

Minutes of Meeting of the Planning Board
Village/Town of Mount Kisco
Tuesday, July 8, 2014

Chairman Cosentino called the meeting to order at 7:50 pm in the Municipal Building.

Members Present: Chairman Joseph Cosentino
Vice Chairman Anthony Sturniolo
Sol Gibbons
Doug Hertz
Enrico Mareschi

Members Absent: Stanley Bernstein
Ralph Vigliotti

Staff Present: Jan K. Johannessen, Village Planner
Rob Melillo, Asst. Building Inspector
Anthony Oliveri, Village Engineer
Whitney Singleton, Village Attorney

Chairman Cosentino led the Pledge of Allegiance.

Chairman Cosentino stated this is Tuesday, July 8th and this is the Planning Board and first thing on our agenda will be the continued public hearing on The Hearth. Would you come up and identify yourselves for the record, please.

**A. The Hearth at Mount Kisco -270 Kisco Avenue
PB2012-15, 69.49-4-1 (SBL)
Site Plan, Special Use Permit, Steep Slopes Permit and Wetland Permit**

Mr. Mark Miller of Veneziano and Associates and Mr. Chuck Utschig of Langan Engineering were present.

Mr. Miller stated good evening Mr. Chair and members of the Board. For the record, Mark Miller of Veneziano and Associates, here tonight representing The Hearth of Mount Kisco. Also with me tonight is Chuck Utschig, from Langan Engineering, the project engineer. When we were here a few weeks ago, we had one remaining item which had to do with the rendering of the entrance drive and we gave you, is this the one, Chuck?

Mr. Utschig stated that's the first.

Mr. Miller stated we presented this rendering to you which I think was generally well accepted but you asked us to prepare a rendering from the view point of a standing pedestrian across the street, looking into the site so you get a more eye level view if you will of what the detention area and those walls would look like. We appreciate your indulgence in allowing us to bring it to the meeting, we just literally finished it today and what we hope to accomplish tonight is to get your general okay, so we can move on and then work with your staff on a full set of revised plans to address the comments that they had on the earlier plan. So this is from across the street, basically eye level with a pedestrian and this is the area that you had asked us...

Chairman Cosentino stated where's the road?

Mr. Miller stated this is the road, we're standing on it.

Mr. Utschig stated so this is the cross walk that go across...

Chairman Cosentino stated but where's the entrance?

Mr. Utschig stated to get this close and to show it, we did a progression and we tried to be responsive to what you asked us to do, so this was the next attempt to try and get closer.

Mr. Miller stated it's lower than the first one.

Mr. Utschig stated right and then I said well we actually need to be as if you were standing there, that's what this does, so it brings you right into if you were standing across the street looking into it and if you're looking one direction, you wouldn't see that, okay. That's what we tried to do. So, we've got, I brought both of them and you can see you know, the three walls and these are maximum height of 6 feet, so the

vegetation that we're able to plant in front of it does a pretty good idea, does a pretty good job of screening it, I do have some smaller versions if that would help.

Mr. Gibbons stated who's crossing here and enjoying that long walk.

Mr. Utschig stated you see the sidewalk and the green in that, that's where this kind of stood.

Chairman Cosentino stated where is the basin here?

Mr. Utschig stated right here.

Mr. Miller stated and in this one, its right here.

Mr. Utschig stated it is basically from the edge of this tree to where the grade starts to go up here to the end of walls, so everything in front of that is a shallow depressed basin but from the street you don't see it because its flat in a couple of feet, its flat in 10 or 15 feet and then it goes down a few feet.

Chairman Cosentino stated it looks natural, it looks natural.

Mr. Utschig stated remember a discussion about trying to, what the BMW looked like and some of their kind of more natural areas and trying to get it to blend in to the tree line in the background and suggestions from your staff about what should be planted and it's kind of evolved into what we're hoping is a fairly natural looking area after a reasonable number of years. I mean this growth is projected at around 2 years, so it's not freshly grown, freshly planted but it's about 2 years in, so there is some growth to it. But the pines up, for example here in the back, are shown at 6 or 8 feet, where the trees are 12 to 15 footers, we have committed a plan certain to those, we'll put those down in the front. So we pretty much, what it does is it takes the hillside which is right in your face now, as you come along Kisco Avenue and basically pushes it back in essence is what it does and we're able to make it look nice between there and the transition where the road goes up.

Mr. Sturniolo stated Chuck, a question, what is the soil content of the basin?

Mr. Utschig stated the basin itself it has a bio filter material in it, so it's an organic material that's used to help remove the pollutants out of the stormwater. So it's 3 foot of organic type of material that is intended to drain down and then there is a pipe underneath it that we, takes it away. That 3 feet of material pulls out the pollutants, the sands, the salts and the other things that we find in stormwater runoff. The nice thing is we're able to plant over the top of it unlike a typically detention basin that's just grass. This is actually designed to have plant material in it because it also helps to absorb the extra nutrients that you don't want running off.

Mr. Sturniolo stated thank you.

Chairman Cosentino stated can you guys see it over there?

Mr. Mareschi stated yeah.

Mr. Hertz stated just a question, on the very, on the image that Mark's holding, on the very, very left, there looks like there is some signage. Signage at the entrance of this, is that...

Mr. Mareschi stated he has one.

Mr. Utschig stated again, as we move further out, that's the sign.

Mr. Hertz stated so you're imagining a stone pillar...

Mr. Utschig stated right, stone pillars with a sign board between, there may be some up lighting to it but it wouldn't be, no backlight to it. Because this is not a popular destination, necessarily at night, the need to have a real visible sign is not terribly important to our client. The hopes is that we build these piers and potentially a base around it that matched the finish on the walls so that there's come continuity between that and the walls that we have at the entrance.

Mr. Hertz stated are you comfortable that the heights of the walls represented in this image are within, I know obviously they're not...

Mr. Utschig stated yeah, yes, we are actually and I think what, I don't know if you recall a while back though, we had a couple of images of the walls and what was interesting about the images of the walls that

we showed you was that it didn't take a lot of planting height in front of them, you know a bush that's 3-3 ½ feet that's pretty round, does a lot of screen the wall. So we're pretty confident that reasonable spacing of reasonable sized material will go a long way in screening these.

Mr. Hertz stated and you have enough room between the steps to get something...

Mr. Utschig stated we separated them so that we could plant something in between and for the sake of actually having to excavate a little extra, we made the transition a little flatter than normal, so we're sure we can plant material between them.

Mr. Hertz stated okay. And the you know, I know if you're going to be doing pines or something like that above there, there's going to have to be a real, you're not going to be planting those on rock.

Mr. Utschig stated right.

Mr. Hertz stated so are you somewhat confident that you have enough ability...

Mr. Utschig stated based on the test pits that we're done so far, actually the rock is lower than we anticipated, there's anywhere from 2 to 6 foot of overburden soil on top of that rock which has its advantages and disadvantages, the advantages are it gives us a place to plant, not being right on the rock, the disadvantage is holding that back when we start to cut the rocks, so...

Mr. Hertz stated right.

Mr. Sturniolo stated this looks pretty good.

Mr. Hertz stated I have to say, the images look great, if what you accomplish at the end is a close resemblance to this, I think we...

Chairman Cosentino stated it looks natural, it looks good.

Mr. Hertz stated we'd be in good shape.

Mr. Utschig stated I warned my landscape architect, there are people that are going to hold these and show up in 18 months and say Chuck told us it was going to look like this, so make sure whatever you plant we can actually make work.

Chairman Cosentino stated there's no doubt about that, Patti you got that.

The Secretary stated yes.

Mr. Utschig stated I mean, we all know that this is our best effort to take pictures and material and find places.

Chairman Cosentino stated you did a good job.

Mr. Miller stated thank you.

Mr. Hertz stated but in terms of scale and everything else, if...

Mr. Utschig stated they're the right scale, we did bring you a picture that's 8 years of growth, it's not what we started with, I think that's misleading, I think a year or two of growth on the plant material is more realistic to give you a sense. It's not going to look like this from day one but we're hoping in 18 months to 2 years this is what it looks like.

Mr. Hertz stated okay.

Chairman Cosentino stated very nice.

Mr. Miller stated thank you, as I indicated, what we're doing now is we're actually on the ZBA agenda for next week, to get an amendment for the road alignment. Chuck is working on the plans, we'll be going to DEP to meet with them and also to put together a full set of plans for your Board to address the comments that we got from your staff, we intend to work with them, so that hopefully when we next come back before your Board, you have a full engineered set of plans and memos from your consultants saying good to go. Chairman Cosentino stated yup, we're getting there.

Anthony Oliveri stated are those plans going to come in before or after you get something from DEP or some feedback from DEP on the variance.

Mr. Utschig stated we're hoping to get some feedback from the DEP before we do that, we also think that's probably going to take a couple rounds their review, we'll never get it all right in go. So it may be, we're expecting two submissions to staff, maybe not the first one but before we come back with the second one we definitely would want some DEP review.

Mr. Miller stated okay. So we'll see you when we're ready to go.

Chairman Cosentino stated December, January, whenever you want.

Whitney Singleton stated Mark, just one other thing, when do you think that we'll be getting the draft conservation easement.

Mr. Miller stated I had spoken to you Whitney and the issue is, and I'm good either way, is whether we want to do a so called declaration of the covenants and restrictions or go to a full-fledged GML-247 conservation easement.

Whitney Singleton stated we can discuss that and the other thing we're going to get a copy of, is the easement done yet for the emergency access.

Mr. Miller stated well it was essentially fully negotiated, it's been basically on hold for a while, while the decision was made whether or not we're going to do it, so yes as soon as we have it finalized, you'll have it.

Whitney Singleton stated alright.

Mr. Miller stated okay, thank you very much. Enjoy the rest of the summer.

Whitney Singleton stated I'm sorry Mark, before you leave, just administratively, when do you think you're going to be back here?

Mr. Miller stated we hope to have the full set of plans available for the consultants in approximately one month and then we understand that obviously we plan to meet with you to go through those plans to make sure they address your required concerns and to the extent that any changes are required, you know, revise those plans and three week submission deadline...

Whitney Singleton stated so you do not plan on being on the August agenda?

Mr. Miller stated no, that was the question, no. We hope to be meeting with you before then but not for the meeting in August. Okay, thank you.

Chairman Cosentino stated Mount Kisco Medical Group. Please come up and identify yourself for the record, please.

**B. Mount Kisco Medical Group Urgent Care – 360 North Bedford Road
(Mount Kisco Square Building/Former Tuscan Oven Space)
PB2014-0268, 69.51-2-1.2 (SBL)
Change of Use**

Mr. Vincent Franze of Franze & Franze Architecture was present to represent the applicant.

Mr. Franze stated Vincent Franze, with an E, Franze & Franze architecture.

Chairman Cosentino stated glad to see you tonight.

Mr. Franze stated thank you, glad to see you too.

Chairman Cosentino stated just let me know, what did you do?

Mr. Franze stated okay, we submitted to the Board and to staff the items that were requested last time which were primarily the originally approved site plan from 1988, along with a current, updated parking calculation. As we know, the impetuous for this application was the Mount Kisco Medical Group as a prospective tenant but that brought to light a lot of things on this property that have just sort of evolved over time as the property has existing and changed tenancies and as the Village Code has also evolved. At

the same time we're trying to get an approval for the tenant application, we're also trying to address some of the broader issues that are pertaining to the property as a whole. Not unlike the last application I had.

Chairman Cosentino stated right.

Mr. Franze stated so, but this is a good thing because we're doing some housekeeping that's valuable to the community, as well to the applicant, so at any rate, that's what we've done. And I reviewed the parking calculations, and the originally approved site plan with staff and I believe we've satisfied all of the requests from the Planning Board to date.

Chairman Cosentino stated Jan, you want to add something to this on the resolution or anything like that. We have a resolution before us that we're going to be voting on, do you have anything?

Jan Johannessen stated just that the resolution goes through the use, describes a use as per the business plan that was submitted, it touches upon parking requirements and the parking calculation that Vincent was discussing. When you look at the existing uses on the property as they are today and you compare it to the Village's off-street parking standards, there's a shortfall of 7 parking spaces, so the resolution outlines procedures for the double use of 7 parking spaces, provides justification for the double counting those 7 spaces. Some of which are justification being the prior use, the Tuscan Oven, required 77 parking spaces where the new use provides 37, 77 as compared to 37, so there's a 40 parking space increase there and also the applicant identified that it only intends on using approximately 18 parking spaces at any given time. Giving the number of patients they intend on seeing per hour and staff level. I think that there's good reason in the record to apply the joint use of parking spaces.

Chairman Cosentino stated Anthony, you have anything on this?

Anthony Oliveri stated no.

Chairman Cosentino stated Whitney?

Whitney Singleton stated I'm fine with the conditions of approval.

Chairman Cosentino stated Rob? Alright, then we have a resolution before us here, does anybody want to make a motion.

Mr. Sturniolo stated Mr. Chair?

Chairman Cosentino stated I'm sorry, staff.

Mr. Hertz stated I'm sorry Mr. Chair and before we make a motion, I do have a question that reading through the resolution, this brought up, Vincent maybe you can, and I apologize, I wasn't here last time. The whereas' talk about some of the, some of what this is going to be doing in terms of treating non-life threatening injuries, lacerations, cold, flu, rash, mild asthma, Lyme disease, infections, bodily discomforts and the like. I wonder are there particular rules as to ventilation, containment, we're a step down from a hospital in its function...

Chairman Cosentino stated I can answer that for you because he wasn't here when we asked that question...

Mr. Hertz stated okay.

Chairman Cosentino stated if this has to be passed by, I don't remember the board, not only the Board of Health but there are no operations, its only if you have a cold or something that but as far as ventilation, whatever they need, this. You remember the outfit that goes in there from the County or from the State? It has to be State approved.

Mr. Hertz stated I guess my concern is if we're putting a medical facility next to let's say a restaurant, you know the ability to quickly pass, if there are infectious diseases that can move through the air...

Chairman Cosentino stated the answer was they had to be approved by the State and infectious and different containers, et cetera. They have these all over the County, they have one in Yorktown also.

Mr. Hertz stated so there's no concern to proximity to other retail establishments or food establishments, creates any issues.

Chairman Cosentino stated no, that's what we were told and it has to be approved and Rob didn't say anything about it but I believe the State has something to do with it and they have to be approved the State.

Rob Melillo stated it meets Occupancy Code, so I'm not too worried about it.

Chairman Cosentino stated as long as the Fire Code is there, yeah.

Mr. Franze stated so my official answer to that, since you put the question to me and not to stand here silently, is I'm here on behalf of the landlord, I do not represent the Mount Kisco Medical Group per se. However, I do believe that the questions that you're asking pertain to matters of Building Code and Health Code which would all have to be complied with as a condition of any building permit that would be issued to install this facility on the property, so just to be clear. I can't speak in any way to what you're asking but I'm not here to do that either, I'm here for the landlord to address primarily matters of parking, zoning and the occupancy for the building.

Mr. Hertz stated so any of those things would be dealt with within the building permit.

Rob Melillo stated yeah, it falls under Occupancy Code.

Chairman Cosentino stated okay, does anybody want to make a motion on this?

Mr. Sturniolo stated Mr. Chairman, I'll make a motion that we approve the Change of Use for Mount Kisco Medical Group Urgent Care Facility located at 360 North Bedford Road.

Chairman Cosentino stated we have a motion by the Vice Chair...

Mr. Mareschi stated I'm seconding, Mr. Chairman.

Chairman Cosentino stated second by Mr. Mareschi. On the question? Will the Secretary poll the Board please?

UPON ROLL CALL VOTE:

Vice Chairman Sturniolo	-	aye
Mr. Mareschi	-	aye
Mr. Hertz	-	aye
Mr. Gibbons	-	aye
Chairman Cosentino	-	aye

The motion carried by a vote of 5 to 0.

Mr. Franze stated thank you all very much.

Chairman Cosentino stated you did a good job for them Vincent.

Mr. Franze stated thank you very much, have a good night.

Chairman Cosentino stated 23-25 South Moger Avenue, this is for a site plan approval only.

**C. 23 - 25 South Moger Avenue
(Key Bank and Former Zee Vacuum Space)
PB2014-0266, 69.81-6-14 (SBL)
Site Plan**

Mr. Scott Blakely of Insite Engineering and Mr. Mark Lapoint of Friedland Properties were present.

Mr. Blakely stated good evening, Scott Blakely with Insite Engineering, I'm here with Mark Lapoint, the owner's representative...

Mr. Sturniolo stated Scott, excuse me, is that a dash?

Mr. Blakely stated yes, a hyphen. I know this application has been before your Board a couple time, we were brought on board recently to help address the consultants' comments and pull together a site plan and survey which we have done. We have had conversations with staff regarding preparation of the site plan. I know there's one memo from the Building Inspector who has no additional issues with the site plan and I know Jan has prepared a resolution for your consideration.

Chairman Cosentino stated okay, anything from you Jan, or Anthony, Rob...

Rob Melillo stated no.

Chairman Cosentino stated this is resolution, I'll repeat, is for a site plan approval only.

Mr. Hertz stated and this is an approval of the existing site plan.

Chairman Cosentino stated there was no existing site plan, am I correct.

Jan Johannessen stated there's not site plan of record.

Mr. Blakely stated there's no site plan on file.

Chairman Cosentino stated so this is the new site plan.

Mr. Hertz stated but this isn't the change of site, this will be to approve something that's essentially existing.

Chairman Cosentino stated yeah. Okay, do we have a motion on that.

Mr. Hertz stated Mr. Chairman, I'll make the motion that we approve the site plan for 23-25 South Moger Avenue.

Mr. Gibbons stated second.

Chairman Cosentino stated motion made by Mr. Hertz, second by Mr. Gibbons. On the question? Will the Secretary poll the Board, please.

UPON ROLL CALL VOTE:

Mr. Hertz	-	aye
Mr. Gibbons	-	aye
Mr. Mareschi	-	aye
Vice Chairman Sturniolo	-	aye
Chairman Cosentino	-	aye

The motion carried by a vote of 5 to 0.

Chairman Cosentino stated the next thing is...

Mr. Lapoint stated thank you very much.

Chairman Cosentino stated the next thing is 23 South Moger Avenue, Jersey Mike's.

**D. Jersey Mike's Subs – 23 South Moger Avenue
(Former Zee Vacuum Space)
PB2014-0263, 69.81-6-14 (SBL)
Change of Use**

Mr. Brian Egan of Jersey Mike's was present.

Mr. Egan stated Brian Egan with Jersey Mike's. I'm here in conjunction with the site plan approval that was just presented.

Chairman Cosentino stated so here we have a resolution for Jersey Mike's Subs which is on 23 South Moger Avenue. Jan, Anthony?

Jan Johannessen stated just want to identify to the Board that one of main concerns at previous meetings was having direct access from the Sub Shop to Shopper's Park. The applicant addressed that concern and the plans before you show an internal corridor to the Sub Shop.

Chairman Cosentino stated you have that there already.

Jan Johannessen stated they revised the plans since they were last before the Board to include that internal corridor.

Chairman Cosentino stated yeah but I saw that when I went through this. You just wanted to bring it up, okay, it's in there. You now have a rear entrance.

Mr. Egan stated correct.

Chairman Cosentino stated it was one of our concerns from the beginning that they didn't have a rear entrance and they now have a rear entrance through a corridor. Okay, we have a resolution here, do we have somebody here who wants to make this resolution.

Mr. Hertz stated in terms of that rear entrance, signage, I mean, how will the public know.

Mr. Egan stated there will be a sign inside...

Mr. Lapoint stated I have submitted rear signage for basically Jersey Mike's, Key Bank and also the prospective tenant.

Mr. Hertz stated that extra demise space that...

Mr. Lapoint stated probably wall plaques up high, it will be before the ARB next week, a comprehensive sign package.

Mr. Hertz stated okay.

Mr. Egan stated it will be identified, yes.

Mr. Hertz stated thanks.

Chairman Cosentino stated I need a motion.

Mr. Mareschi stated I'll make the motion for the Change of Use for Jersey Mike's Sub of 23-25 South Moger, Section 69.81 Block 6 Lot 14 and the application number is PB2014-0263.

Chairman Cosentino stated we have a motion, do I have a second?

Mr. Sturniolo stated I'll second it, Mr. Chairman.

Chairman Cosentino stated motion by Mr. Mareschi, second by Vice Chair Sturniolo, on the question? Will the Secretary poll the Board, please.

UPON ROLL CALL VOTE:

Mr. Mareschi	-	aye
Vice Chairman Sturniolo	-	aye
Mr. Hertz	-	aye
Mr. Gibbons	-	aye
Chairman Cosentino	-	aye

The motion carried by a vote of 5 to 0.

Mr. Hertz stated good luck.

Mr. Egan stated thanks again.

Chairman Cosentino stated next on our agenda is Towne Bus Corp, would you come up and identify yourself for the record please.

- E. Towne Bus Corp. – 343 North Bedford Road
PB2013-14, 69.51-1-1 (SBL)
Special Use Permit, Site Plan and Change of Use**

Mr. Charles V. Martabano, Esq, Mr. Diego Villareale of John Meyer Consulting, and Mr. Brian Markson of Town Bus, were present.

Mr. Martabano stated good evening Mr. Chairman and members of the Board.

Chairman Cosentino stated Mr. Martabano.

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

Mr. Markson stated Brian Markson, Lee Transport, Towne Bus.

Mr. Villareale stated Diego Villareale with John Meyer Consulting.

Off topic discussion of prior agenda item.

Mr. Martabano stated we have not been before you for quite some time, we've been busy at the ZBA, we've been busy with DEP, we thought it appropriate to come back to the Board, give you a status update as to where we are, where we've been, hopefully where we're going. We have some consultant memorandums we'd like to address as well. We'll address them in writing as well but give you some update on where we are. So first, I'm going to start with DEP, I'm going to let Diego just tell you where we are in that process.

Mr. Villareale stated we made application to DEP earlier this year, as you know, there's a lot of back and forth and it's lengthy process. They reviewed the initial submission which included a stormwater pollution prevention plan. We received a number of comments back from them that was in May. We addressed a number of those comments, this was a Notice of Incomplete Application, we're still working on completeness with them. We addressed a number of their comments, resubmitted to them about a month ago right now and are waiting for that response. Part of that submission was a stormwater pollution prevention plan which is something that the Village Engineer, Mr. Oliveri, has been asking for, so we owe him a copy of that report and really that entire submission so he can review it on his behalf. That also addressed a number of his comments from his earlier memo, they were reiterated in his correspondence reviewing this submission, there's a number of comments that related to the stormwater pollution prevention plan, so we're going to get a copy over to him so he can review it as part of this submission.

Mr. Martabano stated at about the same time that we were going to DEP, we also applied to ZBA for the necessary variances from the distance limitation for uses of this type. We unanimously received the approval of the ZBA, so were through that process at this juncture. We, I think also, there's been some update with respect to the remediation that is complete at the site...

Chairman Cosentino stated give me one minute Charlie, what was your name?

Mr. Markson stated Brian Markson, one of the principals of the company.

Mr. Martabano stated who is very involved in the operational aspects of the company as well, that's why we asked him to be here tonight, we thought that would be important because some of the issues we want to...

Chairman Cosentino stated we've never met him before...

Mr. Martabano stated just want to point out, in one of the memorandums we referred to the status of the remediation, I believe you have everything that's up to date from the County, there was a subsequent letter that I'm going to send over to you. Again, we had a subsequent report by FDM Associates, I don't know if you've seen that and a subsequent letter from the County, that spill is closed, that site is clean.

Jan Johannessen stated there was, at one time, some correspondence indicating that there would be additional testing required when the building was demolished. That is no longer the case?

Mr. Martabano stated that's right, that's why I'm saying we're going to send it to you. There's a report by FBM showed that that wasn't necessary, that's part of the file and I will give you DOH's response to that, so you'll have that for your file. One of the other primary issues we'd like to address with you tonight because it was raised, I believe, in Jan's memo, was the issue of traffic. Because that's an issue I think was raised in his memo, so I'd like to give you some background on it. We've provided you with some basic information and I think basically what we provided you was that there would be approximately in terms of the fueling of buses at this location, first the most important thing is, we always refer to the vehicles as buses but in fact only half the fleet is buses, the other half of the fleet are these smaller vans, as opposed to the buses which can be 30 plus feet in length, the vans 18 feet, fully half of the vehicles they use for these routes are vans and not buses. In terms of their fueling on the site, one of the aspects we wanted to point out to you is that this is a situation where that these applicants actually control. In other words, it's not going to be rush that people are going to get there, right now they are fueling at the Fox Lane Campus, am I correct?

Mr. Markson stated correct.

Mr. Martabano stated and in order to do that, they schedule the arrival of each bus and if a bus were to try to fuel out of order, they have to call first and get permission because everything is scheduled. They will

schedule their drivers so that when you see that we're going to fuel buses between 9 am and 1 pm, we're going to schedule it. There's not going to be a backup because one is going to come at this time, one is going to come at that time, this is what they control, it's what they're doing now, it's what they will do on site. I don't know if that was ever made clear, but we want to make it clear, and that's why Brian is here, to attest to that fact. In terms of other traffic, I will let Diego talk about that, it's very, very minimal off the site but we wanted you to know how this operation will work at the site.

Mr. Villareale stated just to recap, in our resubmission letter, which addressed, there was a number of comment, one talked about the operations of the facility, as he indicated, the fleet that we transport would have at this location is approximately 95 buses and again half of that, roughly half is the smaller school bus size vans that are under 20 feet in length. So, we have a good combination of both where you don't have the full 40 foot length buses that would be coming in and out of the facility on a regular basis. Now, on average, approximately 15 to 20 buses on a daily basis would be fueled, so that occurs on a Monday through Friday during their typical week, it's not something that occurs on the weekend, correct me if I'm wrong.

Mr. Markson stated we try not to.

Mr. Villareale stated it's only in emergency situations where they would end up doing that. So on average you're looking 15 to 18 buses on a daily basis that would be spread over that 4 hour period, occurring somewhere between 9 am and 1 p.m. So you get 15 to 20, 15 to 18, whatever buses it is, so we're really looking at a small amount during the hour over that 4 hour period.

Mr. Hertz stated and those are the half, full size and half 18 foot.

Mr. Villareale stated the fleet is 50/50 but during a day you might get 10 full size and 5 smaller buses, whereas the next day you may get 10 smaller buses and 5 full size, it's going to vary throughout based on the routes, based on the time of day, based on which buses need to be fueled at any given time.

Mr. Hertz stated but in terms of their ability to carry fuel and their requirements to refuel, they're roughly equal.

Mr. Markson stated no, larger buses has twice the capacity.

Mr. Hertz stated but do they have twice the need.

Mr. Markson stated the larger buses don't do as many miles per day, so the actual vans have better fuel economy but they do a lot more mileages per day because they're doing farther distances, they're going to private schools and...

Mr. Hertz stated how does that equate to? I mean you have data of your full size buses, they require one refueling a week, two refuelings a week per bus, three, seven...

Mr. Markson stated it depends, again, it depends on where their route is based out of, if they're going to Pound Ridge, they might fuel up twice a week. If they're going, if they're just doing some local routes here and going right up the middle school, they're filling up once a week. So it's based on their specific route.

Mr. Martabano stated but you bring up a very good point and this is, this is an, I guess we have to call it an error in our submission. We estimated that fuel deliveries as opposed to fueling up buses but fuel deliveries would be three to four a week but we just got, for the purposes of this meeting, we got our total fuel consumption from the Bedford School District, we used a 170,000 gallons last year for the entire school year, so we have overestimated the number of fuel deliveries we'll have, we'll probably have much closer to two as a maximum per week, as opposed to the 3 to 4 that we talked about because we don't use as much fuel as we actually contemplated and we have that data from the school district which we can supply to you.

Mr. Hertz stated and how much do you store on site.

Mr. Villareale stated the gallonage, its 14,000 gallons is what we were proposing, there would be two tanks of 10,000 gallons and a 4,000 gallon tank.

Mr. Hertz stated so you're looking at a hundred and...

Mr. Martabano stated 170,000 consumed.

Mr. Hertz stated so how many refills is that, 120 refills.

Mr. Villareale stated 170,000 divided by 14,000. It works out to 2 a week, possibly 3, during different periods of time, so you are looking at that lower range.

Mr. Markson stated and then in the summer obviously it's less because we go from doing 80 routes to 12.

Mr. Hertz stated sounds like 3 during the school year.

Mr. Markson stated its going to be 2 because we consume less diesel and the diesel tank is larger, it's a 10,000 gallon tank.

Mr. Martabano stated now historically you might remember that site, which we now propose to have...

Chairman Cosentino stated its 12.14, if you wanted to divide.

Mr. Martabano stated thank you.

Jan Johannessen stated Charlie, does Towne Bus service any other districts other than Bedford Central, any other clientele?

Mr. Martabano stated no, well yes but not out of this location. No, absolutely not. Historically this site had, when it was registered with the County it had a 140,000 gallons of storage on site, which was used, especially during the fuel oil delivery season consistently and you had a lot of trips in and out. It was actually more than that that we discovered on side that wasn't registered as well. So we've taken that site and we're going to reduce it down to less than a tenth of what it was and in terms of trips, probably less than what it was because again you have 140,000 gallons of storage and what were the truck?

Chairman Cosentino stated we had about 2 to 30 trucks coming, in the winter.

Mr. Martabano stated the bottom line is we've cleaned the site up, we're going to replace it with a really nice building, we're going to improve everything, you went from, from what we're going to go from this building to what you've seen before and in terms of the fueling operation, that was what you had before, an entire network of pipes, everything has been removed, we've taken it all, we're talking about one small fuel island.

Mr. Sturniolo stated I have one small apprehension and that is so many times this Planning Board hears an applicant, say it's a restaurant, they guarantee we're going to have garbage pickup between this hour and that hour, we're not going to block the streets or anything, we guarantee we're going to have food deliveries between this such and such a time and trucks won't block the street. Where's your assurance that your operation is going to be over and above past practice but be successful that the bus has got to be there at a certain time and leave by a certain time. I mean, how do you, not control it but how do you manage it.

Mr. Martabano stated that's a good question.

Mr. Markson stated its built into the route, every driver picks a route in the beginning of the year and within that route, they're told what days they need to fuel and what time and we integrate it with their last drop-off. So if they're starting earlier because they have to go to Pound Ridge and they're dropping off to high school, they'll start fueling up, they'll be the first one to fuel up at 9 am. If they do an elementary school and drop off later, 9:30, they're empty, they come back, they'll start fueling at 9:30, so it's built into their route. And it's directly related to payroll as well because we're paying them minutes.

Mr. Sturniolo stated so the route is consistent per driver.

Mr. Markson stated every day, it has to be, the same driver does the same route every day unless their sick and then we have spares that cover that route.

Mr. Mareschi stated and the bus driver, he fuels his own bus.

Mr. Martabano stated no, they'll have an operator do that.

Mr. Sturniolo stated are they in radio contact.

Mr. Markson stated yeah, we have two way radios.

Chairman Cosentino stated tell me something, is it imperative that because I think that the Board's concern of the hours of fueling, if that's, it's important to the Village. It's a busy road. We need other choices of hours of fueling, something...

Mr. Martabano stated see that's going to be very, very difficult because then what you're doing is your actually putting more trips on the road than exist today.

Chairman Cosentino stated not before hours though. I was talking to Bart when we first came in and when we were talking and he said and I had mentioned it, he said I think we can work something out but he didn't say what and I'm just interested in what he could work out.

Mr. Martabano stated I should let Brian address that, it's really an operational issue.

Chairman Cosentino stated Brian, I don't know, he says we can work something out, I said because the fueling, you know, during the morning hours the road is, i mean, people going to work, its really a busy, busy road, okay. And I think we need another choice.

Mr. Martabano stated but if you look at it we're talking about 5 vehicles already on the road at 9 o'clock that would be, that's what we're talking about that's probably less trips in and out of the site. We're able to take, let's say we do, in a four hour period 20 buses just to make the math easy, okay. And they schedule those along that time period so that they don't have backups or whatnot, that's 4 or 5 during the 9 am hour, 5 during the 10 am hour, 5 during 11 am, they can do that scheduling and that's what we're talking about. That's why they don't run into backups at the campus where they are now, they schedule it and they will schedule it this way so truthfully...

Chairman Cosentino stated so you're talking of 5 vehicles...

Mr. Martabano stated an hour.

Chairman Cosentino stated an hour. So they're not going to be lined up.

Mr. Markson stated typically at our other yards where we have the fueling stations in the depot itself, everyone wants to get fuel in the morning, so there's 10, 15, 20, 30 buses there, waiting to get fuel...

Chairman Cosentino stated because there's not room piggy backing over there.

Mr. Markson stated right.

Mr. Martabano stated well there's room but we're not going to allow it to happen, in other words, we don't want it to happen.

Chairman Cosentino stated and Brian's going to be out there, he's going to...

Mr. Markson stated I fuel, I drive, whatever I need to do I'll do it.

Mr. Martabano stated we wanted to make sure of the turning radiuses, he jumped in the bus, we took the biggest bus and went around the site. So yes he does drive. I won't be driving with him anymore but it was an interesting experience. We are able to schedule and stagger, that's the key. So if you think about that in an hour period, 5 vehicles already on the road, coming through the site and out, 5, that's what we're talking about.

Mr. Hertz stated Charlie, when do you with the refueling from I guess the oil trucks or whatever, when do those occur.

Mr. Martabano stated from 2 o'clock on.

Mr. Markson stated they can't interfere with out fueling operations because once they drop a load, first of all it takes them about a half an hour to drop as much diesel or fuel as they need and then within an hour after that, you can't fuel because you have to wait for everything to settle otherwise, you know, you could be pumping dirty fuel into your vehicles. So we have to make sure that they come late in the afternoon.

Mr. Hertz stated and you're not fueling after the afternoon drop-offs.

Mr. Markson stated no.

Mr. Martabano stated and thank you for bringing it up, it was in my notes that I forgot to mention. That fuel deliveries are scheduled after those fueling hours so they'd never come into conflict.

Mr. Hertz stated and you think two a week in the afternoons.

Chairman Cosentino stated would it be more practical to fuel before the morning, in the evening so the buses are, I mean, I don't know the business so the buses are ready to roll instead of going down there.

Mr. Martabano stated people aren't there, they went home.

Chairman Cosentino stated bring them in, you bring, I know one guy that used to do it Chappaqua, he came in on Saturdays and fueled the buses back and forth.

Mr. Markson stated that's expensive, there's a lot of overtime involved in that and we're trying to reduce costs. I don't know how Chappaqua managed their operation.

Chairman Cosentino stated well that's what they did.

Mr. Markson stated I can just tell you Bedford Central School District is extremely satisfied with us.

Mr. Martabano stated and we can get you a letter to that effect.

Chairman Cosentino stated I'm sure, otherwise wouldn't be there.

Mr. Martabano stated and I think we'll get you a letter to that effect maybe that will also help to put into the record as well. How they've been able to adhere the schedule of fueling.

Jan Johannessen stated Charlie, I might have missed it. Did you identify how many buses would come into the site on a daily basis for inspection or service?

Mr. Villareale stated that was one last point and based on the information again that Brian has provided, it's roughly five to 6 vehicles on a daily basis that would be on site either being serviced, inspected and then some of them come and go, some will be there for two days depending on the service that's required but all together its about 5 to 6 vehicles a day. Again, just to reiterate something that was mentioned last time, there's no major service that's done, so if you have an engine rebuild or engineer replacement or transmission replacement, it goes to a different service yard. This is for inspections, oil changes, routing maintenance on the buses themselves.

Mr. Markson stated it actually goes to a dealer because we have warranties, these are all brand new vehicles and we have 10 year warranties on them.

Anthony Oliveri stated a question on the fuel deliveries, you were saying two fuel deliveries a week but that adds up to a lot more than 170,000 gallons a year.

Mr. Villareale stated you're anticipating that they're dumping full 14,000 gallons which doesn't occur.

Anthony Oliveri stated they're just topping off.

Mr. Villareale stated truck may come, may dump 4,000 gallons that week or for that delivery, depending what's left on the fuel delivery themselves.

Anthony Oliveri stated they'll come twice a week and top off.

Mr. Villareale stated a fuel truck may stop at 2 locations or 3 locations with whatever they have in their tank. It's a schedule delivery and they're set, just like an oil truck, you get a certain gallonage that's going to be delivered with each load.

Anthony Oliveri stated 170,000 gallons with a 14, 000 gallon capacity, gives you once a month.

Mr. Villareale stated but it doesn't work that way, you don't run it empty and refuel and it ties to the other point that you want your tanks full as much as possible. You do not want to run them down low, so if you use up 5,000 gallons one week, you're filling it up, you're topping it off. I mean this is information, I think there are some questions and concerns there but this in ongoing at Fox Lane and there's empirical data can be provided to this Board with fueling, when it's occurring, how often and et cetera, it's occurring now so this information can be collected and provided.

Chairman Cosentino stated I think there needs to be more dialogue.

Mr. Martabano stated we can supply more information, I think getting data from them and a letter from them might be helpful, I think that makes a lot of sense, that's fine by us.

Whitney Singleton stated Mr. Chairman, perhaps and maybe this was done previously I can't recall, since it's been a while since they've been here. They can disclose to us exactly what their operating parameters are because as you and I have discussed and I've discussed with the applicant's attorney, what's being proposed tonight is substantially different than what was originally proposed. It was represented to us that they would be fueling after 11 pm only and not before 6 am, that there would be a limited number of vehicles on site and that there would be various operating restrictions which are no longer be adhered to or proposed. So I think its incumbent upon the applicant to set those forth in writing, so the Board has something that enforceable and not an anticipated amount but an actual limitation as to how many deliveries will occur.

Chairman Cosentino stated that's why I said we're going to need some more dialogue here.

Mr. Martabano stated we'll submit...

Whitney Singleton stated the applicant did say they would deliver, notwithstanding the Chairman saying he doesn't recollect. The applicant did say that all deliveries would be after 11 pm and before 6 am.

Chairman Cosentino stated I do recollect that.

Whitney Singleton stated you didn't give a specific. He did give a specific after 11 pm.

Mr. Markson stated deliveries.

Whitney Singleton stated fueling. He said all fueling would occur before 6 am and after 11 p.m. That's not what's being proposed and that's not even remotely close and there was a limitation as to how many buses would be onsite at any one time. That is no longer consistent with what we're talking about. And it just seems as though it needs to be documented as to what's going to go on and not go on at the site.

Mr. Martabano stated I looked back at the November 8th letter that was submitted by Meyers and we described this fueling operation specifically in that November 8th letter, fueling the amount of cars on site, vehicles on site, forgive me, et cetera, on November 8th and I think there's never been any other statements made as to the operations since an application's been filed. I understand what you said...

Whitney Singleton stated the representations were made before the application was filed.

Mr. Martabano stated and you and I discussed that you felt that way...

Whitney Singleton stated and that's why when you made the presentation on November 8th, I asked you, I think you misstated, I think you said the deliveries of the fueling is going to be between 9 and 1 and I said you mean after 1 and before 7 and you said no, no, no, we're fueling during the day but that's not what the owner represented to the Village.

Mr. Martabano stated that's been, I'm just simply saying, I hear what you're saying, we'll fully document again but that's what the record does show, I think since November when we submitted the application.

Whitney Singleton stated its going to be incumbent upon the Board to determine whether or not those impacts are something that the Board wants, are going to be tolerable enough on the North Bedford Road corridor.

Mr. Martabano stated and I understand but my position is there are less impacts than were existing prior.

Whitney Singleton stated but there's nothing, the existing is no service.

Mr. Martabano stated no but for 60 years it's been that way...

Jan Johannessen stated well the condition of North Bedford Road has changed substantially since this other fuel company.

Mr. Martabano stated we'll document, we'll put in writing what we've described tonight so we are consistent with what we're dealing with and then we'll go from there and we'll get some data from the school district as well for you.

Jan Johannessen stated does the Board wish to forward this application to the Village's traffic consultant for review.

Chairman Cosentino stated for a traffic study.

Jan Johannessen stated to review the plans, not necessarily a study but to review what's submitted to determine if there's any effects.

Chairman Cosentino stated there was some concern on a left hand turn either going in or a left hand turn going out, when we spoke, wasn't there some concern about that.

Jan Johannessen stated there's been a lot of discussion about various different ways to potentially mitigate...

Chairman Cosentino stated not a left hand turn coming in because of traffic being held up and it would be difficult for you get out going a left hand turn out, the problem is there, they're going to be going down to the mall, turning around and coming back.

Mr. Martabano stated that's a very likely alternative.

Mr. Markson stated we'll just have them fuel at the Mobil.

Mr. Martabano stated I don't think we want to do that. I don't think any of us want that. I think the idea is we'll get the information provided to you, clarified for you in writing and then have it backed up by some information from the school district so you have a comfort level with what we're representing to you.

Mr. Sturniolo stated Charlie, do you have a picture of the final look to the design.

Mr. Martabano stated I feel terrible, Ira couldn't make it tonight, we have that and the Board's had it, I don't have it with me, I apologize, we'll definitely bring it for the next meeting.

Mr. Sturniolo stated thank you.

Anthony Oliveri stated Mr. Chairman, it would be a good idea to at least have a traffic consultant at least take a look at the plans to just determine whether or not further study is needed. Not necessarily do a study as Jan mention but just to review it and maybe some recommendations on the turning movements.

Mr. Martabano stated can we to send it until we give you the information in writing, so you have everything, we'll get it to you right away and the most recent site plan.

Anthony Oliveri stated okay.

Mr. Hertz stated Joe, can I make a comment unrelated to this, just on the plans. Looking at construction details on SP-9, it looks like, it's hard to tell, something is highlighted and again these are black and white copies, it appears that you guys are proposing metal hylight fixtures for lighting the parking lot and its generally been the preference, a significant preference of this Board, to use LED's when possible with a high CRI, so we'd ask that you look at that. From a cost savings point of view.

Mr. Markson stated it's not a problem.

Mr. Villareale stated I don't think that's an issue.

Mr. Hertz stated that was my only comment unrelated to the rest of this issue.

Mr. Martabano stated so what I would suggest is that we provide documentation as Whitney said of the operations as proposed with some back up from the school strict, get that you and then proceed from there. We're still, as I said, going back and forth with DEP at this juncture, so we're not finalized with that, we want to keep this application moving and address any concerns you have so that when DEP's done and we can all come together it can be finished. I think that's the best way to proceed.

Chairman Cosentino stated if you want, we only have one meeting August.

Mr. Martabano stated the 26th, i think is correct, right. We'll get it in obviously before that of course. That's great.

Jan Johannessen stated even if you just get us the business plan and send that over the traffic consultant.

Mr. Martabano stated we'll get that to you quickly, we're not going to wait for the meeting. We'll probably get it to you before the end of next week, if that's good, excellent. Okay, anything else. Thank you all very much.

Chairman Cosentino stated okay, on the conceptual application, Ferguson Kitchen and Bath Renovations.

**F. Ferguson Kitchen & Bath Renovation – 369 Lexington Avenue
(Davis & Warshow/Mt. Kisco Supply Building)
PB2014-0274, 80.48-4-17 (SBL)
Change of Use**

Mr. Mike Formica, AIA was present to represent the application.

Mr. Sturniolo stated this is a conceptual application, so what we'd like to do is hear your thoughts, what would you like to do and how do you plan to accomplish it.

Mr. Formica stated my name is Mike Formica, I'm the architect for the project. Basically, they want to expand their showroom space so they have some warehouse that they're not using, figure the easiest way would be to expand into that space. They want to start doing large kitchen display areas. Now they concentrate mostly on bathroom displays. I submitted a brief statement from them explaining their business plan, how they don't really expect another 100 people to start showing up at the showroom. Right now, if you look at the site plans, they only use that front parking lot of 20 spaces, that's for everybody, all their clients, their hardware store, their employees, they almost never use the back lot. However, now that we will be putting in an entrance through the back, it would probably behoove them to maybe open up that back lot and start to use it. I was looking at the comments made on the sheet and it looks like we have to go for a variance on the parking, no matter what.

Chairman Cosentino stated I'm sorry, are we talking about the back lot, remember part of that is residential.

Mr. Formica stated yes.

Chairman Cosentino stated so you're not going to use the parking on the residential zone, right.

Mr. Formica stated I think, from your comments here...

Chairman Cosentino stated Counsel, am I right, part of that is an RT-6. That has three lots or four lots.

Mr. Formica stated the approved plan that's existing, that I got from the Building Department, already shows parking in that back lot.

Chairman Cosentino stated that was when it was a supply house. It hasn't been storage and supply house for over a year, it's was a nonconforming use.

Mr. Formica stated the back area still is, there is still one building in the back...

Chairman Cosentino stated not when we looked at it a year ago, 6 months ago, there was no storage back there.

Mr. Formica stated to tell you the truth, I haven't been in the building. It was my understanding it was still a warehouse.

Chairman Cosentino stated it's empty, the nonconforming use is gone. The lots in the back that are RT-6, they're not going to put that into a parking lot in residential...

Whitney Singleton stated Chairman, this is the conceptual phase, I'm just seeing what the applicant's proposing, I have not done an evaluation.

Chairman Cosentino stated okay, my memory is right, have you looked at this.

Rob Melillo stated I looked at this...

Chairman Cosentino stated there's RT-6 in the rear.

Mr. Formica stated here's the existing plan approved and this is the new.

Rob Melillo stated yeah, again, you're popping things on me last minute, I'll have to look into it.

Chairman Cosentino stated I could be wrong, I couldn't be talking out of my hat, I thought it was residential in the back.

Mr. Formica stated here's the line, this is zoned for residential, this is zoned for commercial.

Chairman Cosentino stated how are you going to incorporate parking into a residential area?

Mr. Formica stated it already is.

Chairman Cosentino stated that was when it was a supply house and it was storage back there. That's been eliminated for over a year, it's a nonconforming use then.

Mr. Formica stated but this is still storage, we're only turning this part here.

Chairman Cosentino stated I know Bob, I know the owner and I just want to be up front with you, you've got that driveway, there's not even, how wide is that driveway there, going up...

Mr. Formica stated I don't know exactly.

Chairman Cosentino stated and you're going to use that for ingress and egress.

Mr. Formica stated yup, you don't think it's wide enough for two cars.

Chairman Cosentino stated it's not.

Whitney Singleton stated this has actually already been evaluated by the Planning Board. That driveway was deemed to be grossly inadequate and the prior applicant was exploring means of widening through an adjoining property.

Mr. Formica stated I was not aware of that.

Whitney Singleton stated that was a non-starter. They actually explored going through the building, if I recollect correctly.

Chairman Cosentino stated our hands are tied because we're dealing with two different zones.

Mr. Formica stated the driveway is a big consideration and I think that will affect...

Chairman Cosentino stated I think you ought to stick to the parking on the other side, and have an entrance on the other side going in, you eliminate all your problems.

Mr. Formica stated you mean parking here.

Chairman Cosentino stated yeah, on the other side there and have entrance going in, you have an entrance already.

Mr. Formica stated well we have entrance here already and we have parking here.

Mr. Sturniolo stated and then you still have one on the side there, a little service entrance by the driveway.

Mr. Formica stated yes but this won't go all the way in.

Chairman Cosentino stated why couldn't you make an entrance going in front of the store like you do now? It's going to be part of the same store going to the rear. Why do you need a separate entrance going to the appliance store if it's the same business.

Mr. Formica stated I don't know.

Chairman Cosentino stated if it's the same business, you're going into the showroom.

Mr. Formica stated most people will still end up coming in the front anyway.

Chairman Cosentino stated and then go into the applicant store.

Mr. Formica stated so should I make the application just using the 20 spaces that are existing.

Chairman Cosentino stated maybe the landlord wants to make it storage and produce another income, you know I'm not an architect, I'm not going to tell you what to do.

Mr. Formica stated no, Chair, make the application saying we only have 20 spaces and see if we can get an approval on the variation.

Chairman Cosentino stated I don't know how many they're going to need, I don't know what was calculated, Rob, I don't know what calculated for the extra places. How many parking spaces does he need?

Jan Johannessen stated we have not reviewed this application.

Chairman Cosentino stated because it's conceptual. What we need to do is evaluate on how many parking spaces you need against the square footage that you're going to add and find out if you have enough on the right side of the building but I don't know how you're going to mix, our hands are tied, how are you going to mix residential and commercial for parking and then you have a problem with egress and ingress. He may want to keep that storage and rent it to somebody else and if it's the same business, is what I understand, why can't they go in through the front and continue to go in the back.

Mr. Formica stated that's not a problem, it's a matter of having the additional spaces. In other words, using your regulations, I need 60 spaces according to the square footage.

Chairman Cosentino stated how many spaces do you have currently? Without using the back.

Mr. Formica stated just using the front, is 20.

Chairman Cosentino stated you have no parking, I think we ran into that a while back.

Mr. Formica stated it works now.

Chairman Cosentino stated it works now, I think we ran into that a while back. The concept is good, it's just that you need more parking.

Mr. Sturniolo stated am I correct, in the documents, plan on 4 to 6 employees with the expansion.

Mr. Formica stated currently I think they've said it's at 4 employees now and they'll have 6 total. Maximum of 6 designers at the same time and a couple of clients and you have the hardware store too.

Jan Johannessen stated and the residence.

Mr. Formica stated the residence has a separate driveway and parking.

Chairman Cosentino stated if you didn't use the residential part in the back, how many parking spaces can you get there?

Mr. Formica stated 20.

Chairman Cosentino stated then you'd have 40, you're still short.

Mr. Formica stated no, I would only have 20 here.

Chairman Cosentino stated no, if you didn't use the residential part, that one strip. How many parking spaces can you get back here?

Mr. Formica stated maybe another 10 or 12 but you still have the driveway problem.

Chairman Cosentino stated maybe he can work something out with the neighbor, I'm not an architect, I don't know. I know there's a parking problem there and I don't know how to answer it right, it's a conceptual, the concept of having an applicant store is fine, I don't think the Board has a problem with that, it's just that the parking is a problem and no matter what he wants back there is going to be a problem with parking, he's got to design this to accommodate parking. It would be a better an asset, he could rent it faster.

Mr. Hertz stated it sounds to me like what you really need to do is sit with Jan and Anthony and go through, get a sense of what the existing issues are, what's been discussed before.

Chairman Cosentino stated you have to sit down with the, I think Doug is right, sit down with the staff and find how we can go along with this, as a conceptual we can tell you we don't want it or we want it. I think the concept is good. So we're telling you to sit down with our professionals and find out what answers they can give you to this.

Anthony Oliveri stated I think a lot of issues came up with the previous application and comments were generated, that could help.

Chairman Cosentino stated if you do that, I think maybe we can do something.

Mr. Formica stated sounds like a plan, thank you.

Chairman Cosentino stated okay, the next is 118 North Bedford Road.

**G. Celestial Capital Group – 118 North Bedford Road
(Office building at the corner of North Bedford Road and Barker Street)
PB2014-0273, 69.74-2-1 (SBL)
Change of Use**

Mr. Dennis Noskin, architect and Mr. Mark Ellman of Celestial Capital Group.

Mr. Noskin stated Dennis Noskin.

Mr. Ellman stated and I am Mark Ellman, I am the managing partner of ownership.

Chairman Cosentino stated alright, my understanding is that, well you tell me.

Mr. Noskin stated let me familiarize you with the site real quickly. You have Bedford Road along here, going kind of north and you have Barker Street over here and then this building was built quite a while, '85 by Norman [*inaudible*] back then. It's roughly 36,000 square foot building. Mark Ellman has had some great success with this building since he bought it and we sort of had reconsidered marketing it for a different use and I'm going to have him explain some of the history behind that. The only correction that I want to make is that when we submitted these drawings originally, we had since met with Rob Melillo and talked about some of the handicap spots and they're inadequate so in the blue flair over here, I showed where we could 5 new spaces which are required which would knock out three of the spaces which changes the numerical number of the parking spaces we're asking for that we're at a deficit with.

Chairman Cosentino stated okay.

Mr. Ellman stated we acquired this building in a mortgage foreclosure in 2001, we renovated and leased it up through 2002 and for 10 years we had a waiting list, the building was full and it's been a very successful investment for us. Roughly 2 years, the County Department of Health moved out of about 6,000 feet and we had one other tenant, both in the back of ground floor of the building so we have roughly 6,800 usable feet which are vacant at the moment which we have had for roughly 2 years. In that 2 years, we have had 3 showings and no leasing because the office market in the Village is totally dormant, there's just simply no demand. When we had the County Department of Health in there, the parking requirement was probably at its maximum because they had much higher density office, of people and they had essentially no perimeter office, it was all work stations, they had them packed in their tight. Each employee produced two cars because there was the County car which they left there overnight and they had their own car, which they drove to work in the morning. During that period with the building 100% full with high density in the ground floor space and two cars per employee, we were never out of parking. What we would like to do, would be able to market the back of the ground floor, the 6,800 feet that Dennis has shown in the floor plan and then a parking count for medical uses because there is more, much more demand for medical use in the Town at the moment and we as landlords own a fair enough amount of medical space throughout the County and we know that we can lease the space for medical and we convinced...

Chairman Cosentino stated is that zoned for medical now?

Whitney Singleton stated it's zoned for professional office.

Jan Johannessen stated yes.

Mr. Ellman stated so with, we are confident we can lease the space for medical and we are also confident that there would be sufficient parking to do it. However it would require a parking variance, so what we're doing is presenting the concept to you with the expectation that you would say conceptual its fine and refer it to ZBA for consideration for a variance.

Chairman Cosentino stated how many square feet are contemplating medical.

Mr. Noskin stated 6,800 square feet, sir.

Chairman Cosentino stated and on 6,800 what are the car counts? Really, wouldn't we do the whole building if he wants to go medical?

Whitney Singleton stated the parking calculations for this particular use are a function of the square footage dedicated to that particular use. So what the applicant has is they have 36,000 square feet approximately dedicated to currently, this one use, the office use and they are proposing to take a portion of that, not all, a portion of it and converting to another professional use which has a higher parking requirement. So the question becomes, I think what the applicant said was that they're operating at a deficiency now, not a deficiency, if you propose 6,800 square feet of medical usage, coupled with the restriping of the handicap spaces, that is your deficiency.

Mr. Noskin stated I agree with Mr. Melillo's memo and it's 23.76 spaces.

Chairman Cosentino stated wait a minute, let me interrupt you just one minute. If the gentlemen wants to go medical...

Mr. Ellman stated only partial medical.

Jan Johannessen stated he only wants to do a portion.

Chairman Cosentino stated he wants to go partial medical now, only because he can't rent out his offices, am I correct?

Mr. Ellman stated that's correct.

Chairman Cosentino stated this may happen next year again, where somebody else moved out and he wants to go medical again, I think this Board should know the square footage of what it's going to be for medical, against for offices.

Whitney Singleton stated they're proposing...

Chairman Cosentino stated well if you take the square footage of what he has now, how many total feet.

Jan Johannessen stated the 6,800 square feet require 45.7 spaces.

Chairman Cosentino stated the total square foot of the building now, if you made that medical, how many parking spaces would he need?

Whitney Singleton stated the total square footage?

Chairman Cosentino stated yes.

Mr. Hertz stated Joe, I don't think that would work, I don't think that's...

Chairman Cosentino stated so you want to make part of a building and get a car count of part of a building without the other part. I don't understand that.

Mr. Hertz stated we don't have a car count for the rest of the building.

Chairman Cosentino stated for office, what if he wants to go medical he has to come back before here again.

Mr. Hertz stated we could just say no.

Mr. Ellman stated Mr. Cosentino, let me elucidate just from the prospective of the owner of the medical office building.

Chairman Cosentino stated I need to understand, it needs to be very clear.

Anthony Oliveri stated it would be 233 spaces, if the whole thing is medical of 35,000 square feet.

Mr. Noskin stated 125 right now but 3 of them will disappear because they have to become aisles for the handicap.

Mr. Ellman stated we are not proposing to convert the entire building, based up long experience with medical tenancy, the mix does not work well with medical tenants and office tenants if you have medical tenants above the ground floor. If you have ground floor medical space, it's easy, you don't have medical patients in the elevators, it doesn't impact the lease-ability of the office floors above. Once you go above the ground floor, you effectively devalue the office space until you have converted the entire building to medical which is a long, drawn out process which we do not intend to do.

Chairman Cosentino stated well you didn't intend to have medical now but you have to do it for economical reasons.

Mr. Ellman stated that's correct but there are many buildings where we have gone in, in the past and created ground floor medical with office above. We've done this Harrison, we've done it in Scarsdale, we did it in buildings in Connecticut. Ground floor medical with office above works just fine, once you start to go up, you go through a period of roughly 10 years where you're devaluing your office space while your converting the building to medical, we have no intention of doing that.

Jan Johannessen stated is that your only vacant space right now?

Mr. Ellman stated correct.

Chairman Cosentino stated the ground floor.

Jan Johannessen stated that one suite.

Mr. Ellman stated well there's actually two, there was the County which left a couple of years ago and there was Guardian Life Insurance which closed the office. Where are floor plans, I can show you exactly where.

Mr. Hertz stated did they have exterior entrances?

Mr. Ellman stated yes, no, they go through the lobby but this is the ground floor of the building, there are two entries, one for the main entry, one through the side with parking over here. These are the two suites that are vacant at the moment, so they're not desirable for office because they're ground floor, in the back, facing trees with no views which for medical space is not an issue at all. So these spaces would be desirable as medical space where there is demand.

Mr. Sturniolo stated Anthony, when you did the calculation before, you came up with a number 33.

Anthony Oliveri stated if the whole building was medical, as Joe asked, it would be 233 parking spaces.

Mr. Ellman stated that's unfeasible on this site.

Anthony Oliveri stated they only have 128.

Chairman Cosentino stated okay, let's figure from there, how many does he need for office and how many does he need for medical.

Anthony Oliveri stated it's all in Rob's memo.

Rob Melillo stated he needs a 27 spot variance at this point, is what he's looking at.

Chairman Cosentino stated I read your memo, I just didn't understand, that's all.

Rob Melillo stated he says office spot, for the first 10,000 square feet, the Code calls for 1 space per 250 square feet, which equals 40 spaces and then for the additional office space which was 18,170, he needs 1 space per 275 square feet, which comes to 66.07 spaces and then for the medical use, its 1 space per 150 square at 6,854 which is a total of 45.69 spaces. The total spaces required for this space, at this point, of the way they want to operate is 151.67. The total spaces provided on the original site which, with what's there currently is 128 spaces. So they're deficient by 23.76, not including the three spots to create the

aisles for handicap accessibility which raises the count of 26.76. The reason the why I broke that out a little bit separately is just to make you aware that that is a new Code requirement by the State that they have to meet. So I didn't want you to hold that against them because it's a State Code requirement now, which back then, the aisle wasn't as big, so I kind of felt that I wanted to break that out.

Mr. Noskin stated we're showing compliance here and that blue flair is the handicap spots that Mr. Melillo just spoke about.

Mr. Hertz stated so it's 27 spots.

Rob Melillo stated yes, its 27 spots, the only thing I didn't check and I just thought about it now, any loading spot that would be required.

Mr. Ellman stated we do not have one on site at the moment.

Rob Melillo stated yeah but you may be required to have one, I forget its one for the first 10,000 or 5,000 square feet for office. I'm not sure, that's the only thing I may have missed, which again we can always double check that later. It will be in the range of 27 to 28.

Jan Johannessen stated Rob, when you computed the parking calculation, did you include the compact car spaces as a standard space.

Rob Melillo stated well that's in my memo, I noted the fact that you know, out of these spaces, 87 of them are full size spaces and 41 of them are compact car spots and I said that we no longer have provision in the Code for compact. So, I didn't know how you wanted to address that that would be something to go to you as it moves forward, how would you want to address that, do we leave it as is?

Jan Johannessen stated they're striped as compact car spaces.

Rob Melillo stated I don't know exactly, I didn't really look and measure the striping currently.

Mr. Ellman stated they are and that was part of the original approval back in 1985, so I know that you don't have compact spaces anymore in the Village, I don't want to say its grandfathered because we're opening up a new thing here but at the same point, I can't move the spaces around because of the setback variance, I'm right on it, so there's no room, otherwise I'd be decreasing the width of the aisles and the spaces.

Rob Melillo stated and the other thing is once we start restriping and changing the layout, it becomes an amended site plan at that point. When you go out of conceptual, when you go to issue the site plan approval to amended site plan to accommodate the additional, different layout. If you guys choose to change the compact parking scenario, I don't know how to handle that.

Jan Johannessen stated he's modifying the parking layout anyway, so you need a site plan.

Rob Melillo stated yes, he's going to need site plan approval no matter what but I don't know if that's going to increase it or how you guys want to address the compact parking. Because we take compact parking, and say we no longer want that, he'll lose more spaces. That would increase the variance at that point.

Jan Johannessen stated do you know what they're striped at, the size of the compact cars are.

Mr. Noskin stated they're 16'-6" by 9'

Jan Johannessen stated its 9 feet wide.

Mr. Noskin stated yes, that's correct, that's what it says here.

Mr. Hertz stated you've been operating...

Anthony Oliveri stated 7'-6" by 16'-6" are compact but there are other spaces that are 9 by 16-6.

Jan Johannessen stated that's a standard spot.

Anthony Oliveri stated I think those are standard because there's kind of like a 2 foot overhang over the curb, so they might have been allowed to make the 18-6 length. 7-6 wide is the compact, you can only have, the drawing notes 41 compact spaces, the center aisle.

Mr. Noskin stated 7'-6" by 16'-6" plus you're going to keep 18'-6" by 7'-6".

Mr. Hertz stated you've been operating the building for a while, do you have a current count and the space has been vacant. Do you have a sense of available parking, do you know where you've been.

Mr. Ellman stated I have no counted although clearly we're prepared to do a parking count but I will tell you that there are a lot of empty spaces every day. I was there today, these spaces which were originally reserved for County vehicles for overnight parking, are empty every day and there were spaces here and spaces here virtually every day but if we go down the road towards, if conceptually the concept works, we expect the ZBA to ask for a parking study and we'll gladly do one. We are confident that there is enough parking. As I've said, we've owned this building now for 13 years and we've seen it through most of that time full and with the count in there with two cars per employee, I don't think its likely that its going to reach that level of intensity again and there was always parking.

Chairman Cosentino stated well look, bottom line is that we don't want to see you with an empty building, we want to try to help you out but I think we need to talk to staff more about this because I think there are some problems we can straighten out, I don't know, alright and again, we certainly don't want to see you with an empty building but there are. I'm saying there's things that are going to have to be worked out here, there's compact cars, we're using medical on one floor, they need a variance, there are other things that need to be done here and I think we have to work with staff on this and some legal questions I have and its only conceptual right now.

Mr. Hertz stated is it the Zoning Board's place to grant variances to the count but its our determination whether or not the count as in the Code is appropriate or whether a different, no?

Chairman Cosentino stated you can have them add more but you can't delete, am I right?

Whitney Singleton sated there's a couple of provisions which you'll have on this. One, the Zoning Board can grant a variance and when the Zoning Board grants a variances, that runs with the land, so that's going to exist irrespective of the occupancies changing with regard to the required parking. Your Board can always increase the required amount of parking and your Board can make determinations as to what the parking requirement should be for uses that are not specifically identified in the Code. The Code does have a specifically identified parking count for this particular use and its 1 per 150, so it's not your job to determine, per se what that parking count it. But your Board does have the discretionary for you to do under 110-28, is to double count parking spaces which is something that you entertained earlier in the evening where you have substantially different peak operating hours. I don't know that in an office building where people are all going to be there during the same time of the day that you're going to have substantially different peak operating hours. So what you have right now is and application before you for a Change of Use, an application before you for a Site Plan Amendment and an application to go to the Zoning Board, according to what the applicant is telling us for a variance from the parking requirements. The question then becomes, you have two Boards doing a review of an application and at what point in time do they go to the Zoning Board of Appeals and whether your Board is going to weigh in on that. That is something for us to discuss at a staff meeting.

Mr. Noskin stated Mr. Chairman, can I make a small suggestion, forgive, obviously if I can't that zoning variance, this whole point is moot because if they don't grant us the variance, whatever I put on paper for the site plan, which is in your jurisdiction or purview, doesn't matter. So with...

Chairman Cosentino stated that's correct, you gamble.

Mr. Noskin stated that's correct, I gamble. So I know we can do studies and we can get everything right and show it all of it graphically and get it through your staff but what we hope you could do first is send us to the Zoning Board for a variance and then come back here and we can work out if it's considered a permissible use there.

Whitney Singleton stated but if you go o the Zoning Board of Appeals, they have within their statutory power, the ability to solicit input from various Village officials and consulting professionals and from other Boards and Commissions. They will likely request from the Planning Board, what the Planning Board's perspective is relative to this application.

Mr. Noskin stated in other words Counselor, you would hope that this Board would give us kind of like a recommendation to go to you know, some sort of blessing for lack of a better word, to go to Zoning so that they can make their reaction and then come back here.

Whitney Singleton stated or as they've done in the past, make their recommendation against giving you their blessing, against issuing a variances. I am just being frank with you. I mean if it's demonstrated that

there's an overabundance of parking, that's one thing. If it's demonstrated that there's an inability to provide off-street parking on this site, the Planning Board isn't going to give you that blessing.

Mr. Noskin stated Mr. Chairman, I would hope just because he's trying to lease up the building obviously, just give us a direction on which way to go to keep the ball moving, so to speak.

Chairman Cosentino stated if he wanted to, he could go before the ZBA now, but we're not going to give you our blessing.

Whitney Singleton stated absolutely.

Mr. Ellman stated I was hoping for a blessing.

Chairman Cosentino stated I can't because I don't know what this Board is going to do. You can go to the ZBA and come back and we want more. I don't know. We do want you to rent, I can't say you're going to get our blessings on it. First of all, this is only a conceptual and we're telling you to go to the ZBA, we're not telling you, if you want to go to the ZBA, that's up to you. You play cards, you gamble.

Mr. Noskin stated I'm curious Mr. Chairman, you obviously been through this before in some way, what is our best recommendation in how to proceed.

Mr. Ellman stated may I just interject. You don't know us, this is the first time that we have been...

Chairman Cosentino stated I can't tell you what to do, I can't.

Mr. Ellman stated the point that I was going to make is we are very responsive owners, we are good citizens. Whatever you need, whether its you or the ZBA, whatever you need to properly consider the application, we will provide.

Chairman Cosentino stated I realize that okay but as Chairman, I'm not going to tell you to go to ZBA, you want to go to the ZBA, it's your choice. I wouldn't want you to go to the ZBA and they turn you down and you come back and say hey the Chairman told me to go.

Mr. Hertz stated typically the ZBA has looked to this Board for its input on matters like this and I think before this Board would be comfortable making a recommendation one way or the other, we'd want a parking study to understand what the...

Mr. Noskin stated and this is just conceptual of course, you'd want a formal hearing with public notices and what not...

Chairman Cosentino stated I don't know about that.

Mr. Ellman stated well first I would imagine that they would want to review the parking study and appear informally and have use answer any questions and revise it, that's fine.

Mr. Hertz stated I think we'd want to feel comfortable that the parking that you think is there, is there and that everything would function properly because in all likelihood, if you go to the ZBA, they will ask this Board for its input as to what we think the site will function properly.

Mr. Noskin stated so we came to the right place first, we just have to follow up. It's better than going in the wrong door.

Chairman Cosentino stated you came in the right door.

Mr. Ellman stated if you would like to see a parking study, we will have one prepared.

Chairman Cosentino stated we appreciate that.

Mr. Ellman stated we know how to do it, we've done it in the past, we'll gladly do it.

Mr. Sturniolo stated you have to get the ball moving and this way we'll know and the ZBA will know and everybody else knows that this is something that can work, yes it can or absolutely can't.

Mr. Ellman stated we're on the same page on that because the last thing we want to do is have something zoned that we can't park. There are buildings in the Town and I'm not going to tell you who they are, where they can't lease space because although its zoned, the people that can't park the car when they come

to work and they don't want to be there. You know, we've got a good asset now, the last thing that we want to do after a dozen years of ownership, is ruin it.

Chairman Cosentino stated now, at any time if you want to set up a meeting staff, that's up to you.

Mr. Ellman stated would that go through Mr. Melillo?

Chairman Cosentino stated you have to call Mrs. Tipa in the Building Department.

Mr. Ellman stated what you really want to do Dennis, is find out precisely what they want in a parking study, so that we don't guess and give them what they're not looking for and not give them what they're looking for. Let's have the meeting informally to decide precisely what it is that they want to see and then we'll go prepare the study.

Chairman Cosentino stated and setup a meeting with Jan and find out the...

Mr. Hertz stated and I think any information on the future medical use and forgetting what the generic number looks like, what the actual use would end up being.

Mr. Ellman stated we do not have a tenant.

Mr. Hertz stated okay.

Mr. Ellman stated because in the absence of authorization, we're not going to market it and then have the tenant say "when do I move in?"

Mr. Hertz stated sorry, you're correct.

Chairman Cosentino stated get the ball rolling, thank you for coming.

Whitney Singleton stated can I make a suggestion, just to a suggestion to make it productive going forward, I suggest when you contact Mrs. Tipa, that you arrange for an escrow, if you're not going to file a formal application and coordinate with our traffic consultant exactly as to how your traffic consultant is going to conduct the parking analysis.

Mr. Ellman stated we'll be using John Meyer who we have worked with many times in the past.

Mr. Noskin stated who is your traffic consultant?

Whitney Singleton stated PHA, Philip Habib Associates.

Chairman Cosentino stated and you need to set up an account. Thank you for coming.

Mr. Ellman stated thank you for your time.

Chairman Cosentino stated the next thing is a discussion on a waiver of a site plan procedure, Whitney?

Mr. Sturniolo stated yeah, what's about.

Whitney Singleton stated at a Planning Board staff meeting, as the chairman knows, we were discussing various issues that we have to deal with, with 110-38 and the Change of Use process, when it needs to come to your Board and when it doesn't need to come to your Board. And Rob had identified an issue for us at a Planning Board staff meeting that he cannot issue a building permit without a site plan in place. So even as something as de minimis as somebody re-siding their building and I'm not even talking just about commercial buildings, even two-family buildings. They would need to come to your Board for a full site plan review, to change an awning, to change a siding on their building, to put in a new window. It has to come back to the Planning Board. So we were trying to explore different ways, and I know this sounds like a slippery slope, we're trying to explore different ways to make sure that the applications that get to your Board are applications that should get to your Board and that have substance, while some of the smaller applications where somebody's changing a window, changing something very minor on the site, particularly for two-family homes, didn't have to come back to the Planning Board each and every time for a full review. So what we discussed with Jerry and staff was the fact that perhaps what we'd consider doing is a site plan waiver, where an application comes to your Board, it wouldn't be handled administratively and it would be a presentation to you that, well, they're proposing taking these three parking spaces and making them into two handicap spaces and putting a ramp here and your Board says well we don't need a full site plan review for that, that's okay, just make a notation in the file. Have the Planning Board

authorize that site plan waiver, instead of going through the full process of a conceptual, an application, referral to staff and everything else that's associated with a site plan application. And we thought that would be an appropriate way to separate the substance from the fluff. It would still go to your Board, it just would not be to the degree of formality that a full site plan application would have. I have not drafted anything yet, other communities do have this, and we were thinking that that would be a way of addressing some of the more administrative needs that are out there in the community on a more expedited basis than to burden both applicants and your Board with little gingerbread items.

Mr. Sturniolo stated Whitney, who would do the presentation, using your analogy of two parking spaces, a window, whatever. Who would do the presentation to the Planning Board.

Whitney Singleton stated I don't know, my guess would be either the Building Inspector would get up and say I had somebody come in and I believe it would probably be vetted at the staff review as well before it go to your Board. Somebody came in, and they're proposing this and the Building Inspector might get up and say, does your Board want to see this? And your Board says we want to see, full blown application, if you deem it to be very minor, putting in curbing, cobblestone, whatever, the Board says no, just make a notation in the file and make sure it's built in accordance with what's represented and not have it come to you for the full process.

Mr. Sturniolo stated but all that dialogue would take place at a Planning Board meeting.

Whitney Singleton stated correct. Much like we had the different categories, we have correspondence...

Mr. Sturniolo stated I understand the logic.

Whitney Singleton stated and if you Board didn't feel comfortable or you need further information, you can say we don't feel comfortable with it.

Mr. Hertz stated I for one, am very much in favor of trying to streamline the process for very small applications. I think it's unduly burdensome on our current process and I've said this before, it's burdensome for small applicants. That being said, I don't want things to slip through the cracks where we have even a window being changed on something that was a grandfathered use that's hideously out of you know, conformity, with whatever and we have an opportunity to make something constructive happen, but for the bulk of small changes I think it makes a great deal of sense.

Mr. Sturniolo stated and to underscore your point Doug about slipping through, we've gone through that many, many times in the past where it's always "it's alright, don't worry, we're going to change a window" and then all of a sudden 5 dormers show up and the whole nine yards. This appears to have a degree of responsibility and accuracy.

Anthony Oliveri stated Whitney, didn't we also talk about some form like administratively site plan, like for instance, two-family houses, which do not have site plan existing, you can't issue a permit, you can't issue an electrical permit or a plumbing permit with a site plan.

Rob Melillo stated currently the Code reads that I can't issue a building permit for any work without a site plan on any property that's two-family and above. So that hinders me from issuing somebody a roof permit, redoing my bathroom, redoing my kitchen for a two-family house. The minute we start to tell people with two family houses, most of these people are going to be people who bought this house and are limited budgets and stuff like that are running these two-families and then you have the opposite end of the scale guys who have ten of these two-families throughout the Village. What we're doing is we're kind of killing people because I can't renovate my bathroom, I can't issue a building permit, what does that have to do with a site plan at this point, we have no type of waiver anywhere written that, you know, it can be done administratively for roofs. You guys want me to come here and say this guy wants to put a roof on his house, but he doesn't have a site plan, is that okay, I mean...

Whitney Singleton stated what I was planning on doing would be that the, proposing changing that section of site plan review for new two-family homes, not modifications. That's how to handle that administratively.

Rob Melillo stated okay, for new, that's new, for a certain amount of square footage on an addition.

Chairman Cosentino stated but I think this Board is going to be backed up with a lot of work.

Whitney Singleton stated well the flip side is that if somebody is coming in, let me give a scenario, let's just say that Enrico...

Chairman Cosentino stated I only said that because of what Rob just said and I was thinking about it, there's not administrative, for instance a person wants to put up a room, they're going to come before this Board to put a roof.

Whitney Singleton stated to replace a roof.

Chairman Cosentino stated yeah.

Whitney singleton stated yeah, Rob couldn't issue them a building permit because they're a two-family home because they don't have an underlying site plan approval. We're going to try to eliminate that as something that would fall within your Board's jurisdiction anyway.

Rob Melillo stated I mean if you take any business that's doing an interior renovation, that doesn't have any site plan for the commercial property.

Jan Johannessen stated or Change of Uses, Change of Uses that currently would meet threshold for a waiver for a Change of Use, if it doesn't have a site plan, it has to come to the Planning Board. So I mean there's been those cases as well.

Chairman Cosentino stated so what if a person comes before us for a roof change and we say, I think it's a good idea...

Whitney Singleton stated is it commercial.

Chairman Cosentino stated no, it's two-family, okay. And we say yeah, its a good idea, if you want color maybe you have to go the ARB next time but we need to talk about it some more. So here's a guy that wants to put up a roof before the winter and by the time we're done with him, it could be two months away. I think you need to streamline it more.

Whitney Singleton stated let's take a step back and figure out how we got here. You'll recall the reason that the Village Board changed the legislation to vest with your Board site plan review for two-family homes was because of what happened at 16 East Hyatt.

Chairman Cosentino stated I agree.

Whitney Singleton stated and you Board wanted to review those and the way that was drafted, it now says that two-family homes now have to have site plans. And the way the Code was already drafted that Rob could not issue a building permit for any property which doesn't have a site plan approval are required to have one.

Jan Johannessen stated it was an unintended consequence.

Whitney Singleton stated it was an unintended consequence. So my goal is to reword that section so that modification to existing two-family homes would not come to your Board period, not administratively or otherwise.

Chairman Cosentino stated but I agree we're doing it for other reasons too. The thing is why isn't it done for one-family, just a question, why are we starting with two-family, why not one-family?

Whitney Singleton stated well your focusing on two-family, the one-family doesn't require a site plan review period and it use to say one- and two-families do not require. It says in the Code that site plan is required, Site Plan Approval is required for all use other than and it used to say one- and two-family homes, and temporary sale of Christmas Trees. It now says that Site Plan review is required for all uses other than one family homes because the two-family homes were getting a little bit out of control.

Chairman Cosentino stated absolutely.

Whitney Singleton stated and Rob has identified a section of the Code that says he can't issue a building permit for anything that doesn't have a site plan approval. So technically if Enrico wants to change his toilet in his house and he's got a two-family home from 1978 but he doesn't have a Site Plan Approval, Rob has to say now, you have to go see the Planning Board and I'm trying to take that aspect out of your Board's purview, so you don't have to be bothered with stuff like that.

Chairman Cosentino stated that's stuff that we shouldn't have to be bothered with, a toilet or a sink or...

Jan Johannessen stated I don't think anybody ever intended interior work on a two-family requiring Planning Board.

Chairman Cosentino stated I like the concept of it because you can do a lot with it, you can do a lot with it with the concept of the site plan.

Rob Melillo stated it just puts a burden on the residents in Town. I think what we're going to end up finding is that if these people have to come in, I'm going to end finding illegal work being done, people are not going to file for permits, it will end up being lost revenue for the Town, we should be allowing, telling people hey, come in, get a building permit, the benefit of a building permit is to make sure that your contractor is doing the right job and not discourage them from getting it.

Whitney Singleton stated so what your Board would be vested with is the authority to review and approval site plans for new two-family homes.

Chairman Cosentino stated that's it. New.

Whitney Singleton stated not modifications to new, just new.

Chairman Cosentino stated I think the Building Department should do what they have to do what they want to do and what it really is for, I'm not going elaborate on it but I'm just saying. I think that the site plan should be for new construction or an addition or something like that but if you're going to tell us to review putting in a toilet or putting in a sink or something interior. I think you're burdening this Board with a lot of stuff, that's a Building Department item.

Whitney Singleton stated setting aside that part for a second Chairman, next issue becomes how do we deal with some of the more minor stuff because of the things that I've learned is we are requiring site plans, as you approved tonight for 23 S. Moger, we don't have plans of these buildings...

Chairman Cosentino stated that's commercial, that's different.

Whitney Singleton stated I'm not shifting to commercial.

Chairman Cosentino stated commercial should have site plans.

Whitney Singleton stated what happens when you have commercial and I'll give you a specific example, Bicycle World, they simply wants to change their siding, they don't want to change the building, they just want to put up fresh siding.

Chairman Cosentino stated isn't that Architectural Review.

Whitney Singleton stated they don't have a site plan for the building.

Chairman Cosentino stated let them get a site plan, that's commercial.

Whitney Singleton stated the point we're trying to make, do you want to burden what would otherwise just be normal maintenance items, if you want to burden property owners with the necessity of having to come, engage an architect, engage an engineer...

Chairman Cosentino stated no, we don't want to do that.

Whitney Singleton stated well how can Bicycle World...

Chairman Cosentino stated its a commercial building. We handle commercial.

Whitney Singleton stated I understand that. But if they're not changing their operations, they're not changing what they do with the site, they're not changing their level of intensity, they're not changing their exterior site plan or anything else.

Chairman Cosentino stated but it's still a commercial building where they don't come before this Board unless they have a site plan, you want to change the siding, you're a commercial building, you don't have a site plan, bada boom, you have to come here, not a two-family house.

Whitney Singleton stated right but I guess that goes back to Rob's comment, is that you may have a lot of unintended consequences and a lot of illegal work being performed if places that don't have site plan

approval and are simply proposing a change of their siding, have to come with a full site plan before your Board.

Mr. Hertz stated Whitney, the downside of going that route, is that at some point it behooves the Village to have documentation for what's actually in these places, one building at a time. We've made the error of not having to do that, so are we burdening commercial owners with ridiculous stuff to do that, at some point they're going to have to make that commitment and it's better for the Village to get this documented now before more illegal changes happen then later. Now, should the Village be proactive and be intelligent and say you know business of X revenue per year can have a tax abatement to do this site plan or have this fee waived but I don't write the policy. We do however make recommendations on...

Anthony Oliveri stated one thing that was suggested for the site plan, let's say in the case of the bicycle shop, was submit a survey of the site, with all the data that's needed for a site plan but do it administratively where there's no real review needed by the Planning Board, because there's not change happening.

Chairman Cosentino stated do you see what happens, you're right, do you see what happens here, supposedly somebody buys a two-family house, young couple okay, because they need the income for some reason and all of a sudden their apartment, they want to renovate, maybe the parents are going to help them put a new bathroom in, do this do that. What incentive do they have besides getting the plumbing permit to remodel their house if they have to come before a Board and say I want to remodel my house. They're going to do it themselves...

Mr. Hertz stated because if they don't they can resell the damn house.

Chairman Cosentino stated to remodel the inside of your house.

Mr. Hertz stated you can't get a C.O. because you've made changes and then you can't sell it...

Whitney Singleton stated can we put the residential aside for a second...

Chairman Cosentino stated commercial I agree.

Whitney Singleton stated but if you, let's just take a commercial property for example the NBW Bank, alright, if they wanted to come in and take out a plumbing permit, they're going to have to come in for an entire site plan review to change their toilet.

Chairman Cosentino stated its a Building Department...

The Secretary stated its a Code thing, that's what the Code says.

Whitney Singleton stated he can't issue a building permit, period.

Chairman Cosentino stated because there's no site plan.

Whitney Singleton stated correct.

Chairman Cosentino stated okay, that's a commercial building.

Whitney Singleton stated what I'm saying, is there should be...

Chairman Cosentino stated you want to talk about commercial or you want to talk about residential.

Whitney Singleton stated just commercial.

Chairman Cosentino stated you need a site plan on commercial, that's what this Board is here for.

Whitney Singleton stated so if somebody wants to come in and do what would otherwise be deemed basic maintenance of their home, not their home, their commercial building.

Chairman Cosentino stated same footprint?

Whitney Singleton stated same footprint, they just want to change out their room, and they go to Rob for a permit. He says sorry, I can't give you a permit to repair your roof until you get site plan approval from the Planning Board.

Chairman Cosentino stated okay, fine, I have no problem with it, I just think it's a whole lot extra work, is there some way you can do it...

Whitney Singleton stated what we're trying to do is we're trying to find the median between...

Anthony Oliveri stated in the case like that what would make sense is, instead of coming to the Planning Board because there's not change to the footprint but it does need a site plan, he'd be required to submit a survey with the site plan data on it...

Chairman Cosentino stated fine, that simplifies it but for the person to come before this Planning Board and say you've got 21 days to do the paperwork, you have to come with an architect, you need a stamped set of plans, that's a lot for a person to pay.

Whitney Singleton stated I know but you're kind of flip flopping on me here, Joe.

Chairman Cosentino stated this is what they're going to need, you can't come before this Board without a set of plans or anything. Patti, I mean...

The Secretary stated Joe, the problem is that we have a lot of buildings in Town that were built, like Bicycle World building was probably built in the late 1880's...

Chairman Cosentino stated Patti, I agree, my point is that are they going to have a set of plans to come in here, do you know what that's going to cost a person to put a toilet in.

The Secretary stated yes, it's going to cost them at least \$10,000 to \$15,000 to establish a site plan.

Chairman Cosentino stated for a two-family house.

Rob Melillo stated no, we're talking about commercial.

Chairman Cosentino stated talking about commercial, what are you doing with two-family if they have to come before us.

Mr. Sturniolo stated Whitney, you almost stumbled on the right word that we're missing in this and that's the definition and usage of the word maintenance, the roof is leaking, it has to be maintained, you rip it out, you put a new roof. Now does maintenance fall under some of the scenarios you outlined because to me that's the key to it, the differentiation between maintenance and adding an extra window or adding a dormer, whatever the analogies we were kicking around all night and that's what we have to come to grips with is that word maintenance.

Whitney Singleton stated well what we're talking about is this, we're talking about whether you deem it to be maintenance, in your mind's eye what you deem to be maintenance, may not necessarily alleviate it from the requirements of a building permit.

Anthony Sturniolo stated agreed.

Whitney Singleton stated Rob has certain constraints under which has have to operate in issuing a permit.

Rob Melillo stated you can take any commercial property or a 5 family house and the guy comes to me to redo the bathroom in a 5 family house, or redo the kitchen, and they don't have a site plan that means they have to come in front of you for a site plan to redo the kitchen.

Chairman Cosentino stated and then you need a set of plans, you can't come before this Board without a set of plans or they come to you...

Rob Melillo stated what I'm saying is you're going to require them to come for site plan to redo a kitchen, a bathroom...

Chairman Cosentino stated that's my point.

Mr. Sturniolo stated replace a broken sink, its maintenance.

Rob Melillo stated replaced a whole kitchen you're spending \$100,000 to replace a whole kitchen which is potential or a possibility, that's going to have to come in front of us for Planning Board review, is what you're looking to do is to review a kitchen for site plan.

Chairman Cosentino stated that's my point.

Whitney Singleton stated let me just pause on that idea for a second. What we are proposing to draft is a waiver, it does not mean that people will not ever be required to have to come back and do a site plan. If somebody is proposing a large build out in a commercial building, your Board can say, come in with a site plan, we want a site plan. Just like we did with Franze who was just here, just like we did with Jersey Mike's building, just like we did with Billy's building the other day and the Indian restaurant building and all of that and the old Abel's. We had them all come in for site plans, however when it's something that's so minuscule, that's its absurd to have them come in, we're not suggesting that they're forever waived from that requirement, we're just saying that it would vest your Board with the ability to say, you know what, a toilet doesn't need to come in for a site plan review, that's fine.

Mr. Faiella stated I think that's a great idea, Whitney.

Chairman Cosentino stated Jerry, do you understand what we're saying. If you have a homeowner with a two-family house.

Mr. Faiella stated I would suggest, at this point, for the point of clarification that Whitney draft what you have existing for residential and commercial and then show the proposed change for residential and commercial just to make it easy for the Board to visualize what he's saying. Then you can look at each of those different categories and say yes we like this or no we don't or this is how we're going to do it. If we just lay this out as little chart, I think that would make it much clearer for the Board.

Chairman Cosentino stated excellent.

Whitney Singleton stated I'll draft something for your next meeting.

Mr. Faiella stated and I think bottom line is we give Rob some leeway here so that people who want to do maintenance on their homes or make minor moves that don't affect the site plan, move them through the process and get it done.

Chairman Cosentino stated exactly, thank you. That's what we want to do, so we can compare.

Whitney Singleton stated thanks Jerry. Where were you before?

Laughter

Chairman Cosentino stated do we have a motion to adjourn.

Mr. Mareschi made a motion to adjourn. Seconded by Mr. Gibbons.

Chairman Cosentino asked for all in favor. The motion passed by a motion of 5 to 0.

The meeting adjourned at 9:50 p.m.