

Minutes of Meeting of the Planning Board  
Village/Town of Mount Kisco  
Tuesday, December 9, 2014

Chairman Cosentino called the meeting to order at 8:00 pm in the Municipal Building.

**Members Present:** Chairman Joseph Cosentino  
Vice Chairman Anthony Sturniolo  
Ralph Vigliotti  
Sol Gibbons  
Doug Hertz  
Enrico Mareschi  
Stanley Bernstein  
Peter Grunthal, Alternate

**Staff Present:** Jan K. Johannessen, Village Planner  
Anthony Oliveri, Village Engineer  
Robert Melillo, Assistant Building Inspector  
Whitney Singleton, Village Attorney

Michelle K. Lailer was the Secretary and transcribed the following minutes.

Chairman Cosentino led the Pledge of Allegiance.

Chairman Cosentino stated again, welcome back Stan.

Mr. Bernstein stated thank you so much. I'll do the best I can for the Village.

Chairman Cosentino stated as long as you don't talk too much. This is Tuesday, December 9<sup>th</sup>, this is the Planning Board. We don't have anything for our minutes at this time, so we'll start with a formal application, Suburban Floors, do you want to come up and identify yourself for the record please. Oh, wait I'm sorry, wait a minute, we're changing the order, I'm sorry. Mr. Simone, I'm sorry.

Mr. Simone stated that's alright.

Chairman Cosentino stated I'm going to change the, what we're going to do tonight, I'm going to call up Mercedes first, does Mercedes want to come up. Mercedes Benz. Anybody here for Mercedes Benz.

Anthony Oliveri stated there was somebody outside.

Chairman Cosentino stated what.

Anthony Oliveri stated I saw the engineer outside.

Jan Johannessen stated I'll check Mr. Chair.

Chairman Cosentino stated want to come up here, Mercedes Benz.

**Mercedes Benz Discussion**

Mr. Peter Catizone of Catizone Engineering and Mr. John Penney of Penney Design Group were present.

Chairman Cosentino stated I don't think you have to put all that out right now.

Mr. Catizone stated okay.

Chairman Cosentino stated is there anybody else here for Mercedes Benz, just the two gentlemen, why don't the two gentlemen come up and identify yourselves for the record please.

Mr. Catizone stated my name is Peter Catizone with Catizone Engineering, I'm the site, civil engineer and consultant for the applicant.

Mr. Penney stated John Penney from Penney design group, I'm the architect.

Chairman Cosentino stated okay, now I understand that the plans have changed, am I understanding right, there's a complete set, a new set of plans.

Mr. Catizone stated the plans that you have, that we submitted...

Chairman Cosentino stated are not the proper plans that you're going to submit something else tonight.

Mr. Catizone stated no, we're not submitting anything else tonight.

Chairman Cosentino stated is there a new set of plans being drawn up so the egress and ingress.

Mr. Catizone stated there are some comments that we've received from the Town of Bedford, the applicant has retained a traffic engineer.

Chairman Cosentino stated do you presently have another set of plans.

Mr. Catizone stated we presently do not.

Chairman Cosentino stated so what we're going to be talking about tonight if we talk about tonight, are the plans that you're going to be submitting.

Mr. Catizone stated correct.

Chairman Cosentino stated no other plans are going to be submitted except the plans that we presently have now.

Mr. Catizone stated the plans that we will...

Chairman Cosentino stated this is on record now.

Mr. Catizone stated this is on record, the plans that we will share with the Board tonight are exactly the plans that we've submitted to you.

Chairman Cosentino stated that you're going to be using.

Mr. Catizone stated they are subject to change in our next submittal based on the Town comments.

Chairman Cosentino stated so these aren't the completed set of plans.

Mr. Catizone stated these are the latest set of plans, we don't know...

Chairman Cosentino stated these are not the completed set of plans that, next month you're going to bring a set of plans that will be completely different or different.

Mr. Catizone stated they'll be different, not completely different.

Mr. Penney stated there will be minor changes.

Chairman Cosentino stated egress and ingress will be different.

Mr. Catizone stated yes.

Chairman Cosentino stated there's no use us talking about anything tonight, I need the set of plans that you're going to be submitting, the complete set of plans so this Board will know what's going on. Looking at these plans will do us no good and I think you realize that and we're just wasting your time.

Mr. Catizone stated we're not trying to waste our time or the Board's time.

Chairman Cosentino stated but you're going to be wasting our time, we want to see the complete set of plans as you're going to submit them, the plans that you're going to be submitting tonight are not going to be the plans that you're going to submit the next meeting, am I true, is it a fact.

Jan Johannessen stated sales won't change.

Mr. Catizone stated sales won't change.

Mr. Penney stated the only difference we see for ourselves...

Chairman Cosentino stated egress and ingress.

Mr. Catizone stated yes.

Mr. Penney stated is one ingress and egress.

Chairman Cosentino stated I want them on a new set of plans so this Board can enjoy what you people are enjoying changing them. I want to see the new set of plans, that's what I need before me, not the set of plans that you have now because those are not the set of plans that we're going to get at the next meeting.

Mr. Catizone stated just if I can clarify we met with this Board last month and after that we had a site meeting with the Town of Bedford, which we advised this Board and invited anyone to join. At that meeting there were some comments and recommendations.

Chairman Cosentino stated but you are changing the plans.

Mr. Catizone stated but we haven't changed the plans yet.

Chairman Cosentino stated but you are going to be changing...

Mr. Catizone stated what we need is...

Chairman Cosentino stated just answer the question.

Mr. Catizone stated we are going to change the plans.

Chairman Cosentino stated you are going to change the plans for the next meeting, okay.

Mr. Catizone stated but we can't incorporate any of the this Board's comments without having them. I mean the plans, there's two different municipalities here.

Chairman Cosentino stated but there's nothing for us to see on the new plans.

Mr. Catizone stated okay.

Chairman Cosentino stated what are you going to show us, what are you going to show this Board.

Mr. Catizone stated we can share with you what the comments...

Chairman Cosentino stated on a plan, I need a set of plans, I need facts and I don't have them tonight.

Mr. Catizone stated we would love to give you the facts but...

Chairman Cosentino stated chair calls for a table, do I have a second.

Mr. Vigliotti stated I second it.

Chairman Cosentino stated I'll see you next meeting with a complete set of plans. Do we need a vote on this Mr. Singleton.

Whitney Singleton stated you had a second, you can call for a vote.

Mr. Bernstein stated need a vote to table.

Chairman Cosentino asked for all in favor.

Motion carried by a vote of 7 to 0.

Chairman Cosentino stated does the Board understand that we need a set of plans that we can abide by, they're coming in with a completely different set of plans with a new egress and ingress, staff hasn't studied those plans, traffic hasn't studied those plans, so if he comes in with them next time or the next meeting, okay, we still won't know what to do, they've got to talk to staff, find out what the traffic report is and find out what the implications are on a new egress and ingress and this is the reason why we give them time to do this, he just didn't want to understand I guess. It's going to help him. Okay, we'll go back to Suburban Floors.

**Suburban Floors (John Reber) – 227 (221-223) Lexington Avenue  
PB2012-6, 80.40-2-1 (SBL)  
Amended Site Plan Approval**

Mr. John Reber, Mr. Frank Carpenteri, Ms. Emily Carpenteri, and Mr. Dan Simone were present.

Mr. Simone stated good evening gentlemen.

Chairman Cosentino stated good evening Mr. Simone.

Mr. Sturniolo stated if you have business cards, would you please pass them over.

Ms. Carpenteri stated I didn't bring any.

Mr. Simone stated we're not very businesslike.

Mr. Carpenteri stated Frank Carpenteri.

Ms. Carpenteri stated I think I may have one in my purse.

The Secretary stated just state yours if you could, for the record.

Mr. Carpenteri stated Frank Carpenteri.

Mr. Reber stated John Reber.

Ms. Carpenteri stated Emily Carpenteri.

Mr. Hertz stated there were probably other items that they could have gone through.

Chairman Cosentino stated we need the new egress. Well, I made a decision, okay. Go ahead.

Mr. Simone stated well we're here tonight we've, since the last time we were here, we've received ARB approval on the building, we've been working with DEP to finalize the SWPPP documents with them, it was recently submitted around Thanksgiving, I know Anthony had not had a chance to review the final SWPPP for tonight's meeting but we wanted to come back to the Board just to close out any issues that the Board may have remaining on site plan approval so we can get this ready for a spring start. I have memos from Mr. Landi and Mr. Johannessen and Mr. Oliveri, which I guess Mr. Oliveri is just waiting on the SWPPP review and any comments that DEP may have. Mr. Landi had a couple comments which I think we can incorporate onto the plans, they don't seem to pose any issues. I just wanted to bring it back to the Board to see if there was any further comments in closing the out the site plan application.

Chairman Cosentino stated a beautiful building you did there.

Mr. Simone stated thank you.

Mr. Vigliotti stated could you do a, just a quick review of...

Mr. Simone stated of where we are.

Mr. Vigliotti stated where you are, Smith Avenue.

Mr. Simone stated yeah, there's a couple of new members I see, so I will give you a little overview here. It's the Reber Florist site, on the corner of Smith and Lexington. This corner has the existing Reber Florist building and the greenhouses are located here in the back, this is an existing two story brick house that's on the north side of the property. What we're doing is proposing an addition to the first floor of the two story home on the side and on the rear, the rear is going to be used for storage, warehouse, this is going to be a showroom addition. We're maintaining at one bedroom apartment on the second story, so it will be a mixed use building, parking for it is located in the back of the project with access from Smith Avenue. The project itself there's an overall reduction in impervious surfaces so we're anticipating a positive impact on all the stormwater and pollution discharges from the site and Suburban Floors will operate their business out of the facility which is a flooring design and installation.

Mr. Vigliotti stated if you can go back to the rendering, I had a concern early on about the garage or warehouse, okay and how that is going to look on the Smith Avenue beat. The building itself as it appears on Lexington Avenue has a real residential feel...

Mr. Simone stated yes.

Mr. Vigliotti stated and the Board is happy with that. The warehouse for the garage looks like exactly what it is and I'm not sure that fits into the architecture that's on Smith Avenue, so that was my concern early on and I don't think there's been any change.

Mr. Simone stated no, the ARB did make use, I can show you that. This is the Smith Avenue elevation you see here...

Mr. Vigliotti stated right and then you have...

Mr. Simone stated the warehouse is tucked way back and in front this is the parking lot where we have some evergreen trees proposed at the entrance to kind of screen that.

Mr. Vigliotti stated now that's a garage door.

Mr. Simone stated this is a garage door, the ARB wanted us to use like a, more residential type garage door, so we're showing a raised panel type garage door.

Mr. Vigliotti stated to the my right of the garage door, what is that wall.

Mr. Simone stated this is horizontal lap siding.

Mr. Vigliotti stated will it have, I really respect the ARB, however, if there are a few windows onto that façade, it will give it a more residential feel, it's just all warehouse look. So in that large area next to the garage and I think at any, you would never seen that on a residential street, a garage with lots and lots of wall space.

Mr. Simone stated we did actually add them to the other elevation just for that purpose because it faces the residential neighborhood but no, your point is very valid.

Mr. Vigliotti stated right, so while my point is valid, what are we going to do about it.

Mr. Simone stated well I think we can easily add a window to that elevation.

Mr. Vigliotti stated I think it will really enhance the garage and fool some people that are driving through the neighborhood that it's not a warehouse, it's not a garage, it has a residential feel to it.

Mr. Simone stated yeah, that would be this wall here.

Ms. Carpenteri stated not for nothing, is there any other way, I mean not that I, is there any way of doing it without a window, like if it we did a window box and then like some type of faux.

Mr. Vigliotti stated we can't falsify what we're trying to do to that corner, it is a major intersection...

Ms. Carpenteri stated it is the entrance to Smith Avenue which dozens of Planning Board Members over the years have tried desperately to preserve that character, this is one of those last opportunities to protect that character. I honestly believe, Mr. Simone you know what to do to protect that character, you need to speak with your clients with regard to that, I don't think a planting box is going to, I think a planting box below those windows would be gorgeous.

Ms. Carpenter stated underneath the window, yeah.

Mr. Vigliotti stated but we, we need to do something, that's the last opportunity to do it, it's probably the last major building change on that street for many, many years to come and it's at a major intersection, it is a major intersection.

Mr. Simone stated where the window is.

Ms. Carpenteri stated no, I was just asking, I like the window, I don't have a problem with it.

Mr. Vigliotti stated that's something that you guys...

Ms. Carpenteri stated yeah, we'll work that out.

Mr. Vigliotti stated if one window, I don't know, how wide is that span from the garage door to the end of...

Mr. Simone stated it's probably about 12 to 14'.

Mr. Vigliotti stated so the determination is, does window soften it or is a double window that softens it as opposed to leaving it blank. You're very close to having something that is attractive, it just could be a little bit more attractive and give a residential feel.

Mr. Simone stated and that's one of the reasons we tucked, in the site plan that's why we tucked that building kind of in the back, so it would be, you know a good 100' away from the road and we do have considerable landscaping shown here so you really only catch that glimpse through this throat and then over the parking but your point is valid. I think if we actually, one window would probably be best flanked with some higher arborvitae type plants which would kind of you know, screen.

Mr. Hertz stated is there enough planting space in that little island.

Mr. Simone stated yeah, we have about 8', so we can do a nice size arborvitae.

Mr. Hertz stated you can do whatever you need to do.

Mr. Simone stated we could.

Mr. Vigliotti stated okay.

Mr. Grunthal stated what is the height, the roof height.

Mr. Simone stated the storage is 14'...

Mr. Grunthal stated I'm thinking the upper most roof height of the largest building.

Mr. Simone stated oh, the existing building.

Mr. Grunthal stated no, no, the one where you're right hand is right now.

Mr. Simone stated this one.

Mr. Grunthal stated no, no the highest roof that we're looking at.

Mr. Simone stated let me see if I have it shown on the elevations, it's about 16' to the tower, the main roof to the main structure is probably an average of about 22'.

Mr. Grunthal stated how does that compare to the buildings to either side of it along Lexington and along Smith.

Mr. Simone stated they're all two story, they're all very similar height. Actually the one across Smith is higher, that's the old Victorian, so that one has a three story structure.

Mr. Grunthal stated the rendering looks as though it's very tall, very high, maybe that's just the illusion one gets.

Mr. Simone stated yeah, not it's not unusually high, the plate height, the roof plate height starts just about three feet above the ceiling height for the first floor, so that kind of gives that one and a half story impression.

Mr. Vigliotti stated but that's the existing building.

Mr. Simone stated that's the existing building.

Mr. Vigliotti stated that's there now.

Chairman Cosentino stated Peter, if you go by, the existing building is there.

Mr. Simone stated yeah and what we did, what we did is we kind of matched that, we kept the one story in the front and then kept that, wrapped that around so it really only looks like a one story addition with the tower piece that comes up about another six feet from that.

Mr. Grunthal stated the plans show some plumbs, is that right, basins, plumbs.

Mr. Simone stated they're dry, they're infiltration basins.

Mr. Grunthal stated what do they actually look like because you've got what look like lawns.

Mr. Simone stated they are, they're actually, they'll be manicured lawn areas with a slight depression, they're about two feet deep and then they're landscaped around just to kind of create, these are landscaped all around the perimeter of the two infiltration basins but they will have grass bottoms so there will be for mowing just keep it nice and trim.

Chairman Cosentino stated you have an area in the front of the rendering, that's all greenspace, right.

Mr. Simone stated this is all green, yeah.

Chairman Cosentino stated go back to the rendering. That's all green space right.

Mr. Simone stated yeah, everything to the right of the new addition is all green up to Smith [Avenue].

Mr. Carpenteri stated right around the corner pretty much.

Mr. Simone stated and for the new Board Members, currently there's on street parking located in the right of way of Smith [Avenue] which was an agreement for Reber Florist, that parking will be removed so that green space will not come back out to the curb...

Chairman Cosentino stated nice.

Mr. Simone stated so we're adding more green space by removing the on street parking.

Mr. Sturniolo stated Danny, a question, what is the existing lighting today at that spot.

Mr. Simone stated there is a light on the pole that's over here on Smith [Avenue], there's a light that's on the pole across the street.

Mr. Reber stated on the other side of Lexington [Avenue].

Mr. Simone stated on the other side of Lexington [Avenue] and then there's another light down Lexington [Avenue], so what we did is to keep our light levels low, we proposed one fourteen foot pole only for the parking lot, one mounted over the door and the two entrance and with that we can achieve the minimal levels. There is actually more light scatter from the on street existing parking lights than we're going to produce probably.

Mr. Sturniolo stated so the minimum levels would obviously not impact the way the statute is written regarding foot candles.

Mr. Simone stated no, right, that was designed to be in conformance with that.

Mr. Sturniolo stated take that into consideration.

Mr. Simone stated it doesn't take into consideration the existing lights are there, so but.

Mr. Sturniolo stated thank you.

Mr. Simone stated you're welcome.

Chairman Cosentino stated anybody else, staff.

Jan Johannessen stated the applicant had addressed the comments we had previously prepared in our February 5<sup>th</sup> memorandum, there are no additional comments.

Anthony Oliveri stated I just need to complete review of the stormwater calculations, Dan got me a copy last week, so I'll go through that if there are issues I will let you know.

Chairman Cosentino stated alright, where do we want to go from here.

Mr. Vigliotti stated I just had one question when we're set on the landscaping.

Chairman Cosentino stated go ahead.

Mr. Vigliotti stated the landscaping plan, will it be showing whatever planting you're putting in, the height of the plants as they go in.

Mr. Simone stated yes, different species are either designated by height...

Mr. Vigliotti stated okay, the reason why I ask that, we've had some issues recently with landscaping plants which the landscaping was fulfilled but not with the type of height that we thought we were going to get.

Mr. Simone stated okay.

Emily Carpenteri stated Dad knows very well.

Mr. Vigliotti stated so we, we'll be looking closely at that.

Mr. Simone stated yeah, no, and actually Jan had recommendations on the height and caliper of a lot of the species.

Mr. Vigliotti stated we're still learning as we're going.

Mr. Simone stated well you know, there's a old trick depending how long you're in the construction mode, if you propose a 3" caliper, you plant it as a 2 1/2" and by the time you're looking for sign-off, it's 3".

Mr. Vigliotti stated yeah, it's 3" but planting arborvitae that's 2' and it really should have been 4', it never gets there.

Mr. Simone stated it never gets there, yeah I know.

Mr. Vigliotti stated okay, thank you.

Jan Johannessen stated Ralph, a lot of planting stock from the original proposed is increased.

Mr. Vigliotti stated okay, you know what this is going back to.

Jan Johannessen stated yes, I do.

Mr. Vigliotti stated another.

Mr. Simone stated no, no problem.

Mr. Mareschi stated thank you.

Mr. Reber stated so we're pretty well set with just adding a window or do whatever the...

Chairman Cosentino stated yes, I think it will make it look nicer.

Mr. Reber stated and that will suffice.

Mr. Vigliotti stated and you're on your way.

Mr. Simone stated alright, so...

Jan Johannessen stated would you like us to draft a resolution.

Chairman Cosentino stated a draft resolution, okay.

Mr. Simone stated okay.

Emily Carpenteri stated thank you.

Mr. Reber stated thank you.



Mr. Sturniolo stated just not go back to the window or two, we're talking about a real live window, not a shadowbox painted or whatever.

Emily Carpenteri stated yes, no, a real one. I should have kept my mouth shut, it was just a question, I agreed with you, I was just asking.

Mr. Simone stated no fake windows.

Emily Carpenteri stated no fake windows, thank you.

Chairman Cosentino stated thank you for coming.

Mr. Simone stated thank you Board Members, Happy Holidays to everyone.

Chairman Cosentino stated okay Jaguar Land Rover.

Mr. Monteleone stated Chairman if I may for just a moment, representing Mercedes Benz, I would appreciate being put back on the agenda, there are no change to our plans in Mount Kisco.

Chairman Cosentino stated okay, you want to...

Mr. Monteleone stated be back on the agenda at number five on the agenda this evening, we have no change to our plans in Mount Kisco, we're waiting for your input.

Chairman Cosentino stated you want to be put back on number five.

Mr. Monteleone stated yes.

John Landi stated it's already been tabled.

Chairman Cosentino stated okay.

Mr. Mareschi stated he wants to come back to us tonight.

Mr. Vigliotti stated yeah, that's what it sounds like.

Chairman Cosentino stated did you understand his question.

Mr. Sturniolo stated no.

Mr. Grunthal stated he's saying that the old one is kind, the only changes that are going to be on the plan are going to be in Bedford, so he still wants to talk Mount Kisco, it seems reasonable to me.

Chairman Cosentino stated yeah, absolutely.

Mr. Grunthal stated untabled.

Chairman Cosentino stated alright, look I'm going to reconsider.

Mr. Monteleone stated thank you.

Chairman Cosentino stated I'm still confused here.

Mr. Vigliotti stated Mr. Chairman, I know, there is a reason why we tabled it, the applicant met with the Town officials from Bedford last week and there have been changes that we are unaware of officially in writing.

Mr. Monteleone stated we didn't change anything in Mount Kisco.

Mr. Vigliotti stated but we need to know what's going on with our neighbor.

Mr. Monteleone stated well you need to have a joint meeting with Bedford and we're not opposed to that.

Chairman Cosentino stated we're setting that up. Okay, look at it, maybe I was too premature and maybe we can learn something else, okay.

Mr. Monteleone stated yes, exactly, that's what we're trying to do is get the matter in motion.

Chairman Cosentino stated alright, okay, have them come back in again.

Mr. Vigliotti stated once you make a decision, that's it, done.

Chairman Cosentino stated Tony, Tony, what are we actually going to talk about though, that's what I want to know.

Mr. Monteleone stated we're going to show you the parking plan, we're going to show you the entire interior plan, everything that this Board has jurisdiction over in Mount Kisco.

Chairman Cosentino stated see what's confusing me and may be confusing some of the Board Members, I don't know, I mean, they're proposing another ingress and egress.

Mr. Monteleone stated they're proposing an ingress and egress to the property in Bedford, not another ingress and egress, the property in Bedford where...

Chairman Cosentino stated the road that's in next to Nohilly now...

Mr. Monteleone stated yes.

Chairman Cosentino stated are they going to be eliminating that.

Mr. Monteleone stated the driveway into Nohilly, there's going to be an entrance into Nohilly's property.

Chairman Cosentino stated but I'm talking about into 333 [North Bedford Road].

Mr. Monteleone stated no, that's not going to change.

Whitney Singleton stated aren't you eliminating the entrance into Nohilly's.

Mr. Vigliotti stated from [Route] 117.

Mr. Monteleone stated we are having one entrance into Nohilly's, we are having an entrance into Nohilly's.

Chairman Cosentino stated on his property.

Whitney Singleton stated from [Route] 117.

Mr. Monteleone stated whether it's on 133 or rather on 117 or on the entrance road hasn't been finally been determined, it will be one or the other.

Whitney Singleton stated because we were advised that the access to 117 was eliminated.

Chairman Cosentino stated yeah.

Mr. Monteleone stated it will either be on 117 or, that hasn't been finalized.

Chairman Cosentino stated see that's the thing, this...

Mr. Monteleone stated but we're not eliminating an entrance into the property from the entrance that goes in.

Chairman Cosentino stated Tony but there's no drawings that this Board could look at to stipulate where the egress and ingress is going to be now. That's...

Mr. Monteleone stated that's Bedford property, the ingress and egress to the mount Kisco property is as they currently exist. The roadway next to Nohilly, going into the Diamond Property and Ice House Road are the ingress and egress that are going to be servicing the property in Mount Kisco.

Whitney Singleton stated I think the concern was this, are you adding more properties in Bedford to be accessed through Mount Kisco.

Mr. Monteleone stated adding more property.

Whitney Singleton stated is Nohilly now going to primarily accessed through Mount Kisco.

Mr. Monteleone stated no.

Whitney Singleton stated where's the car carrier going to come in from.

Mr. Monteleone stated it may come in off the entrance to the Diamond Properties that currently exists next to Nohilly but that's the Town of Bedford.

Whitney Singleton stated which has prohibited no left hand turns.

Mr. Monteleone stated yes.

Whitney Singleton stated so they're, all the cars on that site are going to come in through Mount Kisco.

Mr. Monteleone stated no, we're talking about ingress, we're not talking about egress.

Whitney Singleton stated I'm talking about ingress too, there's no left hand turn permitted into that driveway.

Mr. Monteleone stated and there won't be, it will be controlled by, most of the traffic will come in and out either...

Mr. Vigliotti stated Ice House Road.

Whitney Singleton stated Ice House Road.

Mr. Monteleone stated Ice House Road where there will be a right turn, coming in off of, a right turn out of the one next to Nohilly.

Whitney Singleton stated right hand turn out.

Mr. Monteleone stated yes, if you come up the roadway accessing Diamond Properties is a two way roadway and when you come out of that you can't make a left but you can make a right.

Chairman Cosentino stated no, you've got to make a right.

Mr. Monteleone stated and that will still be there.

Whitney Singleton stated so all the traffic coming out will go through Mount Kisco and all the traffic going into it will come through Mount Kisco.

Mr. Monteleone stated not necessarily, the property, the traffic can be directed off Preston Way to go back to the Saw Mill River Parkway or if people know to get to the Saw Mill going south, they can also deviate and go through McLain Street as so many people do, those who are familiar with it. So there's not going, all the traffic won't be flowing through Mount Kisco because a matter of fact most people who are familiar with Mount Kisco deviate and go around it.

Chairman Cosentino stated well we got some wrong information then.

Mr. Monteleone stated so we'd just like to be back on the agenda.

Mr. Vigliotti stated you see that's part of it, we don't have the right information in writing from that Bedford meeting and that's what we need to have in place.

Chairman Cosentino stated maybe that's our fault, we haven't met with Bedford yet and I think that this Board and which I am going to ask Michelle tonight to set up a meeting between the Bedford Planning Board and the Mount Kisco Planning Board so we really know what's going on but as far as the information that we received was that the entrance next to Nohilly was going to be shut down and egress and ingress was all going to be through Ice House Road.

Mr. Monteleone stated no, that's not correct, that's not correct.

Chairman Cosentino stated come back in.

Mr. Monteleone stated thank you, we'll see you later.

Chairman Cosentino stated you can come back in now.

Mr. Monteleone stated now, okay.

Chairman Cosentino stated he's representing Mercedes.

Inaudible – too many speaking at one time.

Chairman Cosentino stated you want to do it at the end. I don't care, I just thought.

Mr. Hertz stated that was the order of the agenda.

Chairman Cosentino stated since I got the wrong frigging information, I owe these people an apology, which I'm not going to apologize.

Mr. Monteleone stated sorry.

Chairman Cosentino stated the Board want to go in order.

Mr. Monteleone stated okay, that's fine you want to go in order, no problem.

**Jaguar/Land Rover – 250 Kisco Avenue  
PB2013-18, 69.49-3-3 (SBL)  
Site Plan, Steep Slopes and Wetland Permit**

Charles Martabano, Esq. and Mr. Charles Utschig of Langan Engineering, Mr. Ira Grandberg and Mr. George Gaspar of Grand berg Architects, and Mr. Rich Stavritas of the Premier Collection were present to represent the application.

Chairman Cosentino stated okay Jaguar.

Mr. Martabano stated you guys are inundated with cars tonight and all high end ones, that's good.

Chairman Cosentino stated you should be used to that.

Mr. Martabano stated yes, I think I would.

Chairman Cosentino stated identify yourselves for the record please.

Mr. Martabano stated certainly, Charles Martabano, attorney for the applicant, HVA Realty.

Unknown speaker stated nobody's donated a car to the Town yet.

Mr. Martabano stated I don't like the yet part of that.

Chairman Cosentino stated could you all identify yourselves for the record.

Mr. Utschig stated Charles Utschig, Langan Engineering.

Mr. Grandberg stated Ira Grandberg, Grandberg Architects.

Mr. Gaspar stated George Gaspar, Grandberg Architects.

Mr. Stavritas stated Rich Stavritas, Premier Collection.

Chairman Cosentino stated gentlemen, good evening.

Mr. Martabano stated good evening Chairman.

Chairman Cosentino stated okay.

Mr. Martabano stated I can give you a little bit of background on the application Mr. Chairman, whatever you want to do, just to get us where we are.

Chairman Cosentino stated go right ahead, there are some new members here, so.

Mr. Martabano stated exactly, yeah, this application was originally reviewed by the Planning Board in late winter and early spring of last year and at that time I think the Board did declare itself, sorry, it's intent to declare itself lead agency for SEQRA purposes, I think that was probably in March of 2014. For whatever reason and then the other discussions were that this application requires a fair number of variances so the thought would be that the applicant would go to the Zoning Board of Appeals to seek those variances because without the variances, the plans that you see today are not really permissible, so the real objective was to get to the ZBA but the ZBA can't act in a formal capacity or a legally binding capacity until SEQRA is completed so we're somewhat in a little bit of a chicken and egg scenario. We decided that we'd like to come back before your Board and it was noted that time by I think by the Planning Consultant and the Village Attorney that the original memorandums that were issued by the consultants back I think in March in 2014 had not been responded to, so we did respond to those before coming to your Board and just recently, meaning the last day I think it was we received another group of memorandums from the Planning Consultant, from the Building Inspector and from the Village Engineer. So obviously our plans may once again change a little bit as we respond to those memos and just (inaudible) some of the comments you were having before about getting things in order, what we would like to do is basically two things, back in march the notice of Intent to Declare itself lead agency hadn't previously been circulated but it has now been circulated with the most recent plans and we're like your Board to declare yourself lead agency tonight because I think the 30 days has transpired without anyone objecting to that. The second thing that we really want to do, is we really want to go to the ZBA even though we know that can't get a binding determination, it's important for us for our planning purposes and the economy of everybody's time that we know that we can build this or whether it's got to be modified a little bit before we go into any in depth environmental review. So what we'd like to be able to do is have you declare yourself Lead Agency tonight and we'd like to go to the Zoning Board. I think we are going to get the last denial letter tomorrow, that's why we would like to go, knowing we can't get a binding determination, but at least we can get an idea of what they think about the plan before we spend a lot time on a set of plans that may or may not be approvable. So that's what we would like to accomplish tonight.

The Secretary stated Charlie.

Mr. Martabano stated yes.

The Secretary stated I did not say that you were going to get that letter tomorrow.

Mr. Martabano stated okay, would you clarify.

The Secretary stated oh, we are going to work on it but you are not going to get it tomorrow.

Mr. Martabano stated I stand properly corrected, hopefully I will get it in the near future, so I can go to the ZBA in January. I've got to watch her...

Chairman Cosentino stated yeah, she'll kick butt.

Mr. Martabano stated you think I don't know that. Okay so that's just the thumbnail sketch, we have with us obviously our engineer here, if you have specific questions we have the drawing of the building but truthfully, we'd like to do it this way so that...

Chairman Cosentino stated Jan.

Jan Johannessen stated yes.

Chairman Cosentino stated I want to bring you in at this point.

Jan Johannessen stated sure. Mr. Martabano's correct, the Board did declare its intent to be lead agency back in March, no involved agency has objected to the Planning Board acting as lead agent, I don't see any real reason why the Planning Board couldn't go along and adopt a lead agency declaration this evening. I don't really have any issue with the applicant going before the ZBA at this point just to get a temperature of the Board...

Chairman Cosentino stated that's up to them.

Jan Johannessen stated and understanding that their issues or concerns, understanding that the ZBA can't make any sort of decisions until the Planning Board...

Mr. Martabano stated understood.

Jan Johannessen stated issues a declaration of significance under SEQRA, at some point in time the Planning Board will have to start evaluating the impacts, they'll need to go through the part II EAF and complete that, identify potentially large impacts and we'll need to make a decision at some point as to whether this application is going to undergo environmental impact statement under SEQRA or whether the impacts can be adequately addressed in an expanded part III, perhaps we're not at that point yet, perhaps some of the comments the applicant received from my office and Anthony's office and the Building Inspector can be incorporated and the plans addressed and at that point, after the applicant has, before the ZBA, we can go through the EAF and identify the direction of this application.

Chairman Cosentino stated Anthony, you don't have any...

Anthony Oliveri stated we have a memo, I think you've got a copy of it.

Mr. Martabano stated we did yes, yes.

Anthony Oliveri stated I just raised a few questions, impacts.

Chairman Cosentino stated which will eventually be addressed.

Mr. Martabano stated we are actually going to start addressing them as soon possible because you have some fairly substantial comments, so we're going to get back on that, we want to keep the two processes going but I think that what Jan described is really the way that we would need to go tonight, I think it makes sense for all of us.

Chairman Cosentino stated Whitney.

Whitney Singleton stated no, I just, I think the only thing that Jan left out is that the fact that they will also need to address the comments of the traffic consultant PHA...

Mr. Martabano stated yes.

Whitney Singleton stated he had a number of issues, including how the car carriers will access the site. I presume that they will and not continue to be unloaded off site like they are now.

Mr. Martabano stated I don't even know about how they are being off loaded now but I presume that will be the case and certainly we will address it and thank you for bringing it up.

Chairman Cosentino stated we brought that up with Arroyo too but it didn't go no place.

Mr. Martabano stated it's coming out very nice and it looks good.

Chairman Cosentino stated I don't want to get into that right now.

Jan Johannessen stated Mr. Chairman, just one more item, we had a staff meeting with the applicant a couple of weeks ago and we had requested that they provide us with an updated parking calculation and floor plans that would be put in the calculation, they did that, we just received them this past week, I would just recommend that we have a staff meeting to go over those comments prior to appearing before the ZBA I don't believe that there's a parking issue, I think we should just flush that out before you appear .

Mr. Martabano stated again we're all talking the same language, let's try to clarify it so if it's an issue we don't have to deal with that's fine but if it is an issue we have to deal with, we deal with it one time and I appreciate that and we'll do that. We'll schedule staff meeting as soon as possible.

Chairman Cosentino stated this may be premature but also on the site, if there are intentions of underground gas tanks, above ground gas tanks, oil tanks et cetera.

Mr. Martabano stated okay, we'll find that out Joe.

Chairman Cosentino stated I know it's premature but I didn't.

Mr. Martabano stated when we get into site plan we will definitely define those things, of course, of course.

Chairman Cosentino stated okay, so we need a motion on that.

Jan Johannessen stated a motion on the lead agency resolution.

Chairman Cosentino stated yeah.

Jan Johannessen stated yes.

Chairman Cosentino stated somebody want to...

Mr. Vigliotti stated well yeah, I'll move to adopt the lead agency declaration by the Planning Board.

Mr. Mareschi stated I'll second.

Chairman Cosentino stated I have a motion by Mr. Vigliotti, seconded by Mr. Mareschi. Any questions, will the Secretary poll the Board please.

**Upon Roll Call:**

Mr. Vigliotti	-	aye
Mr. Mareschi	-	aye
Mr. Bernstein	-	aye
Mr. Gibbons	-	aye
Mr. Sturniolo	-	aye
Mr. Hertz	-	aye
Chairman Cosentino	-	aye

The motion carried by a vote of 7 to 0.

Mr. Martabano stated great, we are good, thank you very much.

Mr. Mareschi stated thank you.

Mr. Hertz stated can I just, not on that but on the application itself.

Mr. Martabano stated sure.

Mr. Hertz stated on the plans and this is really for Chuck, there's a, you delineate steep slopes, all the slope areas for the entire property but I don't see it broken out for essentially what you're building on, in other words there doesn't seem to be a delineation of the new building and the new parking area, what the steep slopes analysis is for that specific section.

Mr. Utschig stated okay.

Mr. Hertz stated it seems to just apply to the entire site.

Mr. Utschig stated we actually started with it specific to the limit of disturbance and then we incorporated it as part of the overall site, we can give you that...

Mr. Hertz stated do you have that broken out.

Mr. Utschig stated yeah, that's where we started with our application.

Mr. Hertz stated that would be useful so that we can see for what you're proposing, I am, like obviously we know that there are steep slopes on the site but if you're not going to be disturbing them, you know.

Mr. Martabano stated we'll break that out, that's fine, thank you.

Mr. Utschig stated we can do that.

Chairman Cosentino stated Doug, that was good but are you going to participate in this.

Mr. Hertz stated in this but not in 333.

Chairman Cosentino stated you had a question on that and I liked the question that you had on 333, so I want to talk to you on the side, you just reminded me.

Mr. Hertz stated this is why we have Peter here.

Chairman Cosentino stated okay gentlemen.

Mr. Martabano stated thank you very much, appreciate it.

Mr. Sturniolo stated do you have your business cards here.

Mr. Utschig stated I'll get you one.

**Boys & Girls Club of Northern Westchester  
PB2014-0258, 80.41-2-9, 10, 80.42-2-5, 80.42-4-1, 80.42-4-3, 80.42-4-4 (SBL)  
Site Plan Approval, Subdivision Approval, and Steep Slopes Application**

Mr. Charles Martabano, Esq. and Mr. Brian Skanes, executive director for Boys and Girls club.

Chairman Cosentino stated Boys & Girls Club of Northern Westchester, please come up and identify yourself for the record please.

Mr. Martabano stated Charles Martabano, attorney for the applicant.

Mr. Skanes stated Brian Skanes, executive director of the Boys & Girls Club.

Chairman Cosentino stated hi Brian.

Mr. Skanes stated how are you doing.

Mr. Martabano stated if you'd like Mr. Chairman, I'll try to give a little quick sketch just like we did before.

Chairman Cosentino stated go ahead.

Mr. Martabano stated okay, you've received a number of items of correspondence from us including the background as to why our plans had changed because of our contract with the Village and then the most recent one relating to the fact that we have not submitted a revised petition, revised rezoning petition to the Village and we wanted to explain and that I believe has been referred to you. We wanted to show you the new plan and then walk you through the proposed changes that are part of the rezoning petition because that Board is going to ask you for a referral and we haven't been before you for quite some time, so we wanted to show you the new plan which I think you'll notice a plan with significantly less impacts than what we previously proposed. We now have, this is, you're all familiar with the property, can everyone see or am I blocking, can you see, alright. Previously we had proposed, see Scott sent me out by myself tonight, I have to deal with plans, that's not my forte. We have previously proposed to have 6 lots here, one existing et cetera and there was going to be a house here as well and what not and after some reviews, some comments, some meetings with neighbors, et cetera, et cetera, we came up with a revised configuration.

Chairman Cosentino stated I mean that Laurelton Road.

Mr. Martabano stated Laurel is right here.

Chairman Cosentino stated right.

Mr. Martabano stated this is Laurel also, this is Grove, et cetera, so our new configuration instead of having 6 houses only has 4, all the lots are conforming, there's a question as to the extension of Laurel Drive which we're going to investigate and possible convey to the Village but all of these lots conform to the district regulations for what we're trying to have put on this property by reason of the rezoning. Now if I can just flip this around for one second, I apologize for the size because I do have a slightly bigger one I could put out but this gives you an idea of the existing zoning and the proposed zoning lines. Now, as most of you know from your long experience with the Board, a very significant portion of the Boys Club property, I am going to outline it for you here, if anyone can't see it, I'll move down. All of this that you're looking at here is zoned RM-12 okay, which is a medium density property that probably if developed on the site, subject to site plan and environmental constraints, probably 45-55 houses on this piece of the property. So what we're asking to do and what we're offering to do, is that we are offering to instead zone or rezone the vast majority of that property to R recreation, that would be shown here, this is the grey area here, so the RM-12 section that you see here would be rezoned to R. This, these lots are RS-12, not as dense the RM-12 but RS-12 would fit very nicely into the neighborhood, there's also a section of the previous R zone that would also go to RS-12, so we need these rezonings to create that four lots. What we're also asking is that because we're talking about giving up all of this RM-12 zoning here, we are asking for a slightly expanded, I shouldn't say slightly, it's actually substantially expanded OG zoning



district. This portion of the property right here on South Bedford Road is already owned, sorry zoned OG, we're asking that it be expanded. Our thought is that perhaps at some time in the future when these properties are redeveloped here, it might become a valuable asset to the Club to be able to sell for the future development. So that is what we're proposing now, that's what our rezoning petition is all about.

Chairman Cosentino stated in acreage, what is that.

Mr. Martabano stated I think it's the total would be, right now it's about a little bit more than half an acre, it would be about 1.5 acres total.

Chairman Cosentino stated to OG.

Mr. Martabano stated to OG, well one additional acre to OG, whereas...

Chairman Cosentino stated so a total of...

Mr. Martabano stated total of 1.5 acres OG and that's an estimate but I think it's fairly accurate. The significant thing is the 6 or 7 acres RM-12 would go to R.

Mr. Sturniolo stated Charlie, on that, what's on that property now in the corner that you just pointed to.

Mr. Martabano stated right here.

Mr. Sturniolo stated right.

Mr. Martabano stated nothing.

Mr. Sturniolo stated nothing.

Mr. Martabano stated oh I think what you're looking at is an easement which may be for sewer and water, I can clarify that but there's no development on it at all, what so ever.

Mr. Sturniolo stated okay.

Mr. Martabano stated so just to summarize, in terms of the residential development, much cleaner, much nicer residential development here, much of the property going to R which is will stay and then asking for an expansion of the OG in this regard. Again, the most important thing is to take a look now, this is your current R, which is relatively small, this is the current RM-12, which is very large, this is the current OG. I actually have something that might help, this shows existing and proposed if anyone wants to see if closer up and this is a colored drawing that also shows it superimposed on one.

Mr. Sturniolo stated on that one currently, where is the access driveway of the Boys & Girls Club.

Mr. Martabano stated are you talking about from through Woodcrest or are you talking about from Main Street.

Mr. Sturniolo stated Main Street.

Mr. Martabano stated Main Street is right here.

Mr. Sturniolo stated it's still there.

Mr. Martabano stated yes, that's right that obviously isn't proposed to be changed in any way of course.

Mr. Hertz stated Brian or Charlie, why the change in the approach to the OG, what's...

Mr. Martabano stated when you say the approach.

Mr. Hertz stated yeah, in other words the evaluation, you guys made an evaluation of the OG, you know there was originally no change to the OG portion, why the shift.

Mr. Skanes stated to a larger portion, to make it larger because it makes more sense in the future if it, if the neighbors wanted to sell, we could join together, the lot lines would be better.

Mr. Martabano stated I mean that's it basically, the thought Doug is very simple, giving up a significant amount of development potential and asking to get a little bit more in return but the main thing is giving it up and getting a little more.

Mr. Skanes stated because of the neighbors and lot lines.

Mr. Hertz stated what's to the north and the south there, what are the properties.

Mr. Skanes stated this is Saltzman, here.

Mr. Martabano stated Saltzman, that's a small house, that's in like the cut, I guess is the best way to say that.

Chairman Cosentino stated Dr. Saltzman's office.

Mr. Martabano stated Dr. Saltzman's office correct, he's a nephrologist and this one Larizza, I'm not sure.

Mr. Skanes stated Larizza, it's that white house you can't see because the hedges are so grown.

Mr. Martabano stated oh okay.

Mr. Hertz stated so it's still residential.

Mr. Martabano stated no, that's office isn't it.

Mr. Hertz stated it's used as an office.

Mr. Skanes stated it's also a business.

Mr. Martabano stated yeah.

Mr. Skanes stated a construction business works out of the garage back there.

Mr. Hertz stated okay.

Whitney Singleton stated it's residential.

Jan Johannessen stated between the church.

Mr. Martabano stated Whitney's directed me, it's not zoned residential, you're saying it's used residential.

Chairman Cosentino stated so there will be no ingress or egress from the OG to the R.

Mr. Martabano stated we haven't discussed that but most definitely would be, you mean from the OG to go to the R.

Chairman Cosentino stated yeah.

Mr. Martabano stated what would be the reason.

Chairman Cosentino stated I don't know, there would be no ingress or egress to have a road or anything of a right of way or anything to through the OG through the R.

Mr. Martabano stated okay, so if I hear what you're saying which I think is a valid point, I understand what you're saying, like for example coming in on the OG and going out through Woodcrest, is that what you're saying, we haven't discussed that but if this is a concern of the Board, I will get you an answer immediately on that, yes,

Mr. Vigliotti stated the residential zone that you are giving to the Village.

Mr. Martabano stated we're not, there's nothing...

Mr. Vigliotti stated you're not giving it to the Village, you're just rezoning it.

Mr. Martabano stated I'm going to approximately six [acres] but if Scott was here he's give you as much better, I'm going to ballpark it, I might be wrong.

Mr. Vigliotti stated I would feel so much better if that were given to the Westchester Land Trust, this way it would be green forever.

Mr. Martabano stated well.

Mr. Vigliotti stated at that point I would consider your plan that's in front of us but knowing how developments go in this Town, five years from now, there's another Board, the Boys Club comes before, we just need two more acres of that six that is zoned R to make it work for the Boys Club and then we need another acre. If we're going to do the right thing and that's going to be R forever, I would like it, I would like some consideration that it be given to the Westchester Land Trust, this way we know it is in trust forever.

Mr. Martabano stated the difficulty with that...

Mr. Vigliotti stated I just throw that out because I have difficulty with it's going to be R and then five years from now you're going to be in here saying well there's six acres we only need a half and then ten years from now we;; there's five and half acre, we only need another acre. I've seen how things evolve in this Town and every other Town and you will be long gone, this Board...

Mr. Martabano stated excuse me, I mean come on now.

Mr. Vigliotti stated twenty years, thirty years from now.

Mr. Martabano stated well now I feel a little bit better.

Mr. Vigliotti stated but even five years from now, another attorney, another force behind the Boys Club to raise monies or to subdivide the R and come before this Board, I have a problem with that because we're doing it now.

Mr. Skanes stated why don't you bring that up later.

Mr. Vigliotti stated later is here now.

Mr. Skanes stated you have a problem with it, turn it down later.

Mr. Vigliotti stated you see what you don't understand is we've been on this Board long enough to see later, now it's later.

Mr. Martabano stated let me point out really what later is and you were on the Board and Joe was on the Board and whatnot, going back fourteen or fifteen years ago, all the talk about facilitating the development of the RM-12 and providing the easement for it. So actually what's happening is the opposite of that, we're coming to you and we're saying, we are submitting a petition to you saying hey, we're going to voluntarily give up the RM-12 zoning and going to R. Now Ro, part of the reason why...

Mr. Vigliotti stated let's go one step further.

Mr. Martabano stated I didn't get to finish yet.

Mr. Vigliotti stated okay, maybe I don't want you to finish.

Mr. Martabano stated okay, you go ahead.

Mr. Vigliotti stated because I know at Woodcrest they had an extra six acres or eight acres, it might be more, twelve acres of land that was not going to be developed and they said would just set it aside and finally they ended up giving it as a gift to the Westchester Land Trust and now it's preserved forever.

Mr. Martabano stated okay, we're going to R because we might want to need it for a recreational programs for our mission purpose so R does allow us to use it for recreational purposes, so that's why we need to have it as opposed to giving it away.

Mr. Vigliotti stated I hear what you're saying.

Mr. Martabano stated I think there is a little difference between the underlying zoning which is what we're voluntarily giving up which I think is really significant, okay is the underlying zoning and then what you're talking about is roughly a conservation easement, we can't agree to a conservation easement simply

because might use it for recreational purposes and if I give it to the Westchester Land Trust, they won't let me do it for that purpose so I think that's the way that we need to look at it.

Mr. Vigliotti stated I'm being a little facetious but at the same time there is a reality here, you know I mean there's a give and take, let's go OG, let's take a little more property and make it OG, we'll keep this as R, there are impacts, major, major impacts that can take place on Route 172 and we are aware of that.

Mr. Martabano stated right and those impacts can't ever, ever take place until you guys decide they can, after you do your evaluation when someone comes in with that property which is, you know, which is the site plan jurisdiction that you always have. Again, what I'm presenting here I think is a really significant benefit, I mean if we go and speak to people from the other development, across Woodcrest, giving up the RM-12, I think everybody is going to look at that as a very, very significant benefit, not really for them but for the Village at large and for us for a our mission purpose, okay. I think we're asking for very little in return for that. That's where I'm coming from.

Chairman Cosentino stated Charlie, before I just spoke to you about that road, what is this right here.

Mr. Martabano stated I believe that's a sewer easement if I'm not mistaken.

Chairman Cosentino stated is that the sewer easement.

Mr. Martabano stated I'm pretty sure that's what that is.

Mr. Skanes stated that's the sewer easement, if you read it right here, it says it right on here, it says sewer easement.

Mr. Martabano stated this one here, oh good I can see without my glasses.

Chairman Cosentino stated personally, I'd like to see the whole thing R.

Mr. Martabano stated yeah that's, at that point I don't know what we would say at that point whether we'd want to not go forward with the project, which is possible. I think it's a really good trade off and obviously I am going to say that because I'm the advocate obviously but I think that no matter how you look at it, if you do go back in time and look at what was talked about fourteen years, we're giving up a lot here, a lot, which we're voluntarily willing to do.

Mr. Bernstein stated excuse, yes Chairman, R sounds great, there's only one problem, any zoning can be changed, you're changing that to R, R can be changed to something else in the future depending upon the Board that's there.

Mr. Martabano stated of course, right.

Mr. Bernstein stated what Ralph said is valid, very valid, you're worried about losing a little bit of recreation space, the only thing you're using, you're kids can run all they want on that land, the only thing you're losing is the ability to build something and that's what we want, we don't want you to build anything, even if it means a little jungle gym, that should stay green, it should stay un-built, and if the kids want to run up and down, nothing stops them if the conservancy owns it, that's what it's for, to stay green as long as nothing gets build on it and I'm behind Ralph 100% on this.

Mr. Martabano stated I respect everyone's position but I'm sure you should also respect ours. We've got RM-12, we're voluntarily going to R.

Mr. Bernstein stated well you can voluntarily go one step further when you go to the Village.

Mr. Skanes stated so you want the housing lots to be R as well.

Mr. Martabano stated no, that's going to be...

Mr. Bernstein stated no what you're turning to R should be given to the nature conservancy or the Westchester Land Trust.

Mr. Mareschi stated how big are the lots.

Mr. Martabano stated okay, starting with number one is .48± so roughly half an acre.

Mr. Mareschi stated okay.

Mr. Martabano stated number two .36, number three .78 and number four .57.

Mr. Mareschi stated thank you.

Mr. Martabano stated not a problem.

Mr. Vigliotti stated and the lots are not in question.

Mr. Mareschi stated no, not in question, just curious.

Mr. Martabano stated no, I understand that, I think it's a very nice development, yes and I understand that.

Mr. Mareschi stated it is a nice development.

Chairman Cosentino stated okay, anything from...

Mr. Martabano stated yeah, why don't...

Mr. Vigliotti stated Mr. Chair, just, I am not interested in OG on that site and I just want to share that with you.

Chairman Cosentino stated on any part of it.

Mr. Vigliotti stated on any part.

Mr. Bernstein stated I agree.

Mr. Hertz stated and Mr. Chair, just as my reaction, I have no problem with this, I think it's a reasonable trade off, you know I think it's inevitable that that area on [Route] 172 will eventually get developed, you know having a sliver land I don't think serves anything. I do, I certainly do hear Ralph's point of view with regards the permanency of the R zoning and what we can do if we were to make this recommendation, how to ensure that it would stay as recreation, I would ask you know Whitney actually, if you know, for his input that but that's, that would be my only concern but I do think the combination of what's being proposed here is reasonable.

Mr. Martabano stated thank you Doug.

Chairman Cosentino stated is there any...

Mr. Grunthal stated Mr. Chair, if I may.

Chairman Cosentino stated sure.

Mr. Grunthal stated if I were on the other side of the table, I would have asked for that piece that is outlined to be rezoned OG but also for a sliver somewhere so that access to that property would be possible from the road access road that is between the Boys & Girls Club and Woodcrest right now, in fact so that would make it either a bigger amount of land instead of being one and half maybe closer on two acres or somehow other some access to that but I also feel that right now that particular piece of land that lies between [Route] 172 and a little further up is not doing anything for anybody and it could be put to good use this way.

Chairman Cosentino stated but you're not saying make an access road from that OG through R to the access road on the top.

Mr. Grunthal stated I think eventually maybe that's what would be the answer to this property.

Chairman Cosentino stated I don't think it is but that's your opinion.

Mr. Grunthal stated that's why I'm here.

Chairman Cosentino stated that's right, it's your opinion.

Mr. Martabano stated and Joe I told you I would get back to you on what you did request about that , I do understand the point that Mr. Grunthal as well, probably from a planning perspective that probably is the right thing to do but I'll get back to you with what you're...

Chairman Cosentino stated I don't want to see any more traffic going through Woodcrest or that area there and if that was a road going through OG to R through Woodcrest, that's putting a lot of traffic on Woodcrest Road.

Mr. Martabano stated that's why I'm going to take your suggestion back to the Executive Committee and get back to you.

Chairman Cosentino stated I don't think the people who live on Woodcrest Road or below want that traffic.

Mr. Martabano stated again, I'm not disagreeing with you at all and I mean that's the whole thrust of my other argument about don't they want to get rid of the RM-12 for that same exact purpose but I'll get back to you Mr. Chairman, that was your question, I'll get back to you very quickly.

Chairman Cosentino stated RM-12 is another story, there could be options on that too. Does anybody else have anything.

Mr. Mareschi stated Mr. Chairman, I'll say, I wouldn't, I don't want the R, OG.

Chairman Cosentino stated you don't want the R OG, the R, okay. We're not prepared to make a recommendation to the Board right now.

Mr. Martabano stated understood. I'll get back to you...

Chairman Cosentino stated but eventually we will.

Mr. Martabano stated with the response to your question as well and I'll put together some other thoughts that we might have that might be helpful and I'll get that to you right away.

Chairman Cosentino stated excellent.

Mr. Martabano stated okay, excellent.

Chairman Cosentino stated thank you.

Mr. Mareschi stated thank you Charlie.

Mr. Martabano stated hey, everyone have a great holiday. Thank you for coming back, that's service to the Village, reminds me of Walter, many times, thank you.

**Open Door Family Medical Center – 185 Kisco Avenue (Kisco Ave Business Center/Beldotti)  
PB2014-277, 69.57-1-4 (SBL)  
Amended Site Plan and Change of Use**

Ms. Geraldine Tortorella of Hocherman, Tortorella & Wekstein, Mr. Gary Gianfrancesco of Arconics Architecture P.C., Mr. Michael O'Rourke of Adler Consulting

Chairman Cosentino stated Open Door Family Medical, come up identify yourselves for the record.

Mr. Bernstein stated Gerri, how are you.

Mr. Hertz stated Gerri.

Ms. Tortorella stated Geraldine Tortorella of Hocherman, Tortorella & Wekstein, we're the counsel for Open Door family Medical Center and Open Door Leasing Corp. Gary.

Mr. Gianfrancesco stated Gary Gianfrancesco from Arconics Architecture, P.C.

Mr. O'Rourke stated Michael O'Rourke from Adler Consulting.

Ms. Tortorella stated we also have in the audience representatives of Open Door and also of the landlord and owner of the property Kisco Avenue Business Center, you know Mr. Beldotti and his son.

Chairman Cosentino stated real gentlemen.

Ms. Tortorella stated we were here last night, we have not made any significant changes to the plans but I did since this is a formal application for site plan approval and a change of use approval, I did want to just

briefly go over the proposal again and there's some members who were not here at the last meeting, so if we could just summarize it quickly, then we can answer any questions.

Chairman Cosentino stated go right ahead.

Ms. Tortorella stated Open Door Leasing Corp has leased 9,689 square feet on the first floor of 185 Kisco Avenue, that's former space that was occupied by the Journal News, it was a combination of warehouse space and office space that the Journal News occupied. The proposal is for that space to be built out for a combination of dental and medical services, as well as some general business service associated with Open Door's functions. The space would be operated by Open Door Family Medical center which is an affiliate of Open Door Leasing Corp which is the tenant of the facility. Open Door Family Medical Center does operate an office at 30 West Main Street, it's been there since 2005, we obtained the approvals for that from this Board and the Zoning Board of Appeals. This services at this space and this location will differ from the 30 West Main Street office in the sense that 30 West Main Street is a family medical practice and this facility at 185 [Kisco Avenue] will be largely specialty services. It will be dental services and we have a dental residency component to that, there will be dental residents who will be training there as well as full fledged dentists, we will be providing women's health services and by that I mean OB/GYN services and behavioral and mental health services for women and then the third component of the use would be the Women, Infant and Children program that's a nutritional counseling program that's done under the auspices of the State of New York. Open Door, if we get the approval will be able to apply to the State for WIC certification and then be able to operate it's Women, Infant and Children services and those services are offered to pregnant women so it tailors nicely and dovetails nicely into the women's health services that will be provided at this location, as well to children under the age of 5. Again, it's nutritional counseling and assistance to that population. We have our, estimating that we will have approximately 23 full time equivalent employees until the WIC services are provided and approved and once the WIC services are approved, that number may jump up about 26, we may add two or three additional employees in that location. Our hours various in the beginning, I mean we are anticipating longer days on Mondays and Thursday, 9-5 day on Tuesdays and Wednesdays and Fridays and then Saturdays we would be open 8:30 to 1:00 but we are anticipating based on the way medicine is evolving and the services of this facility will be in demand that eventually it would be Monday through Friday 8 to 8 and Saturday 8 to 1 or 8:30 to 1:30, possibly even 3:30, may be a little bit longer on Saturday. So that's what we're anticipating long term as the operation gets underway.

Mr. Mareschi stated and Sunday closed.

Ms. Tortorella stated Sunday closed, Sunday closed. In order to...

Mr. Sturniolo stated Gerri, excuse me, would you mind repeating that portion that dealt with the dental facility utilization within the complex.

Ms. Tortorella stated yes, the dental practice will be a full fledged dentist as well as a dental residency program, so there will be dental residents who will be training under the supervision of a full time dentist, a full fledged dentist.

Mr. Sturniolo stated so the dental residents would be educated by the full time dentist.

Ms. Tortorella stated they're trained...

Mr. Sturniolo stated trained.

Ms. Tortorella stated they're actually, it's a project in conjunction with New York Medical College, so that New York medical College will be working with Open Door and then facility provides one of the locations where the dentists will actually render, excuse me, the dental residents will actually render services.

Mr. Sturniolo stated will there be a teaching component to the residents if there is not a patient involved.

Ms. Tortorella stated no teaching components in the space, there's conference area for the dentist to meet with dental residence and other meetings to be held within the space but no formal...

Mr. Sturniolo stated classroom.

Ms. Tortorella stated classroom facilities, no.

Mr. Sturniolo stated thank you.

Ms. Tortorella stated this is the practical side as opposed to the academic side.

Mr. Vigliotti stated will you have medical residents in the other specialty areas.

Ms. Tortorella stated no, not at this, that's not the plan at this time. We actually have medical residents at the Open Door Sleepy Hollow facility for the family practice.

Mr. Vigliotti stated the question I have is if you do in the future, is the allocation of parking in place for those residents who will be driving up, I assume, so we're showing 23 full time employees with a potential of 27, are we including in that number potential residents whether it be one, two or seven, or ten. The question that I want to have on the record, the other piece that I have is if, I don't know if you have this information but the breakdown of specialties and square footage I think would be helpful, I'm sure you may have that from dental to women's services to whatever, if you can break that down for us.

Ms. Tortorella stated okay, we can provide that to you, we do have all the square footages on our floor plan, I don't want to sit here and do the math right now for you but we can do that.

Mr. Vigliotti stated I know the tenant, the landlord, the owner of the building is paying his or her full share of taxes in the Village, when you move in, will that tax base change.

Ms. Tortorella stated not to my knowledge, it shouldn't.

Mr. Vigliotti stated I guess we need a firm answer on that as opposed to not to knowledge. If the tax base is X, is that going to change at all, so the Open Door that's on Main Street, is the owner paying his or her full share of taxes.

Ms. Tortorella stated yes.

Mr. Vigliotti stated yes.

Ms. Tortorella stated yes, that space is actually leased by Open Door and the full taxes are paid, there is not exemption, I think you're getting at the not-for-profit exemption.

Mr. Vigliotti stated so I think we need to, I would like a firm answer one or the other on that.

Ms. Tortorella stated we will respond to that and I'm sure your counsel will be able to confirm.

Mr. Vigliotti stated okay.

Ms. Tortorella stated and we'll give you the breakdown of dental and medical. Let me respond to the question about whether the employee number includes residents or not and it does.

Mr. Vigliotti stated okay.

Ms. Tortorella stated so its 23 full time equivalent and I say that because not everybody is there full time every day and then it is, would jump to possibly 26 if and when WIC is approved. Those numbers include the resident, we always count them as staff even though they're technically not staff but we may have to make provision for them, we include them in that category and that number itself. This is, if you see, we have Kisco Avenue is on the bottom here, Open Door's facilities would be in this corner here and it's mainly on the north side of the building where you'll see any activity related to Open Door and that's where I'm going to describe to you some of the changes that will be happening. Most of the changes are going to be interior changes to build out the floor plan but there are certain limited exterior changes in order to accommodate new entrances that we're going to make provision for, so the next plan and this is in the submission set that we provided to you, is the floor plan and you'll see we have again, this is the Kisco Avenue down on the bottom and this is the north side of the building, this is one section, this is only the section of the Open Door facilities that we're talking about. And in this location the dental and medical facilities are through this entrance here and then this entrance down at the very bottom and this section would be where the WIC services would be located, there's a dedicated entrance that we're going to be proposing to construct in here and then this entrance currently exists and that's an employee entrance, so there are three points of access to the interior of the space. We'll be building out the space for a combination of examine rooms, we have 8 exam rooms, 5 mental health rooms, x-ray, dental lab, we have backup offices facilities, we have rooms where they have to store and sterilize equipment, we have a break room, we have that conference that I made mention to, we have office space for the WIC program, we have waiting areas for the dental and medical as well as for the WIC facilities, we have places where medication is stored, things of that nature. So it's very typical kind of medical and dental office facility. In terms of the exterior changes and they're shown on this elevation that we have here and again this on, we're talking about the north side of the building, so we're talking about any changes would be occurring only within the



north side, along the north side of the building and we wouldn't be touching anything on the rest of the building. On this elevation, this door entrance here is currently an overhead garage door and there is a loading area in front of it and it leads to warehouse, existing warehouse space, this will, that overhead door will be removed and it will be replaced with a combination of glass and a nice entrance for the main entrance to the Open Door medical and dental facilities. As a consequence of removing the overhead door, we will be, it will be shifted down, the existing overhead door, not the existing but we'll be replacing the overhead door that we're removing by constructing a new 10' by 10' door about 12' east or further down the building, so it would be down this way on the building and that's to the entrance to the existing warehouse space which is staying warehouse space, that's beyond where Open Door's facility would be located. We're also adding a new entrance to the WIC area, this does not exist, this is just wall here now, we'll be cutting in a new entrance, the idea is that it's nice to have a dedicated entrance so that people who would be going to the WIC offices wouldn't necessarily have to walk through the entire medical office in order to get access there and this is not something that is immediately operating, we need to get approval for that, so it enables us to have it somewhat segregated from that area and it's and that's the point behind, that's the reason behind having the separate segregated entrance and then we have the existing entrance here and that's employee entrance that would be available as well so that they don't have to go in only through one of these two means ingress or egress. As a consequence of shifting around some of those entrances and loading areas, this is the entrance to Open Door that we're proposing, the overhead door that we're changing and we're converting to an entrance door, this is, the location that I'm indicating here is where the new loading area will be located and the new overhead door will be constructed on that façade. We thought it made sense to have the handicap parking spaces in close proximity to the main entrance on the north side so currently those handicap parking spaces are towards this end of the building, we are proposing to shift them down to be in close proximity to the main entrance to the medical and dental facility, so we thought that made more functional sense. We're not losing any parking, we're simply restriping and there'll be enough area, we've been very careful and this is a very tight site in terms of looking for area we made sure that we weren't losing any of the parking that's available on this site. There are a couple of other changes that ultimately the landlord will be making if this gets approved and it's as a consequence of recognizing that there's limited parking on the site and that while we're in a certain zone and that zone allows a lot of different uses, not every aspect of every permitted use in that district really can be sustained on this site. When we were here last time we had a very frank discussion about the fact that at the end of the day you want to make sure that any uses that would go into the vacant space could actually be accommodated parking wise. So what the landlord had us indicate on the plan and we, it's not really Open Door's application but in the spirit of full disclosure, we wanted to make sure that it was mentioned to you and the landlord wanted to make sure it was mentioned to you, ultimately this is the, the tan area is the Open Door space, ultimately if Open Door gets approved, what the landlord will be doing is actually taking a portion of this suite 102 and creating, there's a loading area here, an elevated loading area and building a wall, roll-up fire doors so that there can be covered loading area or unloading area that would provide access both to suite 102 and to suite 202. So ultimately if Open Door gets approved because some of the access to the warehouse area will be displaced by Open Door taking over that section, the landlord is creating access loading area.

Chairman Cosentino stated that will be in a separate location.

Ms. Tortorella stated well it's not, it's just re-allocating space interior so if an approval is required, clearly it would require a building permit approval, I'm not sure it would require site.

Chairman Cosentino stated okay.

Whitney Singleton stated hey Gerri, before you leave that topic, are you saying that they are cutting off access to a presently existing space.

Ms. Tortorella stated cutting off.

Whitney Singleton stated are they eliminating access to a portion of the building that is currently served by the space that you're going to be renting.

Ms. Tortorella stated well it is to the extent, well there's a loading dock here, a loading area.

Whitney Singleton stated can you orient me, I'm sorry.

Ms. Tortorella stated sure, we are, this is the site plan, this is the Open Door space, this is the existing loading area, there is a loading area here and a roll-up door.

Whitney Singleton stated that you're going to convert to an entrance.

Ms. Tortorella stated right, we're shifting that loading area down here and putting in a new overhead door but we're also going to make this loading area here more functional to provide service to both suite 102 and suite 202.

Whitney Singleton stated and that is part of this application.

Ms. Tortorella stated we're providing in the nature of just what the landlord will be proposing in the future should Open Door get approved. This is not Open Door's construction; this is not Open Door's application.

Whitney Singleton stated no but what I want to make sure is that the Board does not approved something that doesn't have adequate access as part of the existing site plan. I don't care when it's built out, that's a precondition to somebody going in there but they can't leave space in the building that doesn't have legal access.

Ms. Tortorella stated but there is access, there is access to 202 and 102, currently and it will still be in existence after Open Door's work but they want to make better access and covered loading for 102 and 202, so we're redistributing the use of this existing loading area.

Mr. Gianfrancesco stated I think, I'm sorry, I think I understand what Whitney is referring to. There is access to this 102, is that 102...

Ms. Tortorella stated that's 102.

Mr. Gianfrancesco stated 102 from the existing loading dock door which currently is there and will remain, this space which 202, currently has a door on the back of the building that will remain, in the ease, in the sense of ease of operation the idea of 202 being able to use this door as a common loading dock is what that part of this is all about.

Whitney Singleton stated they will share a loading dock.

Mr. Gianfrancesco stated yeah but we're not closing off the loading dock or the overhead door which currently serves 202, this is a raised loading dock.

Whitney Singleton stated okay, I just want to make sure that you have legal access.

Mr. Gianfrancesco stated understood.

Ms. Tortorella stated and as a consequence we've got some vacant space upstairs on the second floor and this is, there's no elevator in this building so there's certain constraints on the ability to be able to rent this. This is, these are suites 605 and 606, previously always anticipated and proposed for use as office what the landlord is proposing to do should Open Door get approved is to basically take suite 606 and there's common area that has to be created in order to keep an office suite use for 605 and 606 would be converted to tenant storage area, storage area in the building that would be available to tenants only who occupy the building, much like you have in a lot of office buildings where people need to be able to store files...

Mr. Mareschi stated files, cabinets.

Ms. Tortorella stated but tenant only because it's the second floor, you're not going to get anybody who's going to rent that space for storage, who isn't already in the building.

Chairman Cosentino stated storage.

Ms. Tortorella stated so as a consequence of that it alleviates some of the demand for parking that ultimately might be required and the landlord is prepared to commit to make that use of that space and the reason that's relevant is because we'll talk in a minute now about the parking situation.

Mr. Hertz stated Gerri is that second floor space that you're looking at, is the area that front Kisco [Avenue].

Ms. Tortorella stated yes.

Mr. Hertz stated that's the two story section.

Ms. Tortorella stated yes, it is.

Mr. Hertz stated okay.

Ms. Tortorella stated okay so we were, we previously submitted and we have revised at the request of the, some of your consultants what we call the tenant occupancy plan and it basically ties into parking. The reason it's relevant is because Open Door's lease, Open Door Leasing Corp.'s lease allows the use of 24 parking spaces on this site for the Open Door use, we have 9,689 square feet, we have looked at that and we believe it's legitimately divided into 6,317 square feet for medical/dental function and 3,369 square feet for really traditional office use. Based on that breakdown and the calculation of parking under your code, that would mean that we needed 55 parking spaces, we have access to 24 parking spaces, what do we do about that. Part of our request to the Board is that it make a determination as it's allowed to do pursuant to the Zoning Ordinance that notwithstanding the technical requirement for parking under the Code because our use is somewhat different from the traditional use that's identified in the Code under the parking formula, 24 spaces will be enough, we make that request on the condition that and with the stipulation that we provide all parking for our employees off site. We do that currently at 30 West Main Street, we purchase parking tickets in the North Moger, parking passes annually in the North Moger lot for all of our employees at 30 West Main, Open Door is prepared to do that also for the employees at this location, we did consult with Village representatives over the summer when we initially met with staff to make sure that that was a doable thing, that that solution or that mitigation was available and we assured that there are enough parking spaces in the North Moger lot where we would be able to purchase those parking tags on an annual basis. So we're taking out 23 or 26 employees and we made a commitment to purchase 25, if we need 26, if we need 28, if we need 30, we're committed to purchase as many as we need to purchase so that all of our staff can park off site and that includes residents as well. As a consequence of doing that, we're reducing significantly the demand for parking but what we did was in order to demonstrate what that demand is, we have a parking utilization study done by Adler Consulting, Mr. O'Rourke's firm. That study was done for the purpose of identifying how much parking is really required by Open Door's use, whether 24 is an adequate number for the patient population that we're anticipating serving and whether or not there's sufficient parking over at 185 Kisco Avenue to provide for our 24 parking spaces as well as the real life demand of the uses that are currently occupying that space.

Whitney Singleton stated and to be future occupied as well.

Ms. Tortorella stated yes and future occupied, so what happened was in looking at 30 West Main Street, Adler did a survey over the course of an entire day and that's, there was a question raised in one of the review memos as to whether one day of data was sufficient and Michael can speak to that but I'm under the impression and he advises me that that's the typical period of study for parking utilization purposes, we're not talking about having done a traffic study where you collect data over the course of a week or a few weeks, we're talking about just parking utilization at the facility and we went and looked at 30 West Main Street, there at 16 parking spaces over at 30 West Main Street, during the peak period of the day only 10 spaces were occupied leaving 6 available during the peak periods and the peak periods meaning you know when the lot was the fullest and that peak period occurred between 9:30 and 10 o'clock and 10:30 and 11 o'clock over at that facility. Throughout the day there were times when there's only one car in the lot and there were times when there were up to 9 cars in the lot, on the other non-peak times of the day. That week Adler extrapolated from that number, now that space is smaller than this 9,689 that we're occupying but they extrapolated and basically said that based on that ratio we would need 23 parking spaces for the 9,689 square feet foot over at 185 [Kisco Avenue] we have 24 that are available to us. Why is such a low parking demand because the patient population served by Open Door largely does not have access to, does not own vehicles so they are not driving to park, they're either walking, many take public transportation, some take taxi cabs, some take, some are dropped off but many of them don't have access to a car where they drive themselves and are actually there parking at the site. Open Door also has a little bit different model that it employs, it spends more time with its patients than you find in a traditional private practice and that has largely, that's due largely to the fact that there's a lot of patient education that goes on with the population that Open Door serves, so it's a lot of communication, it's a lot of looking environmental conditions to see how they can encourage better health among patients, things of that nature. So at private practices doctors will see 4 patients an hour, Open Door doctors seen 2, maybe 3 patients an hour and the specialty practice that we're going to have over at 185 [Kisco Avenue] our projections are that the dentists will see about one and half patients an hour, the dental residents take much longer with patients, they won't even see one patient in an hour, the projections are less than one patient an hour will be sign by the practitioners, by the residents and then the women's health service providers will actually see maybe two patients an hour. So it's a much lower number of patients even compared to the 30 West Main street practice and certainly many fewer compared to a traditional private practice of medical practice and dental practice. So all of those conditions together we believe indicate and 30 West Main Street is good evidence, actual evidence of what goes on with open Door's facilities that we really don't need the 55 parking spaces that the Code indicates should be provided with this kind of a practice, especially for taking the largest majority of anticipated drivers, those being our employees and parking them somewhere else, so we're seeking from the Board that determination, it's not a waiver, it's a determination that the number of required parking spaces is less than what's technically required under the Code itself and the landlord, we had a lot of

discussion it was very clear based on the last meeting that the whole building had to be looked at in terms of parking not just Open Door's needs, so what we've done is we have added the column that we were asked to add which would be what would the parking requirements be if the current occupancy complies with current day code and we've provided you with that number and then we have the actual parking requirement under this category because a lot of the space is occupied and the certificates of occupancy clearly identified how many parking spaces the various spaces required so we've provided that number as well. We found in doing the study of parking utilization at 185 [Kisco Avenue] that even the existing uses are not occupying as many parking spaces as the formula in the Code indicates they might be. SO they're actually using fewer parking spaces than medical, mostly medical practitioners over in that location aren't requiring 1/150 like your Code requires. So that's, that is our summary, our presentation, you know we really can't go too much further unless we get some guidance from the Board and until we get some guidance from the Board in terms of the parking situation, whether you need more information from us on that, whether you're open to the concept of making a determination that the 24 spaces are enough provided we park our employees off-site, we need some guidance from your Board on that and we're certainly happy to answer any other questions that you might have.

Mr. Grunthal stated how many square feet Gerri do you have right now at 30 West Main.

Mr. Sturniolo stated thank you.

Ms. Tortorella stated how square feet.

Mr. Grunthal stated square feet at 30 West Main.

Ms. Tortorella stated I think it's a little, it's under 4,300, it's like 4,200 and some odd number, I can look it up for you.

Mr. Grunthal stated thank you, so you're going to a little more than double.

Ms. Tortorella stated yes.

Mr. Sturniolo stated thank you.

Whitney Singleton stated I guess didn't like the (inaudible).

Ms. Tortorella stated I think that is a yes vote.

Mr. Vigliotti stated I have a couple questions for you Gerri.

Ms. Tortorella stated sure.

Mr. Vigliotti stated now my understanding is it's about half a mile from the North Moger lot to the proposed facility. You're saying that the employees would be assigned those spaces, are they truly going to be walking a half a mile in each direction, each day.

Ms. Tortorella stated you know Open Door believes that they will be and I'll explain why. Open Door actually has a strong policy of promoting healthy lifestyles among employees as well as their patients, they actually give rewards for points that you accumulate for healthy living, exercising things of that nature, so they really do and will encourage their employees to do that. We cognoscente of the fact that if you have a day like today or a bad snow storm it's not really going to be a very comfortable walk.

Mr. Vigliotti stated and I think they're going to park on site.

Ms. Tortorella stated well no, we actually, Open Door has a minivan that it utilizes that it will have access to and the intention was even though we didn't make it part of the application, the intention was on those days we, particularly in inclement weather we will have a shuttle available, not a big bus, it's a minivan that will run back and forth between the two locations.

Mr. Vigliotti stated in, just diverting a second segueing to the two warehouses that are remaining in the back that have garage doors. Has any consideration been given to the fact that you could lease one of those and have indoor parking and not be concerned about its an expensive course but it's, I just throw that out because there is a built in warehouse with a garage door that probably would accommodate X number of cars. I throw that monkey wrench out but the reality is there's a warehouse that could have indoor parking that could service the site for many years to come as it begins to grow and has a need for more parking. So I would be, I would love to know how many spaces could be, each of those spaces could accommodate because I know one definitely has garage door or both, both spaces.

Ms. Tortorella stated they both do.

Mr. Gianfrancesco stated this garage door is raised so it's a loading dock height.

Mr. Vigliotti stated okay but the other.

Mr. Gianfrancesco stated the other one I can't say for sure, the one at the back of the building is high too, is high as well.

Mr. Vigliotti stated okay.

Ms. Tortorella stated so it would only be the one on the side, did the landlord talk to you before tonight's meeting.

Mr. Vigliotti stated no.

Ms. Tortorella stated you know what...

Mr. Vigliotti stated so the thought has been.

Ms. Tortorella stated it certainly was something that was discussed.

Mr. Vigliotti stated okay.

Ms. Tortorella stated the problem is it's a lot of money for something we don't believe we need and we don't believe we need it not just because in theory we don't think we need it, we know from practical experience that it's not, it wasn't required at 30 West Main and we've been in operation since 2005 and we have four other sites with the same situation in every one of our other sites, in fact some of them don't have any parking that are available to them and all of the parking is found in other locations, off-site, on-street...

Mr. Grunthal stated let me add to what Ralph is saying, you may recall that at the last meeting I questioned you on how viable it is to look at one day and only one day in the summer, August the 6<sup>th</sup> or 16<sup>th</sup> or whatever it was and base a whole extrapolation on that and you assured me that this was common practice and so forth and I found it difficult to believe that that was the whole story, for the next week or so every time I happen to be in the area I just dropped in and I counted the number of cars that were parked there and the readings I took over several days, totally random times, there were 14, 14, 15, 16, 13, and 11. An average of 13.8. There were 9 there on Veteran's Day and there were 8 there at 1:13 on the 14<sup>th</sup> of November, which I'm assuming is a lunch period, I left out the outliers, so if I extrapolate from that I look at the square footage you have in 30 West Main, I look at the square footage you're looking at now and I don't for one moment claim to be a traffic expert but I do seriously question and will question every applicant in front of this Board who comes with a reading for just one day, it seems to me, we're going to need close to around 40 parking spaces unless you're correct and so many people don't actually park there but are brought by your vehicles so I just want the Board Members to know that the existing traffic study I think is just not valid and we need to go a little further.

Ms. Tortorella stated I know you referred this to your traffic consultant, I don't know what they were asked to do, I don't know whether they were asked to comment on that, the issue was raised by both the Planner and the Village Engineer and yet the Village's traffic consultant didn't have any comment, negative comment about how the study was done or the duration of the record, I don't know what they were asked.

Jan Johannessen stated he might not have been aware of Peter's observations.

Mr. Grunthal stated no, if he...

Ms. Tortorella stated well but he got the report, I mean.

Mr. Grunthal stated if he accepted one day in the summer as a valid, as this so valid premise for a traffic, for a parking study then I'm not going to be accepting any of his reports either.

Mr. Bernstein stated well I could tell you my experience up until March 3<sup>rd</sup> of last year, I don't anymore but up until then I used to pass it every day and there's very often I saw one and two cars in there. I was there different time of the day and it was always the same, very few cars. It comes my observation, unofficial and unscientific observation.

Mr. Grunthal stated so it's rather fortunate that our traffic consultant wasn't there that particular day and only put two cars into the study.

Whitney Singleton stated to be fair to the traffic consultant. I don't know that his correspondence from yesterday the be all and end all, I think it's simply a case of seeking further information from the applicant.

Ms. Tortorella stated okay well let me just say if he's going to tell us that our study is not the methodology or the duration of the study isn't sufficient, I would think that that would be point one in the memo since I would say that that is the most important issue and we can't wait for him to tell us that months from now. I mean we need to get a very clear reading or an issue or a concern with that.

Mr. O'Rourke stated and there is no discussion of that in his response.

Mr. Gianfrancesco stated I agree.

Jan Johannessen stated regardless of whether the engineer raises it, the Planning Board is raising it as an issue and perhaps it should be addressed.

Ms. Tortorella stated that's fine but you hire a traffic consultant to identify those issues so we want to look at that with the comments of that consultant as well and if that's an issue we just need guidance to know if an additional study is necessary, if a longer period needs to be researched.

Mr. Hertz stated Gerri, can I ask, you said there, aside from 30 [West] Main, you said there are two other sites that you already have in Westchester.

Ms. Tortorella stated there are four other sites.

Mr. Hertz stated okay.

Ms. Tortorella stated we have an office Sleepy Hollow, we have an office Ossining, Port Chester...

Mr. Hertz stated and do you have data from those sites with regards to you know number of visits and relationship of visits to car trips and has any of that been done.

Ms. Tortorella stated we do from Sleepy Hollow, I don't know, there's nothing current that we have from Port Chester or from Ossining, we do have information on what the parking arrangements are in those locations, we can give you square footage and we can tell you number of patients who are treated there.

Mr. Vigliotti stated can you also tell us number of allocated parking spaces and what other parking arrangements you have in the other three towns.

Ms. Tortorella stated we can do that.

Mr. Vigliotti stated to share another concern realist that I am, I find it hard to believe that folks on, when it's 98° out, 95°, midsummer are going to walk a half mile and get all sweaty to come to work when there's a parking space right next to the building. When there's two inches of snow and the Village hasn't gotten to those sidewalks, never mind, four, eight or twelve inches of snow, hopefully you may postpone or cancel the day out but we're walking a half a mile in Village sidewalks, if they are covered by the streets are plowed, your folks will be walking on the street, not on that sidewalk. I don't find the North Moger Lot to be a doable, it's not within two blocks as the Main Street location is, that's so easy, you're walking across the street, a cross of the street you're there. So you're talking minimum a half mile, maybe more depending on where you get your parking space, depending whether that North Moger lot has been fully plowed at that time of the morning. You do have some opportunity and it sounds like the owner has shared an opportunity with the warehouse and perhaps that needs to be explored a little bit more. I'm not opposed to the project, we have parking issue that needs to be addressed, I think you're trying to address it and I think you've been fair about it but I don't think it's not a half a mile.

Whitney Singleton stated Ralph, can I address that for a moment.

Mr. Vigliotti stated sure.

Whitney Singleton stated I don't, Gerri wants to chime in on this, I have no objection, the issue for you is not to determine whether or not parking at a quarter mile, a half mile or four miles away is sufficient, it is not sufficient, your Board does not have the authority to displace off street parking requirements at a remote location, you don't have the ability. That's not technically what she's asking you to do, she is asking you to reach a determination...

Mr. Vigliotti stated that 24 spaces...

Whitney Singleton stated because the nature of this use, even though it's an identified use in the Code, is of a varying, varying of such a nature that it doesn't have, in her estimation and in her traffic consultants estimation doesn't have the parking demand typically associated with medical and dental, now that's for your Board to determine whether or not 24 is a real number, I wouldn't be, I would not be evaluating the proximity a half mile away, maybe substitute...

Mr. Vigliotti stated no, I am, I think...

Chairman Cosentino stated if I can interject here...

Whitney Singleton stated there is simply saying what's on the table because what was done at 30 West Main Street was not done in a fashion before this Board. It was done with a variance and it is completely different animal because it has no bearing on what's being done here.

Chairman Cosentino stated think what Ralph was trying to bring up was safety and welfare of the people walking in the snow.

Mr. Vigliotti stated that's actually, that's one point.

Whitney Singleton stated Joe, you're...

Chairman Cosentino stated that's all I'm bringing up, I'm talking about the legality of it, I'm just talking about...

Mr. Vigliotti stated if off-site parking is not available then the 25 allocated spaces will be used by your employees leaving the negative two or three for those patients so you do need off-site parking.

Chairman Cosentino stated but Ralph I just want to add one more thing, in the last 20 years, you know I go up on Maple Avenue three, four, five times a day, I have never once, what is it 30...

Ms. Tortorella stated 30 West Main Street.

Chairman Cosentino stated seen that place overcrowded with cars, if anything there were parking spaces there, now I travel that street three, four, five times a day, okay, so if you're saying that it's somewhat like, I don't know how they make their appointments et cetera but if it's somewhat like that, you may not have a problem but Whitney, I agree with you, it shouldn't be predicated on that but in all fairness, I think he was talking about the safety and welfare of a person walking at night...

Whitney Singleton stated but Joe...

Mr. Vigliotti stated hold on guys you're missing the point, they will have potentially 27 employees with an allocation on site of how many spaces.

Ms. Tortorella stated 24.

Mr. Vigliotti stated so that alone means they are down three for the 27 employees never mind the patients who may be needing spaces. So if it was 15 employees, you would have x number of spaces left for patients, you have a negative 3 unless you have off-site parking. So, the warehousing may give you the 8 or 10 spaces that may be the end of it all, you may not need anything else, right now without off-site parking or additional parking spaces, you're negative three because you're going to have 27 employees, never mind a couple of agency directors who are going to stop by to visit and say hello and see how things are going on, you do not have enough parking for the employees that you have never mind the potential patients and visitors. That's it.

Chairman Cosentino stated but they would have to find someplace else other than the storage because being a contractor, there is no way they can get a car into this facility and storage because of the height of the ramps. If they did put a ramp going up, they would take more parking spaces.

Mr. Vigliotti stated I don't have an answer today.

Chairman Cosentino stated I don't either.

Mr. Vigliotti stated but right now we don't have enough parking on site to accommodate the employees never mind the patients, now the North Moger lot happens to be a little bit of an answer and I brought the, I didn't talk about the health safety because it was just not with the nature of people, the nature of people are they're going to park there when the weather is inclement or when the weather is extremely cold or very hot.

Ms. Tortorella stated it's interesting.

Mr. Grunthal stated Gerri, can you tell us roughly of your patients, what percentage coming in vehicles that drop them off and move on and what percentage come in cars and park there themselves, do you have that from your different locations.

Ms. Tortorella stated I don't have it, in Sleepy Hollow for example 70% of our patients arrived other than by car.

Mr. Grunthal stated the question isn't, the question is...

Ms. Tortorella stated other than by driving themselves.

Mr. Grunthal stated what percent, the question is what percentage of your patients need to park a car while they go into the building and so forth.

Ms. Tortorella stated so I would prefer to respond to you in writing with that if we can because its different locations and different arrangements and I just don't want to answer off the top of my head and answer incorrectly.

Mr. Grunthal stated because if it's low enough then we probably don't have a problem, project to me looks like a terrific project other than you know, so if that's a low percentage maybe we can go with it.

Ms. Tortorella stated I, it's funny, every board we appear before and have this problem in every community in which Open Door operates, doesn't believe that staff will walk, they never believe will walk. Open Door makes it very clear to staff and they have a very special staff because people are very committed, makes it very clear that they're requirement is to walk, for example 30 West Main Street, they are not allowed to park there and I'm sure it's very tempting on bad weather days to park there.

Mr. Vigliotti stated well it's very close, where they're parking is just a few blocks.

Ms. Tortorella stated I have to tell you when I appeared before this Board then I was told and the Zoning Board of Appeals felt very strongly that that was not very close and that people were not going to park there and we tried to get parking down the street, on the side street right down the street, that lot that was recently constructed, at that time was recently constructed, we weren't allowed to have parking there, we thought that was ideal because it was in response to criticisms from or concerns by members of the Zoning Board of Appeals that there was no way people were going to park in the North Moger lot and walk to 30 west Main Street. So I understand what you're saying but it's just not, this is not your typical practice, it's not your typical applicant, and these are not your typical employees.

Mr. Vigliotti stated so when you visit for whatever reason you may when they're beginning to open, are you compelled to park in the North Moger lot or will you try to save time because you'll have other appointments.

Ms. Tortorella stated Mr. Beldotti is going to give me a reserved parking space.

Mr. Vigliotti stated ah, there we go.

Whitney Singleton stated Ralph, can I just...

Mr. Vigliotti stated I am not opposed to this is one iota.

Ms. Tortorella stated I hear you, I hear your question.

Mr. Vigliotti stated right now as I see it, you're negative three just for the employees.

Ms. Tortorella stated it's two, it's 26 employees.

Mr. Vigliotti stated well I thought you said 27, I wrote it down.



Ms. Tortorella stated no, it's 23 and 3 more when WIC is open, 26.

Mr. Vigliotti stated so that's where I'm at and the North Moger lot may be the answer and if you feel that, even if 10 people use it, at least you'll have some parking there but if no one uses it, they'll be going around trying to figure out where to park because there won't be any.

Ms. Tortorella stated I mean, listen, can we run a shuttle on a daily basis like Northern Westchester Hospital Center did during that...

Mr. Vigliotti stated I mean I hope you don't have to do that.

Ms. Tortorella stated you know that might be an option for us, we have the facility, it's a minivan.

Mr. Vigliotti stated walk across the street and take a cab.

Ms. Tortorella stated it's a minivan.

Mr. Vigliotti stated I don't mean to be factious.

Ms. Tortorella stated yeah, it's just, I think there are ways to ensure that people are there and that might be one of the ways, if that give you comfort or we do that for a year, you know here we have people walking and think that it's not something that's, people are not abiding by that condition, we can you know talk about...

Mr. Vigliotti stated the whole idea is that the patients are able to, five, six, or seven that may drive have a place to park.

Ms. Tortorella stated yes.

Mr. Vigliotti stated I mean that's the whole idea.

Ms. Tortorella stated well the landlord wants to make sure of that too, I mean, the landlord has a concern about that because there are other tenants in the building, those other tenants are not going to want to have people displaced.

Mr. Vigliotti stated absolutely.

Chairman Cosentino stated well look, I think we have to work on that and talk about that at this point, we're just going back and forth and I think that Peter had a good suggestion, Ralph, you had a good one. I just think we have to put this together and find a solution.

Mr. Hertz stated Joe, I have two questions.

Chairman Cosentino stated sure.

Mr. Hertz stated one is for Whitney and then one is jumping on what Peter had said. Whitney in terms of, technically can you explain how, what authority we have and how this gets resolved in other words...

Whitney Singleton stated I'll be happy and I will address Peter's point as well. What goes on at 30 west Main Street, is not dispositive nor even reflective of anything that's going on because 30 West Main Street is operating under a variance, that variance has conditions which require offsite parking in municipal lots because of the proximity of the site to those lots. So when Peter goes by and sees two cars or no cars or ten cars, there may be cars in a municipal parking lot down the street, that doesn't indicate to you what the demand is for parking or not entirely reflect to you what the demand is for parking for that particular use. Your Board without a variance being granted, your Board has no authority to waive any parking requirements or to discharge parking requirements in a municipal lot or any other site unless it is adjacent to the existing site, they can share parking with an adjoining site, they cannot discharge it anywhere else in the Village. So, the only thing that your Board can do is determine what the parking requirement should be for this use since the applicant is telling you they are not a typical medical/dental use. So if they are able to demonstrate to you that they're parking requirement should be something south of one space per 150 square feet, your Board has that discretionary authority based on what they present to you, to lower that number. Now, my understanding just so I can cover a couple of things while I'm speaking is the Building Inspector disagrees with the analysis as to the parking, my understanding is that the entire space is to be used for medical use and you can't separate a kitchen and a bathroom and general office area as being non-medical, it's all supportive of the medical use, so that parking requirements are more in the vicinity of 77 spaces and not 50 whatever the applicant states.

Mr. Hertz stated forgetting that for a second Whitney, if we determine, if this Board determines that 26 staff plus 24 patients space is adequate and then we determine that therefore the parking needed for this site should be 50, let's just throw out a number...

Whitney Singleton stated or roughly 1 per 200.

Mr. Hertz stated then the applicant would still have to go to the ZBA for a variance on those 26 spaces.

Whitney Singleton stated I think the applicant would be hard pressed to get a variance on those spaces, I think that they would be required to look at other things like Ralph proposed or a smaller amount of space or more parking from the landlord. I guess why would, how would the applicant after your Board made a specific determination go to the Zoning Board of Appeals and ask for something that's a self create hardship, it is in conflict of the determination of your Board will have just made and can be sold on site without the need for a variance, they simply need to allocate more parking for the use, there is on site parking for this, they just don't want to permit the spaces and I understand that and the applicant's been very candid and upfront with us in that regard but I want you to understand that the analysis here is not whether or not parking the North Moger lot is sufficient, it may be available but its not within your power to substitute that for off-street parking on the site.

Ms. Tortorella stated but that's exactly what you do every time you go to get a variance, I mean the Code tells you how many parking spaces you're required to get and you go to get a variance to vary that. I don't know that I agree that there's no way you can get a variance from that number of parking spaces, it's exactly what we did at 30 West Main Street and you know the solution...

Whitney Singleton stated yes.

Ms. Tortorella stated the alternative has to be practical and feasible.

Whitney Singleton stated I retract that statement Gerri, you're correct.

Ms. Tortorella stated you know if it's going to cost us another \$10,000 a month in order to provide that parking that may not be feasible or practical.

Whitney Singleton stated if this were downtown Mount Kisco where there's municipal parking facilities in place what property owners and applicants are able to do is pay a parking in lieu of fee and people do do that, they pay a fee of \$25,000 per required space to discharge that requirement. That would be over a million dollars at this site.

Ms. Tortorella stated now why, I hear what you're saying in terms of the fact that they can't consider the availability of parking in the North Moger lot in order to satisfy the parking requirement but if the applicant were to propose it and offer it why couldn't that be a condition of a site plan approval.

Whitney Singleton stated because isn't your argument that we don't need the parking, that's essentially your argument and you're undercutting your argument by saying...

Mr. Hertz stated I don't think that that's the argument.

Whitney Singleton stated sure it is, they are trying to demonstrate to you that they don't need more than 24 spaces, otherwise your Board can't approve it.

Mr. Hertz stated they're trying to, it's not really...

Whitney Singleton stated that's what they have to prove to you legally.

Mr. Hertz stated but that's being disingenuous because they have 26 staff, so...

Whitney Singleton stated that's the point.

Anthony Oliveri stated the 24 space is only patient parking demand.

Mr. Hertz stated right.

Anthony Oliveri stated okay so they're saying upfront they need 24 spaces for patients and 26 for employees, they need 50 spaces and they're proposing to provide 26 in the North Moger lot, so a variance is required.

Ms. Tortorella stated I don't think we're saying that we need...

Anthony Oliveri stated they can't waive that requirement for the 26.

Ms. Tortorella stated I would couch in these terms, the manner in which we're proposing to operate this use is such that our need for parking is 24 spaces and the manner we're proposing to operate this use is to provide offsite parking for employees in a public lot which has been known since July when we met.

Anthony Oliveri stated but going back to what Whitney said, the Board could, all they could do is look at what this use as a unique use generates in terms of parking, not as a typical medical use, so you're demonstrating by what you've presented to us that you need 50 spaces for this use whether it's in North Moger, it's on the site, wherever it is, they can't waive anything in that requirement so you do have to get a variance for the remainder of the spaces that are off site, if that's the logic.

Whitney Singleton stated I don't think that Gerri is going to concede to that point.

Mr. Vigliotti stated well there's a new piece of information that came from the Building Inspector which was that 77 spaces would, should be allocated to the total square footage as opposed to usual square footage.

Ms. Tortorella stated we didn't get that indication if that was in the memo, I didn't see that.

Robert Melillo stated right, we didn't, that's not in the memo.

Whitney Singleton stated I know but he conveyed that to me verbally today.

Robert Melillo stated he didn't say anything today to me about that.

Whitney Singleton stated yeah well I mean it's up to him to put in writing, I just don't want the applicant to be sandbagged by that position.

Ms. Tortorella stated no, I appreciate that, its interesting because that's not how the Building Department has determined parking requirements when the interior space was being built out.

Mr. Vigliotti stated well you need to work that out with the Building Department.

Ms. Tortorella stated right I mean we have CO's and we have site plans and they break out storage from office, from...

Whitney Singleton stated well that would give us some very slippery slope with the medical group.

Ms. Tortorella stated we did that based only on what's been done historically and we can demonstrate it through the CO's.

Mr. Vigliotti stated if you could get us the information that we need from Sleepy Hollow, Port Chester and Ossining on square footage, allotted parking, and if there's parking off of the site so we can kind of get a sense for that. I think it would be an interesting discussion with the landlord for just the sake of a discussion with how many parking spaces could be accommodated by that one warehouse.

Ms. Tortorella stated I have a note to that.

Mr. Vigliotti stated okay, again I am not against the project at all as it's being presented now as far as parking for employees and what's left over for patients, it's not working yet. Everything else seems to be working, entrances and drop offs and the configuration of office space and so on but we're down to the parking and I hope...

Ms. Tortorella stated okay.

Mr. Vigliotti stated and we know that there is enough parking on the site, the landlord has indicated how many spaces he is giving to you, so there is parking there.

Ms. Tortorella stated well in defense of the landlords position, the reason that's done that way is because it takes into account the other vacant space in the building.

Mr. Vigliotti stated I understand that.

Ms. Tortorella stated only because if I were to come to this Board and say to you we are taking every last available parking space I would anticipate you turn around and say then what are you going to do with the vacant space in the building and that doesn't work either and then we're going to get the owner here in a couple of months saying, oh, I need your help.

Mr. Hertz stated Gerri, can I just follow up on something, even though it has been. The one thing I didn't hear tonight which is there are an amount of spaces that are allotted to the, you know for the space but there was no discussion of what you actually think you need for patients. You have 26 staff, you have 24 spots allotted, do you think you need 24 spots, do you think you need more than 24 or do you think you need less than 24 for your patients.

Ms. Tortorella stated we'll supplement our submission with that information.

Mr. Hertz stated that's just a, it's a hard number but it's not.

Mr. Grunthal stated that's actually a projection of how many patients you expect, however you want to express that...

Ms. Tortorella stated and how they arrive here, right, it ties into that.

Mr. Grunthal stated and how many arrive in cars that must be parked.

Ms. Tortorella stated it ties into that and I think that that's an additional dimension that we need to provide information to the Board. Both with respect to what happens elsewhere and then what we're anticipating here.

Mr. Hertz stated I mean you have the advantage of you know having a bunch of other comparable, not exactly comparable, as close to comparable as you can get, you know operating spaces in the County. You have a way to get data.

Ms. Tortorella stated we do, we do, it's, I don't want to lead you to believe that we have firm data on that for every single site, Port Chester's been operating for I can't tell you how many decades, Ossining has been operating for how many decades, they don't really have that much parking that's available or parking is provided through purchasing parking tags in the village and the patients left to their own devices in some of them are left to their own devices in some of those locations, there's no parking for the current Sleepy Hollow facility on Beekman Avenue, none whatsoever.

Mr. Grunthal stated is it reasonable to ask that at each of these facilities for one full day somebody stands at the door and asks everybody who comes in did you park a car here or did you not need that.

Ms. Tortorella stated we actually did that in Sleepy Hollow.

Mr. Gianfrancesco stated we did that internally.

Ms. Tortorella stated we have not done that in Port Chester, we have not done that in Ossining, at least not currently, not recently because we haven't made any changes there, I mean those are big facilities but there really haven't been too many changes done to add on.

Mr. Vigliotti stated are the other facilities located in the downtown proper or sort of on the outskirts as this is being proposed.

Ms. Tortorella stated largely downtown proper.

Mr. Vigliotti stated which is a little bit easier to.

Ms. Tortorella stated but not necessarily as good access to public transportation as we have here too.

Mr. Vigliotti stated okay.

Ms. Tortorella stated so.

Chairman Cosentino stated okay, we have some homework to do then.

Ms. Tortorella stated we do.

Whitney Singleton stated can I suggest because I think that the applicant is right that they need some degree of feedback from us so perhaps we can discuss this at our staff meeting as to get further...

Chairman Cosentino stated we have a staff meeting tomorrow.

Whitney Singleton stated right to get further feedback...

Chairman Cosentino stated that's what I was thinking of.

Ms. Tortorella stated please.

Whitney Singleton stated and give the applicant a little bit better direction.

Chairman Cosentino stated we'll get back to you, Gerri, we have a staff meeting tomorrow, we'll discuss it.

Ms. Tortorella stated and if we could get that guy from PHA, that would be great. Okay, thank you very much, we'll go work on it, we'll get some information from you and we'll see you after the beginning of the year. Have a good holiday, Happy Holidays.

Mr. Hertz stated you too.

Ms. Tortorella stated nice to see you.

Mr. Bernstein stated how's Henry.

Ms. Tortorella stated good, he's good.

Mr. Bernstein stated do you see him once in a while.

Ms. Tortorella stated not to often, no, he's enjoying retirement.

Mr. Bernstein stated tell him I said hello, tell him I miss his year end message.

Ms. Tortorella stated everyone says that.

Mr. Bernstein stated maybe we'll write one this year.

Ms. Tortorella stated he has stopped doing it.

Mr. Bernstein stated he's getting lazy.

Ms. Tortorella stated no, he's really retired and he's enjoying his life. You look good.

Mr. Bernstein stated thank you.

**Mercedes Benz of Mount Kisco – 333 North Bedford Rd (Former Wine Enthusiast)  
PB2014-285, 69.50-2-1 (SBL)  
Amended Site Plan and Change of Use**

Mr. Anthony Monteleone of Monteleone & Monteleone, Mr. Peter Catizone of Catizone Engineering and Mr. John Penney of Penney Design Group were present

Mr. Hertz stated you do because you have Peter.

Chairman Cosentino stated thank you Doug.

Mr. Monteleone stated how are you feeling, hanging in.

Mr. Bernstein stated well I can't wear boots in the stream anymore.

Mr. Monteleone stated yeah, we all get to a point, you have to hang in there.

Mr. Bernstein stated I'll put my wheel chair on the bank.

(Inaudible – too many speaking at one time)

Mr. Hertz stated do you want to talk tomorrow.

Mr. Monteleone stated gentlemen I want to thank you very much.

Chairman Cosentino stated first of all there was a misunderstanding of this, we got the word, I don't know whether counsel told you that egress and ingress on 117 was going to be no longer and the only ingress and egress was going to be Ice House Road and that's not true.

Mr. Monteleone stated that's not true.

Mr. Catizone stated no, that's not true.

Chairman Cosentino stated alright let's go gentlemen, it's late.

Mr. Monteleone stated okay, to address that question, Bedford has asked us to reconsider the, ingress only from 117 and consider an ingress and egress from the entrance into 333 the two way street, going in that way or possibly...

Chairman Cosentino stated what a minute, go over that again Tony, what are you talking about, where is Nohilly located.

Mr. Catizone stated Nohilly is right here.

Mr. Monteleone stated they want us, right here, this is Nohilly and this is what we presented to them, that's what they have before them now.

Chairman Cosentino stated right.

Mr. Monteleone stated but we, what they've asked us to do is consider coming in from this ingress and egress to 333...

Chairman Cosentino stated to Nohilly's.

Mr. Monteleone stated no, yeah to come in here and go around that way or even consider coming in coming around and coming out that way but anyway there'll be an entrance or exit from this roadway if Bedford insists we don't come in 133 or 117, we prefer to come in from 117, that's a work in progress but it won't be all Ice House Road, it will be here as far as coming in from the north they will not have to proceed to Ice House Road to ingress from the north.

Chairman Cosentino stated that's for that one building.

Mr. Monteleone stated that's for, no that's also for this because the roadway comes in...

Chairman Cosentino stated right.

Mr. Monteleone stated and comes around like this.

Chairman Cosentino stated right.

Mr. Monteleone stated now with Ice House Road we and the landlord has agreed we are basically going to use this far easterly roadway, we're going to call it Mercedes Benz Way which is now called Wine Enthusiast Way over there, so that all of our traffic will be coming this way...

Chairman Cosentino stated on the upper road.

Mr. Monteleone stated on the upper road, will not be accessing the lower site at all.

Mr. Cosentino stated so it will have it its own road.

Mr. Monteleone stated exactly. So that's the issue there and we certainly look forward to you meeting with Bedford and coming back to us so we can work with both your Boards and I understand your concerns about traffic and in that regard we have retained John Collins and in the next month by the January meeting we believe he'll have a report hopefully complete for both traffic and parking.

Chairman Cosentino stated so the road that's going to stay there now, the road on 117, that's going to stay the way it is.

Mr. Monteleone stated that's going to stay the way it is.

Mr. Catizone stated correct.

Chairman Cosentino stated so it will be no left hand turn in.

Mr. Monteleone stated right.

Chairman Cosentino stated and no left hand turn out.

Mr. Penney stated correct.

Mr. Catizone stated no changes, the concern that Bedford had is because these intersections are so close to one another...

Chairman Cosentino stated that's right.

Mr. Catizone stated it just adds another layer of complication so we don't know at this point, we're waiting from feedback from the traffic consultant whether the circulation, whether this becomes the entrance and the circulation in this direction or whether the circulation would be that way which would require breaking the island or both ways, two way circulation.

Chairman Cosentino stated so there's no left hand turn out and no left hand turn in.

Mr. Monteleone stated that is as it currently exists.

Mr. Catizone stated there will be no changes here except you eliminate...

Chairman Cosentino stated there won't be any left hand turn going in either, coming north.

Mr. Catizone stated correct.

Mr. Monteleone stated no, that's right, currently that's the...

Mr. Catizone stated correct, no left in, no left out.

Mr. Vigliotti stated which means they'll be using Ice House Road.

Mr. Catizone stated as, yes.

Mr. Monteleone stated they'll be using Ice House Road.

Unknown Speaker stated 90% of the traffic will be going to the main facility, this is a preowned lot so most of the traffic is service traffic...

Unknown Speaker stated its going to go through Ice House Road.

Unknown Speaker stated it's going through Ice House Road or if you're coming this way you would take a right here and come down.

Mr. Vigliotti stated would you be kind enough to outline what parcel of property is Bedford versus Mount Kisco.

Mr. Catizone stated yes, there's a dark line...

Chairman Cosentino stated Whitney, question, do we have jurisdiction on the Bedford parcel.

Whitney Singleton stated this is the question that you guys raised previously, this site plan had access, that is the main access to the 333 site plan, I don't know who or how the left hand turn prohibition was put in but that has always been the improved access to the site and the only access to the site.

Chairman Cosentino stated well you're not talking about Ice House Road.

Whitney Singleton stated no, I'm talking about the only 100' wide easement.

Chairman Cosentino stated well that was the main access with Grand Union was down there.

Whitney Singleton stated and every day thereafter.

Mr. Monteleone stated we don't have a problem with delineating the left hand turn, we're being told that that's a traffic requirement.

Whitney Singleton stated Bedford's requirement, that's Bedford's requirement and Bedford's requirement is that all traffic go through the interior of the site in Mount Kisco and it's...

Mr. Monteleone stated as a practical matter a lot of traffic makes that left.

Chairman Cosentino stated oh yeah.

Mr. Vigliotti stated well a lot more will be doing it illegally if this site is approved. It's almost like the tail wagging the dog here...

Whitney Singleton stated that's right.

Mr. Vigliotti stated we're the dog, Bedford's the tail, they're telling us what they want and we're stuck with the result and that's one of the reason why we need to work closer, they're getting what they want and we're stuck with that.

Mr. Monteleone stated we have no problem eliminating the no left turn.

Mr. Vigliotti stated what we had talked about in the past and Whitney just brought that to the surface, was the north entrance to that site now 20 years later or 15 years later the site is being used more actively, that entrance should be used more actively and may require a further study for a secondary traffic light, similar to what's at Ice House Road and Park...

Mr. Monteleone stated right, I looked at that Ralph, after our last meeting I went and looked at that.

Mr. Vigliotti stated I don't know if it's good or bad but I think we need to have and I don't know if the State will approve, it's a State road.

Mr. Monteleone stated and John Collins will address that, we discussed that at our meeting with him.

Mr. Vigliotti stated John Collins is going to say no, okay.

Mr. Catizone stated the difference between this intersection and Ice House Road is the direction of which they're offset so the offset signal on Ice House Road allows two opposing cars to make a left without entering each other's path.

Mr. Vigliotti stated okay.

Mr. Catizone stated and that's the difference here, had this entrance been on this side then offset signal is the way to go but since the offset conflicts the two lefts...

Chairman Cosentino stated you've got a problem.

Mr. Vigliotti stated I understand, so I guess the question is, the statement I have is, this is the time for us to look at a redesign of that intersection to make that work. This is the time, I've said this, I said this at the moment that the site became known as 333 from Grand Union, this is the time. This is not a warehouse anymore, this is a retail establishment, repairing of cars, dispensing of oil, I don't know if cars are being washed, I don't know if gasoline is being serviced, this is a major retail and Bedford is calling the shots and the Town of Mount Kisco is the receiver of that and you keep poo pooing but I would like to see a consultant and I think the rest of the Board, who are not in, who are not totally here tonight, at this moment is to look at a professional, not John Collins, looking at how can we redesign this Mr.X, show us how to redesign this to work as opposed to tell us that we can't, it can be done, it's been done.

Mr. Penny stated we don't disagree.

Mr. Vigliotti stated okay.

Mr. Bernstein stated I have a point to make...



Mr. Penny stated because we prefer a light there.

Mr. Bernstein stated the only reason that that left turn is not allowed is if that is political. Bedford doesn't want their citizens to say you bring your traffic into Bedford, they don't want any traffic to go through Bedford, how do I know this, I'm very friendly with one of the members of board and they don't want traffic to go through Bedford, it has nothing else, no other reason, no safety reason, no other reason, just bear that in mind.

Mr. Monteleone stated well we certainly will be more than happy to work with your Board and we will convey that to their Board but you really need to sit down with them and I have no problem talking to the elected officials in Bedford about this issue.

Chairman Cosentino stated you know I think that we're talking of the Wine Enthusiast, there weren't that many employees going in and out, they went there, they worked there for the day and they left there at a certain time. What you're having here now is that and I think they even said that they can have up for 50 cars serviced a day.

Mr. Monteleone stated well I have Chris Buonanno here who is second generation of Estate Motors.

Chairman Cosentino stated Chris, possibly 50.

Mr. Buonanno stated up to 50.

Chairman Cosentino stated up to 50 a day, so we will have more traffic, the good part of is that upper road.

Lew Visconti stated can I just say most of the cars that are serviced get, they use our service, most of the cars that get service, we have a service where we go to their house and we pick up the car.

Mr. Monteleone stated come on up Chris.

Chairman Cosentino stated yeah, come on up, come on up here.

Mr. Vigliotti stated so correct me if I'm wrong, I thought this was also a dealership.

Mr. Monteleone stated it is a dealership.

Mr. Buonanno stated it is, it's a full dealership.

Mr. Vigliotti stated well not only do you have folks having their cars serviced but you have lots folks coming in to look at cars.

Mr. Penny stated automotive is typically a really low impact traffic use.

Mr. Monteleone stated Chris how many people do you have up at Golden's Bridge where they've been for 50 years, coming in to look at a new car every day or on a weekly.

Mr. Buonanno stated it could be 3, it could be 7, I mean it alternates.

Mr. Monteleone stated but it's not 23.

Mr. Buonanno stated no, I wish.

Lew Visconti stated that's for looking at cars but most of the customers use our pick up and drop off service, I mean why would you want to bring your car to the dealership when someone can come pick it up, get it serviced, get it washed and bring it back to your house. That's a big part of the service.

Chairman Cosentino stated see that's what I heard, they go to the house to pick it up and bring it up.

Jan Johannessen stated Chris, where do most of the Mercedes Benz cars come from.

Mr. Buonanno stated 70% of my business is to the south of where I am now in Golden's Bridge and 30% is to my north.

Jan Johannessen stated so 70% of the car trucks, car carriers are coming from the south of the...

Mr. Buonanno stated no, my customers. All the trucks are coming...

Jan Johannessen stated what about the deliveries of vehicles.

Mr. Buonanno stated everything from the south, everything from the south.

Jan Johannessen stated everything from the south so likely they would be coming up 684, exit 4, through Kisco to Ice House.

Mr. Buonanno stated right, just like they do with all the other dealerships around.

Mr. Monteleone stated we can tell them to go up to exit 6 and come back through Bedford.

Robert Melillo stated I've got to say, you know what Tony, we have a problem in the Town with car carriers unloading in the streets.

Mr. Monteleone stated well they're not going to do that.

Robert Melillo stated and every time I deal, no, listen to me, every time I say to them can you notify the carrier companies to do this and do that and they say those guys are a mind of their own, they do what they want, we have no control of the truckers.

Mr. Buonanno stated they do.

Robert Melillo stated so to say that you're going to tell them to come a different way it will never work.

Mr. Buonanno stated I don't think they can physically go on the other road, I think Ice House Road is the only way they can come in.

Robert Melillo stated well they go north, no I'm talking exiting on 684.

Mr. Buonanno stated I think they have no choice but to go that way.

Robert Melillo stated coming through Kisco or going up to Katonah, they're going to be making a U-turn and coming back now to the Saw Mill (inaudible).

Mr. Buonanno stated there's going to be less truck traffic now than the Wine Enthusiast.

Mr. Monteleone stated now keep in mind we only have about 5 or 6 trailer truck deliveries a week, right.

Mr. Buonanno stated if that, that's high.

Mr. Monteleone stated and then in the evening there's one equipment or parts delivery.

Mr. Buonanno stated parts, that's 2-3 o'clock in the morning.

Mr. Monteleone stated but there's only 5 or 6 truck deliveries a week, this isn't a tremendous volume.

Mr. Vigliotti stated yeah but I hear what you're saying, we can't look at this as one isolated project, we go from what was wholesale to now retail and we have to, this may be a turning point for this site and we have to as planners take a very close look at the next level of use for that site. There's going to be an applicant in a year or two saying gosh the Mercedes dealership is working out well, let me talk to the owner of this facility, of this site and let's see if I can get another dealership in there, they seem to be going to retail guys and we have to as planners take a very close look at that. So we're not looking at this in isolation, we have to look at the entire picture for the site, for the village for the residents of our Town as Bedford is doing the same thing. We're both the dog and the tail, I don't care what Bedford says and we're going to slow down and make sure that tail wags a little less and that we have some input here so we need to meet with them.

Chairman Cosentino stated obviously we're going to have a meeting with Bedford and see what they want and we can see what we can work out.

Mr. Monteleone stated I did preview the memorandum from Kellard Sessions and from Tony Oliveri as well as the Building Inspector and I can go through these very briefly with you, we'll comply with all of these requests and as far as the Kellard Sessions, we'll submit an EAF, we thought that was current version, apparently they just changed it recently, huh, the last week or two.

Jan Johannessen stated yeah it's going on a year.

Chairman Cosentino stated Tony, does Jan have a copy of that. Jan, you have a copy of that.

Mr. Bernstein stated yes they did. They changed it at the beginning of the year.

Mr. Catizone stated I thought I had the latest, I'll revise that.

Jan Johannessen stated yeah, no problem.

Mr. Monteleone stated okay, we'll provide that.

Chairman Cosentino stated Tony, does Jan have a copy of that. Jan, you have a copy of that.

Jan Johannessen stated yeah, it's my memo.

Chairman Cosentino stated oh it's your memo you're reading, oh okay.

Mr. Monteleone stated yeah I'm reading his memo.

Chairman Cosentino stated okay.

Mr. Monteleone stated right, so and that it's an unlisted action under SEQRA but we're going to sit down with Kellard Sessions, with him and with Tony and go over every item in their memos and if we can arrange those meetings in the near future...

Chairman Cosentino stated okay.

Mr. Monteleone stated we would appreciate it. As far as the Building Inspector's memo, we have no problem with that either, we know parking and traffic are the principal issues here, there, whether we're going to need DEP approval, there may be, we want to sit down with the two of you because it's very minor but we want to be on the same page with you as far as applying and if we do it, we are going to have to apply right away. The County should be a no action letter.

Anthony Oliveri stated as far as whether DEP, DEP is up to DEP.

Mr. Monteleone stated I know, I know but we just want...

Mr. Catizone stated there is only a small strip from the face of the building, I think it's only 15' out, that's within the designated Main Street, we've shown like a little dry swale there, so we'll definitely have to go to them but the rest of the site work...

Jan Johannessen stated oh because the designate main street stops at that line.

Mr. Catizone stated it stops at that line.

Anthony Oliveri stated right.

Mr. Catizone stated so the rest of the, we still need a SWPPP because it's over an acre and there are other thresholds but as far as DEP it's only for that.

Anthony Oliveri stated what they're going to get require I don't know.

Mr. Catizone stated they're going to require...

Jan Johannessen stated what about impervious surface within 100' of the wetland.

Mr. Catizone stated I have to review the Village code, is there...

Jan Johannessen stated there is a threshold for DEP...

Anthony Oliveri stated I would think it's DEP.

Jan Johannessen stated if you're adding an impervious surface within 100' of a watercourse or wetland.

Anthony Oliveri stated if you go through their rules and regulations.

Mr. Catizone stated I don't think we are, I think they consider that gravel lot as impervious.

Jan Johannessen stated the redesign of your parking, that's more than 100'.

Mr. Catizone stated that's more than 10' and it's actually...

Mr. Monteleone stated we're going to do everything we can to avoid them.

Mr. Catizone stated and it's actually paved now.

Anthony Oliveri stated either way you're going to have to show them the plan and get their determination.

Mr. Catizone stated absolutely.

Anthony Oliveri stated they'll tell you.

Mr. Monteleone stated and we'll put in a, we'll file a flood development permit and submit that we'll...

Anthony Oliveri stated well that, the one concern I had there was it looked like you're filling an area in the flood plain.

Mr. Catizone stated I think the flood plain if I'm not mistaken...

Anthony Oliveri stated well it wraps around the building.

Jan Johannessen stated it goes way up there.

Anthony Oliveri stated it goes around the building, I think it goes out on that side of the building.

Mr. Catizone stated does it go, on this side.

Robert Melillo stated yeah, it goes around the whole building.

Mr. Catizone stated I'll take a look at it.

Anthony Oliveri stated yeah, what you have to do is look at the old FEMA maps.

Mr. Catizone stated I'll take a look at that, yeah.

Anthony Oliveri stated if you're filling in the floor plain that could be an issue.

Mr. Catizone stated okay, we'll look at that, this area is depressed to allow the loading docks and we just thought we'd bring it to grade but we'll deal with that.

Anthony Oliveri stated okay.

Mr. Monteleone stated we'll put elevations in and we'll put elevations in and we'll comply with all of these nut and bolt requirements of the three memos. We just would like to show you briefly what the interior of the building would look like, I think that's here isn't it or it's on the next one. That's the exterior which is going to be changed because we are not going to have our doors in the front, we're not putting any doors on the east side of the building, nor on the west side for that matter, everything is going to be in front.

Mr. Penny stated well this thing is mirrored essentially, this is service drop off, now we're putting it closer to Bedford Road. We're just going to mirror the elevation, it's going to look exactly the same.

Chairman Cosentino stated why is that.

Mr. Penny stated customer contact, ease of customers getting in, that's where most of the traffic comes in, so we don't want them driving all the way to the back of the site and then trying to find a different spot...

Mr. Monteleone stated this is John Penny, Penny Engineering, he came up from Baltimore and basically he does almost all Mercedes Benz dealerships especially the interior. This is Peter Catizone, is our engineer locally.

Mr. Bernstein stated Mr. Chairman, is this the last piece of rental in the 333.

Chairman Cosentino stated well no, Wine Enthusiast is going out, this is not an addition.

Mr. Bernstein stated I know that, is this the last piece of rental.

Mr. Buonanno stated it's fully leased after this one.

Chairman Cosentino stated this is the last one.

Mr. Bernstein stated fully leased out. The landlord has certain things to do when this is fully leased out.

Chairman Cosentino stated well this is all being considered in this, Jan's got it all.

Mr. Bernstein stated he's got to show his parking and his traffic.

Chairman Cosentino stated Jan's got all of that.

Mr. Bernstein stated his last piece.

Anthony Oliveri stated I think they did that at 90%.

Mr. Bernstein stated when did they do that.

Chairman Cosentino stated six months ago, eight months ago.

Mr. Bernstein stated they were supposed to do that at 95%.

Anthony Oliveri stated that was Jan.

Jan Johannessen stated yes, they did that.

Mr. Penny stated I mean one of the things that we're doing...

Mr. Bernstein stated and showed that there's sufficient.

Jan Johannessen stated yes.

Mr. Bernstein stated and the traffic is not impacted.

Jan Johannessen stated they were underneath threshold.

Mr. Bernstein stated they were under the threshold, not that that threshold means anything.

Whitney Singleton stated not withstanding that fact Stanley, they never the less...

Mr. Bernstein stated threshold is an arbitrary number.

Mr. Monteleone stated I have been visiting the site on almost an every other day basis and that site, the southerly part of that site is heavily used...

Mr. Bernstein stated yes I know.

Mr. Monteleone stated from the point and there's cars parked pretty much everything to the south and even the parking is filled.

Mr. Bernstein stated yes I know that.

Mr. Monteleone stated once you get to where Diamond has their offices, from there on it's empty.

Mr. Bernstein stated it's empty, yeah.

Mr. Monteleone stated and that's basically where we're going to be.

Mr. Bernstein stated yeah, I know.

Jan Johannessen stated what's the, there are 64 spaces identified in Bedford.

Mr. Monteleone stated those are on the Bedford...

Jan Johannessen stated say that they're going to be, describe that.

Mr. Monteleone stated sure that's a combination of the Bedford site which we are acquiring title and also an area we are leasing from Diamond, which is here. This is the Nohilly property, this area.

Jan Johannessen stated so what are the 64 spaces going to be used for.

Mr. Catizone stated they're a combination for both uses, they are on 333 which is why we showed them you know historically the parking count has been site wide, so we're not trying to play any games or anything.

Jan Johannessen stated I understood when you counted the 63 but you also counted the other spaces.

Mr. Catizone stated I don't think so. These spaces are on, they're 64 here these are totally independent and in the Town of Bedford, so we count those out of the overall parking count.

Whitney Singleton stated so are the other spaces.

Mr. Catizone stated well they're part of 333. This parcel is an independent parcel which is Town of Bedford.

Mr. Penny stated there's also 153 parking spaces inside the building.

Mr. Monteleone stated yeah and that's something for...

Jan Johannessen stated right, that's for inventory.

Mr. Penny stated its for service cars, it's for some inventory.

Jan Johannessen stated you can't use those towards your required parking count.

Whitney Singleton stated right and you are aware...

Mr. Catizone stated well it's flex, so sometimes the vehicles, a car will come in, it stays in that area before its service and possibly park there after it's serviced.

Jan Johannessen stated but you're not included interior parking spaces toward your parking calculation.

Mr. Catizone stated not on this but we will be showing a table showing the, I mean if we count all spaces we're somewhere between 334 and 382, I think this plan shows 180 or something like that increased number of spaces but we just want the Board to have all the information so that you know we can show that we can accommodate the cars that we need to for service, for display...

Jan Johannessen stated just so you understand, the required number of parking spaces per the Zoning Code doesn't take into account inventory.

Mr. Penny stated understood.

Jan Johannessen stated those are spaces that are required for employees...

Mr. Penny stated it doesn't take into account service parking though, right.

Jan Johannessen stated what's that.

Mr. Penny stated service parking, it does.

Whitney Singleton stated yes.

Jan Johannessen stated yes, we allow...

Mr. Penny stated some of the spaces inside would be service parking.

Jan Johannessen stated and we allow, the only interior spaces that we've allowed in the past are the service bays, the space per service space.

Mr. Monteleone stated right, so and we've done that, we are allocating...

Mr. Penny stated hold on a second, you're talking about the actual individual service bay, that counts as one.

Whitney Singleton stated that's counting as a spot.

Mr. Penny stated but if we have 153 parking spaces right next to it and because of the situation...

Jan Johannessen stated that's inventory.

Mr. Penny stated it's actually not, it's going to be used for service parking.

Jan Johannessen stated service...

Mr. Catizone stated service parking, yeah.

Whitney Singleton stated that's inventory.

Mr. Penny stated its service parking, not inventory. Inventory is new car and preowned, service parking is cars that go into a bay and then parked, get parked waiting for a customer to pick it up or it goes.

Whitney Singleton stated that's inventory. That's not available to the customer.

Mr. Buonanno stated it's the customer's car.

Mr. Catizone stated it's the customer's car.

Whitney Singleton stated yes but you said the customer doesn't drive there.

Mr. Buonanno stated not everyone.

Mr. Catizone stated well it's the customer's car regardless.

Mr. Buonanno stated some customers do drive there.

Mr. Monteleone stated this is valet, all the cars are, any customer who comes in is going to drop the car off and valet is going to pick it up and bring it in to the service building.

Whitney Singleton stated right, to store it, that's not, that's not a parking space.

Chairman Cosentino stated service it.

Mr. Monteleone stated to service it and in some cases store it.

Anthony Oliveri stated no but there is parking requirement associated with the service bays like three per bay.

Mr. Penny stated yes.

Anthony Oliveri stated so each bay counts as one space, you'll need two more per bay.

Mr. Penny stated so we have 36 bays.

Anthony Oliveri stated per service bay, those could be inside.

Jan Johannessen stated interior, the service could be.

Mr. Penny stated well we'd like 100 spaces in the building toward the parking count.

Anthony Oliveri stated then we'd have to call it service.

Mr. Penny stated for service only, correct, correct.

Anthony Oliveri stated so that would be counted toward the service requirement.

Mr. Penny stated the point earlier that you can't count anything inside the building and we're saying we should be able to count the service parking.

Mr. Monteleone stated the service, distinguish from new car inventory.

Whitney Singleton stated and you are aware that there's a deficit of parking the site currently, correct.

Mr. Catizone stated correct and I think we reflect that on the plan.

Whitney Singleton stated okay.

Jan Johannessen stated now in terms of your building site development coverage, are you including 333.

Mr. Catizone stated it's only 333.

Jan Johannessen stated not the Nohilly parcel.

Mr. Catizone stated not the Nohilly, so the applications, we didn't know how to split the applications with the change of use and some of this is under your jurisdiction, so what we decided to do was submit this application to Bedford and the rest to the Village.

Mr. Monteleone stated and that includes...

Chairman Cosentino stated and we can work it out with Bedford.

Mr. Catizone stated you can work it out, right but I think that's the cleanest because it seems this Board has jurisdiction for the overall parking on 333.

Whitney Singleton stated are you asking us to count those spaces in the upper...

Anthony Oliveri stated 64 spaces.

Whitney Singleton stated northeastern corner.

Mr. Catizone stated of this, these here, they're on 333.

Whitney Singleton stated but they're not serving 333.

Mr. Monteleone stated yes they are.

Whitney Singleton stated they are?

Mr. Catizone stated they're a combination.

Whitney Singleton stated you're going to have people park all the up there.

Mr. Monteleone stated those are going to be.

Whitney Singleton stated those are going to be for the Nohilly parcel.

Mr. Monteleone stated those are either going to be preowned or they're going to inventory vehicles.

Whitney Singleton stated for who.

Mr. Catizone stated this is only certified preowned sales, all the service here, this could be as...

Chairman Cosentino stated it's a standalone in other words, it's a standalone building in Bedford.

Mr. Catizone stated this is a standalone, so this could be inventory, it could since they have a valet service they could be moving from service vehicles.

Jan Johannessen stated if you're going to count that parking towards 333, that parking has to be exclusively used for 333 not the preowned addition.



Whitney Singleton stated yes.

Mr. Monteleone stated okay.

Mr. Catizone stated we've asked for some clarification from this Board, in the past its been all 333 parking, we'll show it whatever way that you want just to be consistent.

Mr. Monteleone stated we don't have a problem with that.

Jan Johannessen stated just like with 333 parking you can't use it for Nohilly piece.

Whitney Singleton stated which obviously it's going to be used for that.

Jan Johannessen stated right.

Chairman Cosentino stated is that land in Bedford or Mount Kisco.

Mr. Monteleone stated no we are, we meet our parking requirements in Bedford.

Mr. Catizone stated it's in Bedford.

Chairman Cosentino stated wait a minute Whitney that's in Bedford, that lands in Bedford.

Mr. Vigliotti stated they can't count that it's in another town.

Mr. Catizone stated so is this.

Whitney Singleton stated so is that.

Mr. Catizone stated all of this is right now...

Mr. Monteleone stated but you have jurisdiction over all this...

Chairman Cosentino stated wait a minute, can I clarify something.

Robert Melillo stated hey Joe, who's on first.

Chairman Cosentino stated I'm on first, you're right. Right now we have jurisdiction on 333 and the parking, this is something new in Bedford that you're creating.

Whitney Singleton stated which is part of your overall site plan.

Jan Johannessen stated yeah.

Chairman Cosentino stated even though it's in Bedford.

Jan Johannessen stated the sixty something spaces we're talking about are on 333.

Chairman Cosentino stated these are going to be newly created parking spaces.

Anthony Oliveri stated on the 333 property.

Chairman Cosentino stated in Bedford.

Whitney Singleton stated but utilized for a different parcel in Bedford.

Jan Johannessen stated those spaces have to be used exclusively.

Chairman Cosentino stated that's what I'm trying to say.

Anthony Oliveri stated that's what we have to clarify.

Chairman Cosentino stated how do you, how do we do that, do we do this with Bedford.

Mr. Monteleone stated we have enough parking without that.

Whitney Singleton stated I would say you wouldn't count those spaces.

Mr. Vigliotti stated I agree with you Whitney.

Chairman Cosentino stated okay, that's what I want to know, I don't know.

Mr. Monteleone stated okay, alright, so what you're saying is...

Chairman Cosentino stated it's confusing.

Mr. Monteleone stated we need to allocate sufficient spaces to meet the Bedford code on the site and if we need any of these spaces to meet the Bedford code then those are excluded, right.

Mr. Grunthal stated on 333.

Mr. Monteleone stated okay.

Chairman Cosentino stated on 333.

Anthony Oliveri stated well if it's part of the required parking for the used car...

Whitney Singleton stated Tony, I mean, let's face it you're, the parking lot that's up there is going to be associated with the used car lot.

Mr. Monteleone stated this one here, not necessarily, Chris can you address that, it's going to be a fluid situation, right, go ahead.

Chairman Cosentino stated why don't you annex the thing to Kisco.

Mr. Catizone stated we would love to.

Mr. Buonanno stated it's going to entail both buildings.

(inaudible – too many speaking).

Mr. Buonanno stated there will be preowned cars, people will walk down, I mean it's going to include both buildings.

Mr. Vigliotti stated yeah but it all comes down to parking count and that's what we're trying to work out here whether or not there's enough parking.

Mr. Buonanno stated that's actually in thw in the lease with Diamond.

Mr. Monteleone stated once we meet the Bedford parking requirements for that parcel and the rest of the parking is 333 including here, we should be able to count those for 333.

Whitney Singleton stated okay, I have a suggestion, not per se a solution. I suggest that you allocate, that you demonstrate on that plan what you said parking is being attributed to, what use is ascribed to that lot. If that is associated with inventory, show it as inventory, if it's inventory for used cars, show it as used car inventory, if its service, for new cars show whatever it is, just show it on the plan so that we know what it is.

Mr. Monteleone stated okay.

Mr. Buonanno stated so what if it's all the above.

Chairman Cosentino stated well...

Lew Visconti stated what if it's both.

Whitney Singleton stated then you're merging site plans together and that's a problem.

Chairman Cosentino stated one other thing Whitney, I have one other question supposedly they did that Nohilly piece and we have it other places in the Village, contiguous parking, they can say they're going to have continuous parking on that property.

Whitney Singleton stated only if your Board approves it.

Chairman Cosentino stated exactly but I'm just saying, there may be a cleaner way.

Mr. Bernstein stated yeah, there is a cleaner way, annex it, we've already annexed Bedford, we'll annex this off.

Whitney Singleton stated really, across on the other side of the tracks, Joe, you have the same exact thing in a reverse situation. In Mount Kisco we have the Saw Mill Athletic Club and all the parking and (inaudible) are in Bedford.

Chairman Cosentino stated is in Bedford, right.

Whitney Singleton stated and they are very onerous in their requirements on what they require in Bedford. They don't seek our acquiescence or approval on what they do in Bedford.

Chairman Cosentino stated what I'm saying, if the applicant before us, I'm just playing devil's advocate here, if the applicant before us and if he was say 25 spaces short and he went to the guy next door that didn't need that parking to say can I rent spaces from you it's contiguous...

Whitney Singleton stated right.

Chairman Cosentino stated so they rent spaces, so what I'm saying if they have the Nohilly property and Nohilly had more parking than he needed, it would be contiguous to 333 to Nohilly's property.

Whitney Singleton stated and you would not have to allow that, you would not have to allow that.

Mr. Monteleone stated but you could.

Whitney Singleton stated and that's, you could, you're not required to.

Mr. Monteleone stated okay.

Chairman Cosentino stated right you could but we're not required to but we could.

Whitney Singleton stated you generally cannot discharge your lot and bulk requirements and other zoning requirements in another municipality.

Chairman Cosentino stated but what I'm saying it might be a cleaner way if this happens, it just might be a cleaner way if this happens, if you have contiguous parking.

Mr. Buonanno stated it's one business.

Chairman Cosentino stated one business.

Mr. Monteleone stated now let me step back...

Mr. Buonanno stated we're not doing two separate businesses.

Chairman Cosentino stated but it's mixed up two towns.

Mr. Monteleone stated isn't all of the parking for 333 under Mount Kisco's jurisdiction.

Mr. Buonanno stated I understand.

Chairman Cosentino stated contiguous would be the answer.

Whitney Singleton stated yes, it's also under Bedford's.

Mr. Monteleone stated all of it, and that would include this, they're deferring, they told us they're deferring all of the parking requirements for this to you.

Whitney Singleton stated for what when you say this.

Mr. Monteleone stated for all of this.

Mr. Catizone stated for all of 333.

Mr. Monteleone stated for all of 333.

Whitney Singleton stated they're deferring that lot up there.

Mr. Monteleone stated they're taking that into consideration but only to meet the parking requirements.

Mr. Catizone stated let's just back up, to your question Mr. Chairman, the 7,000 square foot building on the Nohilly parcel requires 35 parking spaces, it's sales only, there's no service...

Chairman Cosentino stated okay and how many extra do you have there.

Mr. Catizone stated we have a shortage, we have 26.

Chairman Cosentino stated oh.

Jan Johannessen stated 35 using the Town of Bedford's regulations.

Mr. Catizone stated right, so we need a variance in the Town of Bedford for Nohilly even though...

Chairman Cosentino stated to put more parking in the back of the building or where.

Mr. Catizone stated no, we need a variance to reduce the parking requirement from 35 to 26.

Chairman Cosentino stated so there will not be any more parking for contiguous parking there, okay.

Mr. Catizone stated there will not be any parking Nohilly.

Chairman Cosentino stated okay.

Mr. Catizone stated secondly this parking is part of 333, we'll, again, we'll show it whatever way this Board likes it or you agree with Bedford, we just need a little bit of feedback on how you want us to demonstrate that and the last point I want to make is, this subject came up briefly and it's you know, I'm sure it's going to come up again, the question of usage. I've worked on a lot of dealerships and the reality is that when you get in a situation where you're saying okay, these 50 spaces are display, these 50 spaces are inventory, it kind of is very hard to enforce and operate under those restrictions because during area, during periods where there is a high service demand, there might be hardly any display vehicles outside, in the spring where everyone is looking for a new car, you may have hundreds of display vehicles outside and I'm just picking random numbers here but you can see that there is a shift as far as what the space is actually used for, so that is something else that we just want to bring up and you know ask how you'd like us to handle that. Is that excess spaces, you know but there is a site shortage.

Anthony Oliveri stated as far as the site plan goes, you have to differentiate required parking spaces from inventory storage parking spaces. You can't just say we would, this is all, this meets our demand for required parking spaces and then tell us and then we're going to put inventory in here.

Mr. Catizone stated no, no, but what I'm saying is this, we have 100 spaces interior to the building which are what we're calling flex spaces, now sometimes the inventory may be indoors, some days inventory may be inventory outdoors, as long as we don't exceed you know the amount of parking.

Chairman Cosentino stated the amount of parking spaces.

Robert Melillo stated that's the problem we have already with dealerships in Town, they're utilizing parking spots for multiuse where we've gone through on a plan that said you have designated areas for showcase, you're not showing the plan, part of the Building Department's memo was you're not showing showcase, you say you're showcasing six cars for this whole site.

Mr. Catizone stated that's not what we want to demonstrate and that's, right.

Robert Melillo stated that's what you're showing here...

Mr. Monteleone stated okay.

Robert Melillo stated you need to say okay, we're going to use this area for showcase of vehicles but there

is no area because the parking is required here and you don't meet the parking count, so you have no exterior area to showcase any vehicles as far as...

Chairman Cosentino stated but you know something Rob, you know something, it all comes down to one thing, he could say he needs 6, he could say he needs 12, you're going to be down there to police this.

Robert Melillo stated you're asking me to police Arroway Chevrolet.

Chairman Cosentino stated and we're not doing it.

Robert Melillo stated sure we are, absolutely we are.

Chairman Cosentino stated oh, okay, good. What I'm trying to say is that, if I understand this right and correct me if I'm wrong, they can have x amount of cars indoors but 40 of those cars indoors today could be outside tomorrow.

Lew Visconti stated correct.

Chairman Cosentino stated okay.

Robert Melillo stated yeah which he would be using required parking spaces.

Mr. Vigliotti stated that's true.

Chairman Cosentino stated okay, so how does he, pardon.

Mr. Vigliotti stated Rob's point is well taken.

Chairman Cosentino stated how does he...

Mr. Catizone stated except that we're allowed to have...

Chairman Cosentino stated yeah it is well taken but how does he correct that.

Mr. Catizone stated parking spaces.

Robert Melillo stated that's what I'm saying, he can't because they're shortfall of parking first of all, so what they're trying to say is they're going to utilize required parking spaces which are supposed to maintain empty or for a vehicle with a license plate on it basically, is what I would say that's the only way and say as long as vehicle with a license plate is parked in that spot, its utilizing the required parking spot but you can't take brand new cars and use 20 or 30 required parking spots outside because it's a beautiful summer day and they're inventory grew and they're overflowing to the exterior.

Mr. Catizone stated we're not saying that, let me just...

Chairman Cosentino stated but they're not putting more cars than they're allowed to.

Robert Melillo stated what do you mean putting more cars.

Chairman Cosentino stated if they're allowed, if they've got 150 parking spaces but they're utilizing 150 parking spaces to have some cars here and some cars there, they're not using 200 parking spaces.

Robert Melillo stated but you can't utilize it. You can't utilize any of the required parking to showcase vehicles. Follow what I'm saying, if it doesn't have a license plate it can't be parked in that spot.

Chairman Cosentino stated well I'll tell you we better go to every dealer in the Village of Mount Kisco because they're doing it.

Mr. Catizone stated I've actually...

Robert Melillo stated Joe, I'm telling you the process, what we just did with Arroway...

Chairman Cosentino stated no, no, no, I realize that, I know.

Robert Melillo stated what we just did with Arroway, I'm going after Arroway tomorrow on parking, required parking spaces showing cars.

Mr. Vigliotti stated you know what the Building Department needs to do what they need to do.

Chairman Cosentino stated well look at this is getting out of hand, I agree with you Rob, I agree with you 100% but my thought is do I really care if there's 30 cars...

Jan Johannessen stated no, it's formal.

Chairman Cosentino stated inside the building or 30 cars outside the building, the thing is that how many are going to be on display to see, to sell.

Robert Melillo stated but if it's utilizing a required parking spot, we need to care.

Jan Johannessen stated that's right.

Chairman Cosentino stated yeah, okay.

Robert Melillo stated because the parking spot is supposed to be for the general public.

Mr. Penny stated let us show you a plan of how we plan to allocate it, then we can go from there.

Chairman Cosentino stated I understand Rob but I think, I'm not saying you're wrong.

Robert Melillo stated I just don't want to go Arroway tomorrow and write them a summons.

Chairman Cosentino stated well you'll be doing.

Robert Melillo stated yeah I know, but that's what I don't want to do for these guys.

Mr. Catizone stated one of the ways I have seen this be successful...

Chairman Cosentino stated let's get a plan together and then we know what we're talking about.

Mr. Monteleone stated alright, just an observation, it seems to me that no businessman, no car dealer is going to fill up all of the spaces with inventory if his new customers...

Robert Melillo stated Arroway does it, every day of the week.

Mr. Vigliotti stated Mercedes does it right now at the lot in Golden's Bridge, I've been up there.

Robert Melillo stated yeah, look at Golden's Bridge, I live in Golden's Bridge, Mercedes Benz does it.

Mr. Vigliotti stated absolutely.

Mr. Monteleone stated the customers has plenty of place to park because there aren't that many customers, the service people...

Mr. Vigliotti stated that's not true. That is not true.

Robert Melillo stated they're valeting them at this point.

Mr. Monteleone stated no, not the customers.

Chairman Cosentino stated let's get a plan together.

Mr. Monteleone stated your Board has discretion on parking.

(Inaudible – too many speaking).

Chairman Cosentino stated guys we've got too many talking at one time here.

The Secretary stated thank you.

Robert Melillo stated absolutely, you're valeting, you quadruple the number of cars.

Chairman Cosentino stated there's too many people talking at one time, you're going to get a plan together, okay and come back with a plan where the parking is going to be and Rob I appreciate you bringing that up because it's important we do have a couple of dealers in the Village doing it now, let them get a plan together, find out where this parking is going to be and then we know what we're talking about.

Mr. Vigliotti stated Mr. Chair, I don't want to jump too far ahead here, guys we had an earlier conversation about Ice House Road, left hand turns, right hand turns, traffic being diverted by Bedford to Ice House Road, don't discount that, we've allowed this conversation to go all the way to end here, I don't want it to be cloudy like oh my god, they're looking, it's looking good. That main north entrance is a problem and it needs to be addressed and I think there were several yeses you would hire someone to look at a secondary traffic light and you're going to take a very close look at, you also mentioned a turnaround around that 7,000 square foot building which you're not showing now which will take up parking spaces. There are issues here and most of the issues and I hear what the Building Department is stating, you know Rob represents the Building Department, the Building Department I have the highest respect for, if they're saying something with regard to 30 spaces from the inside moving them outside, you are taking up viable spaces that are part of your count because you're not going to have people park on the inside, you're not going to do that but the most important thing for me as one member of the Board is Bedford telling us how the ingress and egress is going to work to Ice House Road to make their site work and if you expect this to move along, you better take the Board serious, several members who have left...

Chairman Cosentino stated I agree with you.

Whitney Singleton stated Ralph, there is one other thing I want to say.

Mr. Vigliotti stated yes.

Whitney Singleton stated and we'll bring it up tomorrow and I want to say it in the presence of the Board and the presence of the applicant. We have this snowball effect of the applications going on at the site, presently we have not only, this is only the most recent application, they entertaining an application to open up another road into the site, when they say that the existing access points are sufficient and now they're seeking to open up yet another road, you have an application for new uses in the wetland parcel that will be accessed through this site as well, you have an application to access a parcel of land in Bedford separate and apart from the 333 site through this parcel and you have an application for Mercedes dealership, a new car dealership and servicing through this site. So the questions becomes are we getting myopic in our approach toward the traffic analysis, perhaps the traffic analysis should be for the entirety of the project, not the segments of the project and that is going to be something that your Board is going to need to consider with regard to entertaining this application because this application, they're only concerned about this portion of it but there are other active applications before your Board for this site and your Board can't look at each one with a blind eye towards the other.

Mr. Vigliotti stated absolutely.

Mr. Monteleone stated now all of those are Diamond Property applications and I can sit down with Jim and Mark and go through those.

Whitney Singleton stated they're multifaceted applications, they are proposing to go through another car dealership and one way part of the way, two ways in another part, right hand turns only in, out for some cars, left hand turns in and out for other cars, zip lines for trees in the wetlands, parking on this site for another parcel, parking in Bedford for another parcel.

Mr. Monteleone stated all on Diamond's property.

Whitney Singleton stated this is all the low intensity warehouse parcel that this Board was promised would not have significant levels of traffic, it would be computer storage and dead storage.

Mr. Monteleone stated well our particular use doesn't have heavy traffic, it truly doesn't, even if you were to consider 50 cars being serviced every day and then employees coming in and new car, new people coming in, we're probably 100 vehicles a day. That's not many cars.

Whitney Singleton stated the cumulative impact of car carriers bombing through Mount Kisco, going in front of M&R Deli, shaking the windows to the point where it feels...

Mr. Monteleone stated that's five a week, you can't.

Whitney Singleton stated five a week plus five a week plus ten a week plus fourteen a week, they all add up, you've got Tesla, BMW, you say Jaguar and Ranger Rover here tonight, Arroway just expanded, we

have Cadillac and Buick looking at new sites, we've got a lot of stuff going on here. The Board has to look at the cumulative impact and this is a site that was promised to be low intensity, it's a warehouse, it's got restaurants...

Mr. Monteleone stated well I think we fit that description although we're selling cars, you can't get much less of a vehicle use than we're going to be having on this site for the size of the site and we'll try to support that with data.

Chairman Cosentino stated so what I'll do is, is I'll put you on that agenda, you're going to bring back the, something that we can see.

Jan Johannessen stated and we'll get a response to comments.

Mr. Monteleone stated yeah, we're going to sit down with you and respond to all the comments, including the Building Department comments and I'll try to have a meeting with Rob and with the Building Inspector.

Robert Melillo stated are you guys shutting down the Golden's Bridge site or are you still going to be operating there.

Mr. Buonanno stated yes, going to try and sell it.

Robert Melillo stated shut down.

Lew Visconti stated going to be relocating.

Robert Melillo stated yeah and how big is that site compared to this.

Mr. Buonanno stated that one is about 34,000 square feet, roughly two buildings, roughly 2 acres.

Whitney Singleton stated is that the only ratable.

Mr. Monteleone stated just about.

Mr. Catizone stated 113,000 square feet.

Mr. Buonanno stated and 7,000 in the front, so 120,000 altogether.

Robert Melillo stated so you're going to gain a substantial amount of space for yourself.

Mr. Buonanno stated well Mercedes is making me do this, you know facility requirements and everything so.

Robert Melillo stated yeah.

Whitney Singleton stated can I ask one question about the calculations.

Mr. Catizone stated sure.

Whitney Singleton stated you referenced them as being for the entire site.

Mr. Catizone stated yeah.

Whitney Singleton stated when you say the entire site, you're referencing just the 333 site.

Mr. Catizone stated 333, yes.

Jan Johannessen stated including the portion that's in Bedford, everything but Nohilly.

Mr. Monteleone stated right, exactly.

Mr. Catizone stated correct, everything that's on 333 proper.

Mr. Monteleone stated the piece that goes around the water tower.



Chairman Cosentino stated if we can when they come back, if we can get these legal things with Bedford and Kisco before we meet with Bedford, we're going to set up a meeting with Bedford, Jan. Michelle...

The Secretary stated yes.

Chairman Cosentino stated I want to set up a meeting with Bedford and see what's going on.

The Secretary stated are you looking for representatives from each board...

Chairman Cosentino stated no, their Planning Board...

The Secretary stated you want me to try and get full boards.

Chairman Cosentino stated yea, we'll meet here, make the meeting here, we'll have coffee and doughnuts, they don't give me anything.

The Secretary stated I will work on it.

Chairman Cosentino stated thank you. Gentlemen, thank you.

Mr. Catizone stated thanks for seeing us.

The Secretary stated Joe...

Chairman Cosentino stated hold on, go ahead Michelle.

The Secretary stated are you adjourning.

Chairman Cosentino stated just for the record, we have the under Correspondence we have the Mount Kisco Advisory and Mount Kisco Beautification Committee, we have no minutes to that effect but I just wanted it for the record. We have a motion to adjourn.

All aye.

The meeting adjourned at 10:50 p.m.