customers who want to trade in their current vehicle for the loaner car they drove or want something greater and better. A lot of the time they get with the service people, so we do like to have the ability to have a sales function in our service centers. As a second thought, one of our V.P.s was in last weekend. He is very excited about Mount Kisco, and he wants to have a car on display inside at this location with an active sales presence. The site plan details that we submitted for conceptual review change the outside appearance of this current location. It used to be Land Rover service. We had the Architectural Review Board (ARB) approve our signage. There are existing trees and pillars in the middle of the parking lot. We'd like to replace that with an island to match the green frontage at the front of Kisco Avenue. We are proposing the village's approved trash enclosure detail for the dumpsters. We also show the spaces as they are laid out -- future post-mounted charging stations in front of the building, which are really small, and to see what you think about it, I need an ability to get a vehicle in here. It is not shown on these plans, but I wanted to know your thoughts if we were to install a storefront system here, roughly ten feet high -- not for main access but to be able to access a car into this area down here.

Chairman Cosentino: We are not architects. You will have to show us a drawing on what you want, and we need to physically look at it.

Bradley Hoffman: I know we can, but I just don't know physically.

Chairman Cosentino: How many cars are going to be there at one time?

Bradley Hoffman: We do not hold inventory. There may be one or two cars in inventory. Everything else will be for service customers or delivery.

Chairman Cosentino: These cars are completely battery?

Bradley Hoffman: Yes. 7,000 lithium ion batteries.

Vice Chairman Sturniolo: Are they polymer lithium batteries?

Bradley Hoffman: I am not sure. They look about the same size as a double A battery. They are in blocks in trays underneath the car.

Enrico Mareschi: If someone walks into the dealership, they can't buy a car there? There are no cars there?

Bradley Hoffman: Yes, you would have to order it.

Vice Chairman Sturniolo: You are describing it as a building that is going to address sales, service and a display function.

Bradley Hoffman: Correct. Our current use is service. Land Rover only used it for service, so our change of use is to sales and service.

Chairman Cosentino: What do these cars sell for?

Bradley Hoffman: \$70,000 to \$120,000 right now. Next year we will make an SUV that is in the same price. Then, towards the end of 2015 we will have a car between \$30,000 and \$50,000.

Vice Chairman Sturniolo: Do you have any other presence in Westchester County?

Bradley Hoffman: We have a service center in White Plains, and we have a retail outlet in The Westchester Mall, right next to the coffee shop at Nordstrom's. It's completely inside. We put a car on display and a chassis on display with a similar, what we call a design for use, how you can configure your vehicle. We would want to bring those elements here as well. Believe it or not, a lot of people up here do not want to go down there.

Chairman Cosentino: Are you selling used automobiles, or anything like that?

Bradley Hoffman: We don't. There is the potential for us to want to be able to do that in the future. It would only be our cars, though, on trade in.

Robert Melillo: You should make that part of your special permit.

Chairman Cosentino: What about washing facilities?

Bradley Hoffman: There is a wash bay existing inside this facility.

Chairman Cosentino: (to Mr. Melillo) Did you see that?

Robert Melillo: I did not look at Land Rover's original approval. It's a hand-wash bay, not a machine wash bay.

Vice Chairman Sturniolo: Does the building have sprinklers?

Bradley Hoffman: It does.

Vice Chairman Sturniolo: Not to bring up an unpleasant subject, but lithium ion batteries and your company have gone through a lot of negative press lately about four or five fires. If the external feed of the charging station is going to be built into the wall somewhere, can a car be charged internally as well, within the building, or does all the re-charging have to be from outside the charging stations?

Bradley Hoffman: No. The chargers themselves are within the car. You just give it power.

Vice Chairman Sturniolo: The power distribution is going to be on the outside of the building. Are you going to also have power distribution on the inside of the building?

Bradley Hoffman: The majority of our power distribution is on the inside. We will have some chargers on the outside of the building once Con Ed processes our power upgrade. But, in the meantime, most of our charging is all inside.

Vice Chairman Sturniolo: If you are charging on 220 volts, what is the charge time for the complete set of lithium batteries?

Bradley Hoffman: It depends on the battery pack that you have. There are two different options. Assuming you have the larger, if you are on a 40 amp draw, the car charges in about eight hours from dead.

Vice Chairman Sturniolo: Do you foresee a car being left uncharged overnight?

Bradley Hoffman: The car stops charging when it's done. It likes to be plugged in, though. It keeps all it's systems flowing.

Vice Chairman Sturniolo: But you could lock up the building at the close of the business day and a car is still on charge, and then when it hits is maximum charge, it shuts itself down automatically?

Bradley Hoffman: Correct.

Doug Hertz: I think you posted online that Mount Kisco was going to be a super-charger site.

Bradley Hoffman: Not currently, no. That is not even on the horizon here.

Doug Hertz: I know it's not on your application.

Bradley Hoffman: I know we were trying to get a larger service from Con Ed, but we scaled back financially.

Doug Hertz: Are you going to have your battery swap station at this site?

Bradley Hoffman: No. Battery swap is only in California, as it is currently planned.

Doug Hertz: Is there going to be public charging available?

Bradley Hoffman: When these charging ports are installed, they will be accessible by the public, but our charging ports are proprietary to Tesla only.

Chairman Cosentino: Do you have any kind of landscaping plan?

Bradley Hoffman: Other than this layout, no, but I think I will get one in color and bring it to you.

Chairman Cosentino: That usually works in a conceptual. I don't have any other issues at this point. It is less than it was beforehand.



Doug Hertz: I'm a fan. Apparently, you have more Tesla's in Westchester.

Bradley Hoffman: Mount Kisco service is currently – we are finishing up over here. We have the White Plains, but it is not really the greatest location. We also have a location in Harrison, also being another big port. We are also looking in North Jersey towards Mahwah.

Whitney Singleton: They need to comply with the special use requirements of 110-30. Have you been through those? You can find the requirements on the village's website. (Mr. Singleton then gave Mr. Hoffman details of accessing the website). Bathroom facilities are required, there can be no trailers, the repairs and service have to go on entirely within a totally enclosed building.

Bradley Hoffman: What is the definition of a trailer?

Whitney Singleton: Trailer or mobile home. It is not defined. Principal structures and the bathroom facility cannot be a trailer or mobile home.

Bradley Hoffman: I'm sorry. I thought you meant like trailers for cars. I think I comply with them all.

Whitney Singleton: There are lighting requirements as to how much lighting you should have, at what height the lights should be and where they are in the front yard and when they turn off. Used motor vehicle sales and rentals are addressed in here, but I don't think it has application to you. The storage has to be on paved areas and shall not be permitted in the front yard. That has been interpreted to me as required front yard. So, if the front yard for this district is the first 10 or 15 feet. You can display between the building and the street or in the parking lot, but you can't have it within 10 feet of the property line.

Bradley Hoffman: We are showing a ten-foot line.

Whitney Singleton: All loading and unloading must be on the site and cannot go on a public street. Then there are the general zoning requirements for the district. So this Board would be to approve a site plan or this change of use, and you would want to show them whatever items that they are identifying – if there is some enhanced landscaping, any change in the access or delivery.

Anthony Oliveri: Speaking of the site plan, it seems that the parking lot is being re-done.

Bradley Hoffman: Yes. There was nothing shown in here on the last approved use. Since then they have put trees in.

Anthony Oliveri: Also charging stations for handicap parking. You need a full-blown site plan. You need to refer to Section 110-45, which is the required element of the site plan. You have to come in compliance with that. What you have has some of the information. There might be a need for additional information. While putting the

island in, you have to show some topography here. You show a catch basin at the back. I'm not sure how the front is going to be drained because you are dividing the parking lot. I believe this is in a designated Main Street area, so it would come under the jurisdiction of the New York City DEP. You may need to file a storm water permit or a storm water pollution prevention plan with the DEP. I believe it is in a designated Main Street area. I can't really tell from this. You are definitely adding an island.

Robert Melillo: There are big, stone concrete planters there now.

Anthony Oliveri: I'm not sure to what extent this all changes, but they need to talk to DEP about that to see what is needed. Are you ripping up all of the asphalt and re-doing it?

Bradley Hoffman: We are patching. The rear part was really messy, so when they started digging out some of the rocks to make it level, they ended up just putting a topping slab on the rear, and they patched the front.

Anthony Oliveri: You need to define what you are disturbing and what you are removing, because there is a threshold. If you go over 5,000 square feet of removals and rip up all the asphalt and put down a new sub-base and asphalt, you are going to have to go for a storm water permit. These things have to be spelled out on here. Your professionals should be able to identify that.

Jan Johannessen: Do you have an existing conditions plan?

Bradley Hoffman: Yes, it should be in your packet.

Anthony Oliveri: That should be included. There is an old survey.

Jan Johannessen: The survey doesn't show the parking layout.

Bradley Hoffman: There is no real layout apparently.

Anthony Oliveri: If you're moving the trash enclosure, the parking lot is going to need a new site plan.

Bradley Hoffman: The trash enclosure is in the same location.

Anthony Oliveri: On the survey it shows it in the back corner. The site plan needs to show it comes into conformance.

Bradley Hoffman: The island was more of a thought to make it nicer. If you don't like it, we'll leave it.

Anthony Oliveri: It's not that we don't like it. If you're putting an island there, I'm not sure the water pitches towards the catch basin in the back. If you're putting an island there, you are cutting off the flow of water. You should look at that. You would not want ponding there in front of your island.

Bradley Hoffman: Point taken.

Anthony Oliveri: The trash enclosure is moving towards the back, so there is a change. Obviously all the striping is changing, so it's a new site plan.

Bradley Hoffman: I think we had to change it because it is not currently large enough. The new one is bigger.

Whitney Singleton: The purpose of the conceptual meeting is to get some feedback from the board as to what they would like to see in your subsequent application. Obviously you will have to address Anthony's concerns relative to the engineering and drainage.

Anthony Oliveri: I'm just identifying potential permit applications.

Whitney Singleton: We've had some drainage issues in that section of town before. As far as what the Planning Board is primarily looking for, I will kick it back to you guys. I know the landscaping and visual curbside appeal is big. Is there anything that you would like to identify now before they come in with a set of plans?

Chairman Cosentino: I have to look at it, and I think we should go on a site visit.

Doug Hertz: Is it early for a site visit?

Chairman Cosentino: Did you start work already?

Bradley Hoffman: We are almost done for our service.

Whitney Singleton: He is here for a conceptual and feedback as to what the Board would like to see.

Chairman Cosentino: Curb appeal, mostly.

Whitney Singleton: I think your Board has also been known to focus a little bit on the lighting. Not necessarily redoing the entire lighting plan, but protecting the property's edge, whether the lighting will be turned off at a particular hour, etc.

Chairman Cosentino: I don't think it has curb appeal now, and that's why I want to look at it.

Doug Hertz: Turning from being a fan to a Planning Board member for a moment, do you have any data from other retail sites as to how many people you expect in any period of time, so that we can understand the operation, what parking counts would be, etc. I think if you could provide a little bit of a narrative on a formal application, when you expect the sales staff to be in there as well as service staff, number of visits, when those would be timed, etc., so that we can have a sense of how that will coincide with parking availability on the site, uses of adjoining sites, etc.

Bradley Hoffman: We can pull data from our retail outlets, but most of this concept is new. The closest one to here is Milford, which is not actually open yet. We have some places in California I could pull data from.

Doug Hertz: Something anticipated that we can get a handle on.

Bradley Hoffman: Sure. We don't advertise. It's more word of mouth. We just don't want to be able to turn people away. Most of our sales assets are an environment similar to this would probably be drawing more customers in individually rather than the masses.

Doug Hertz: Also, will there be a vehicle available there for test drives, how will that be accommodated? We would like a sense of what additional parking needs to be designated for the sales aspect and how it will tie in with parking, because it was a limited site.

Vice Chairman Sturniolo: Earlier when Whitney was reading from the code what is permissible and not for the automotive use, he had mentioned no external service or maintenance. What we heard earlier was there are going to be these theatre cables to charge cars outside the building. Does that fall under the guise of maintenance and service; realizing when that was written, no one ever thought that 1.5 volt batteries are going to power a car.

Whitney Singleton: If I don't get reported by media in the audience, Jim Diamond put it in his property without any site plan approval at all.

Doug Hertz: The village is looking to put chargers in village parking spaces.

Whitney Singleton: That is different, that is the village. You have other site plans in town that just install it without even coming to your Board for permission. The concept was the noise, the banging, the drills, etc. That was supposed to be inside. You will see the doors are all wide open at Valvoline. That is all supposed to go on in a fully enclosed building. Enforcement has been a problem. Compliance has been a problem. There may have been a little misconception last review. My understanding is there is a big difference between that eight-hour charge time that might be done at home and the charging that you're talking about on the site. Is that correct?

Bradley Hoffman: These chargers outside would be between 140 amps. You are at max, a little under a four hour charge, assuming your battery is completely dead.

Vice Chairman Sturniolo: The eight hours you were referring to is internal with the car being charged?

Bradley Hoffman: It depends on how many amps you give it. The more you give it the faster it charges.

Whitney Singleton: So your super-stations are like 15 minutes?

Bradley Hoffman: Yes.

Chairman Cosentino: Doesn't the battery charge itself also?

Bradley Hoffman: It regenerates when you slow down, but if you go down a really big hill, the mileage will go up.

Chairman Cosentino: How many miles can you go?

Bradley Hoffman: The EP estimated rating is 265. There are a lot of different variables, depending on how fast you drive. 265 is pretty average. If you drive much slower and charge on a really low rate and it extends the battery life, you can be up over 300 pretty easily.

Vice Chairman Sturniolo: What is the percentage of the recaptured energy when the car is braking?

Bradley Hoffman: I'm not sure. Sorry. I will have a service person with me next meeting.

Doug Hertz: There is more than one re-generation in braking.

Bradley Hoffman: Yes. When you lay off the accelerator, you can change how fast the car slows down as a result of the regeneration braking. The really aggressive one pushes you forward.

Whitney Singleton: When you discuss in your narrative, you also might want to discuss the anticipated volume of vehicles being delivered to the site. There are several car dealerships that have the big car carriers. I'm not certain that is what you are proposing to do, is it?

Bradley Hoffman: No, but they have shown up before.

Whitney Singleton: That route is difficult.

Bradley Hoffman: We will show a diagram of how that will work, based on the size of the trucks that we get.

Whitney Singleton: They deliver to your house or office, correct?

Bradley Hoffman: We intend to deliver them here.

Whitney Singleton: You don't necessarily take delivery at the dealership, would you?

Bradley Hoffman: Yes. You would take delivery at the dealership. That is part of this. It falls under sales.

Vice Chairman Sturniolo: Where would you do your bodywork for these cars?

Bradley Hoffman: Not here. We don't do any bodywork in-house. They work with all local body shops. We provide the parts to the body shop, but we don't actually do body work.

Chairman Cosentino: Do you do oil changes?

Bradley Hoffman: I can definitely tell you there is no oil. Well, there is a pint of gear oil in our transmission, but it's a gear box. It's only one

gear. That is the only oil that is in the car at all. Everything else is coolant. The engine and the battery is loaded with coolant.

Jan Johannessen: Is the second floor all offices?

Bradley Hoffman: Right now it is our landlord's office. He vacates the property on the 15<sup>th</sup> of December, and that will become partially storage and partial offices for our delivery and sales team, hopefully.

Whitney Singleton: You will be the sole occupant of the building?

Bradley Hoffman: Correct. Our counts are for the entire space.

*At this point, Chairman Cosentino instructed Mr. Hoffman to file a formal application for a change of use in site plan to appear before the Board again. Mr. Melillo advised Mr. Hoffman to meet with all consultants before formally applying, so he can supply as much material as possible for the meeting with the Board. It was advised to have the architect for the project included as well.*

### **Correspondence**

- Acknowledgement of Minutes of the Beautification Committee Meeting of October 2, 2013

*As there was no further business to be discussed by the Planning Board, on motion by Vice Chairman Sturniolo, seconded Mr. Hertz the meeting was adjourned at 10:00 PM.*

Respectfully submitted,

Stanley Bernstein, Recording Secretary

dm