

Minutes of Meeting of the Planning Board  
Village/Town of Mount Kisco  
Tuesday, November 25, 2015

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

**Members Present:** Chairman Joseph Cosentino  
Ralph Vigliotti  
Sol Gibbons  
Doug Hertz  
Enrico Mareschi  
Stanley Bernstein  
Peter Grunthal

**Members Absent:** Vice Chairman Anthony Sturniolo

**Staff Present:** Jan K. Johannessen, Village Planner  
John H. Landi, Building Inspector  
Whitney Singleton, Village Attorney

**Staff Absent:** Anthony Oliveri, Village Engineer

Chairman Cosentino led the Pledge of Allegiance.

Chairman Cosentino stated anyway Stan, it's good to have you back.

Mr. Bernstein stated thank you, it's good to be back.

Chairman Cosentino stated it is Tuesday, November 25<sup>th</sup>, this is a Planning Board meeting and right now there are no minutes and we'll do a formal application, Viktor and that's regarding 21 South Moger Avenue, Mount Kisco Farm. This is a draft resolution and it's going to be dated November 25, 2014, no it's not, this is 21 South Moger Avenue.

**a. Viktor Solarik for Robmil, Inc – 21 S. Moger Avenue  
PB2014-0286, 69.81-6-15 (SBL)  
Site Plan**

Mr. Viktor Solarik was present to represent the application.

Mr. Solarik stated 21 South Moger Avenue, yes.

Chairman Cosentino stated alright, we have a draft resolution here, it's the farm, we were all familiar with the place that was here before, it is the same print, why don't you just quickly explain what we're doing here.

Mr. Solarik stated okay, yes.

Chairman Cosentino stated this is just for the record, so we have it in the record.

Mr. Solarik stated so the Planning Board approval is required because the property does not have a site plan approval, so we're basically clarifying all the existing conditions and that is done in conjunction with the proposed new occupant or new tenant who's moving in. it's going to be Mount Kisco Farm, same use, substantial as it has been there for many years, it's a produce, vegetable, you know, green market.

Chairman Cosentino stated there is not change of use.

Mr. Solarik stated no change of use, no change of occupancy, no change of footprint and...

Chairman Cosentino stated we needed a site plan on it guys, so.

Mr. Solarik stated the proposed improvements are substantially cosmetic to improve the facades front and back and also to improve some of the site features that are adjacent to the building, the property actually extends into the parking, into the back that's been under the use of the Village under the easement. So the proposed improvements are substantially changing the store front in the front of the building, new signage, new awning, there are some improvements on the front, the Board has requested that we put in planters to

add a little bit more interest and greenery, the front façade has been, actually both facades have been reviewed and approved by the Architectural Review Board subsequent to the last meeting of the Planning Board so we have that and we'll actually include...

Chairman Cosentino stated what changes actually did they make on that.

Mr. Solarik stated the change is only where they added the awning in the back, so we have the awning that's front and back which they originally had and the building lights we eliminated, the goosenecks were eliminated because the signage is actually illuminated, so it would basically do nothing.

Chairman Cosentino stated they preliminarily approved it, they didn't approve it...

Mr. Solarik stated well they approved it with those conditions, they approved it.

John Landi stated it was basically a preliminary until your Board finishes.

Chairman Cosentino stated you know we need to get this straight, the ARB does not approve anything until we've approved it first.

Mr. Landi stated correct.

Chairman Cosentino stated this is what the Village Board wanted and this is what we want to follow through.

Mr. Landi stated it's preliminary until your Board is finished.

The Secretary stated it was a conditional based on your approval, so once you approve it, then those conditions will go into effect.

Mr. Landi stated thank you.

Chairman Cosentino stated and so the only thing they did was the goose lights and what else.

Mr. Solarik stated correct and the awning on the back, the work on the ground, the stair case, the planters, the landscaping, that's not...

Chairman Cosentino stated fine, I'm sure they did a good job there, you know.

Mr. Solarik stated that's not, that was not really discussed, really what was only reviewed were the facades and they basically went along with everything that was presented to you...

Chairman Cosentino stated excellent.

Mr. Solarik stated with the exception of the (inaudible) for the front face.

Chairman Cosentino stated they've always done a good job but I just didn't want to get confused again.

Mr. Solarik stated absolutely.

Mr. Vigliotti stated can you explain the illuminated signage that you're using, how is going to look, how is it lit.

Mr. Solarik stated yeah well, I don't have it with me tonight but I actually did have it at the ARB, it's a box illuminated backlit lighting with the vinyl letters in the front, so it's shine through illuminated sign.

Mr. Vigliotti stated okay.

Chairman Cosentino stated the ARB has always done a great job on signs and illumination.

Mr. Solarik stated they are very detail oriented and reviewed actually the proposed layout from the sign maker.

Chairman Cosentino stated yeah, they've always been good.

Mr. Solarik stated the shop drawing from the sign maker. The same sign goes in the front and the back.

Chairman Cosentino stated yeah, they have been good on that. Okay, are there any questions on this resolution, I mean I read it twice already, I can't find one thing wrong with it, like I say, it's not a change of use you see the conditions in the whereas.

Mr. Solarik stated it works for us.

Chairman Cosentino stated are there any questions from staff or members here. Does somebody want to...

Mr. Hertz stated Mr. Chairman I will make the motion that we approve site plan for 21 South Moger, section 69.81, block 6, lot 15.

Mr. Mareschi stated Chairman, I'll second.

Chairman Cosentino stated the motion was made by Mr. Hertz, seconded by Mr. Mareschi, on the question.

Upon roll call vote:

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

The motion carried by a vote of 7 to 0.

Mr. Hertz stated congratulations.

Mr. Solarik stated thank you very much, I appreciate the Board's effort to move this through, thank you very much, good night.

Chairman Cosentino stated nice job.

Mr. Mareschi stated good luck.

**b. Enterprise Rent-A- Car – 283 N. Bedford Road  
PB2013-0240, 69.50-2-6 (SBL)  
Special Use Permit and Site Plan**

Mr. Frank Vigna of Enterprise and Ms Krista Yacovone of Zarin & Steinmetz were present.

Chairman Cosentino stated the next thing on the agenda is Enterprise Rent-A-Car, 283 North Bedford Road. This is a, why don't you give us a thumb print on you know, if there's any changes.

Ms. Krista Yacovone stated good evening chairman Cosentino, members of the Board, my name is Krista Yacovone, I'm an attorney with Zarin & Steinmetz, David Steinmetz and Brad Schwartz did want me to send their regards because they couldn't be here tonight, so they say hello. I'm here representing MRE Corp, owner of the 283 North Bedford site and lessee of proposed, excuse me proposed tenant Enterprise Rent-A-Car on their application for site plan and special permit approval and here with me tonight is Frank Vigna of Enterprise Rent-A-Car, Ed Gemmola is the architect but he couldn't be here tonight because of the holidays. So the approval of the site plan special permit application is contingent upon the Board of Trustees adopting a zoning text amendment to section 110-30 of your Code, currently the sale and rental of motor vehicles in the Limited Commercial district is a special permitted use in the Limited Commercial district however the rental of motor vehicles is an accessory use so the Zoning Text amendment would remove that language and allow rental of motor vehicles to be a standalone specially permitted use in the Limited commercial district.

Chairman Cosentino stated right.

Ms. Yacovone stated so last night the public hearing was held by the Board of Trustees on the zoning text amendment, it is my understanding that they are holding open the comment period for written submission for 30 days and so then it is our understanding that after the lapse of that 30 days they will vote on the draft text amendment so that vote and we hope adoption would be I think tentatively scheduled for January 15<sup>th</sup>, if the meeting schedules work out that way, so we would ask for the public hearing on the site plan and special permit application to be scheduled for your next meeting, immediately following the January 15<sup>th</sup> meeting to hold the public hearing then.

Chairman Cosentino stated Whitney, do you have any...

Whitney Singleton stated her recitation was accurate, the Village Board has conducted a public hearing and closed it subject to written comment, there does not seem to be, without speaking for the Village Board as to whether they are, there doesn't seem to be any objection and it will allow this use as Krista pointed out, it will allow this use to be a standalone use rather than accessory to a principal use, it will still require a special use permit, it will still require site plan approval for whatever site changes are going to be made, landscaping, I know that some of the Board Members have been to the site, I don't have the plans in front of me I don't know what changes have been proposed but other than that, it's just a question of reviewing the plan, scheduling a public hearing...

Chairman Cosentino stated well we could schedule a public hearing.

Mr. Hertz stated what's the public hearing on.

Whitney Singleton stated what.

Mr. Hertz stated what is the public hearing on.

Whitney Singleton stated it would be on the special permit, the special permit requires a public hearing.

Mr. Hertz stated okay.

Chairman Cosentino stated so we can schedule the public hearing of...

Whitney Singleton stated January.

Chairman Cosentino stated January.

Whitney Singleton stated January 27<sup>th</sup>, I believe it's the 27<sup>th</sup>.

Ms. Yacovone stated the next meeting following the Board of Trustees.

Chairman Cosentino stated the 27<sup>th</sup>.

Whitney Singleton stated you just need to make sure that the public hearing requirements are 15 days/

Ms. Yacovone stated okay, we can do that.

Chairman Cosentino stated we can do that, we'll put the public hearing on, Michelle, for the 27<sup>th</sup>.

The Secretary stated yes, sir.

Jan Johannessen stated Chairman; we have recommended that the applicant schedule a technical meeting with the Building Inspector and myself to review the parking requirements...

Chairman Cosentino stated you did.

Jan Johannessen stated as well as some of the comments we had on lighting and landscaping, I have to ask that the applicant resubmit response to all our comments and the Village Engineer's comments prior to the January 27<sup>th</sup> public hearing date.

Ms. Yacovone stated we are in receipt...

Chairman Cosentino stated then you can set that up with the Building Department.

Ms. Yacovone stated yes, we will do so, yes.

Chairman Cosentino stated and they will report back to us.

Ms. Yacovone stated we're in receipt of the memos, we've seen the comments and thank the consultants for their comments and we will be setting up that meeting to get that all in place before we appear before you again.

Mr. Vigliotti stated Mr. Chairman I have a questions on this.

Chairman Cosentino stated yes.

Mr. Vigliotti stated if you, I'm familiar with the site where Enterprise is located now, would you be able to tell us quickly if there are twenty spaces now to support the rentals, how many spaces will there be at the new site to support the rental portion.

Mr. Vigna stated off the top of my head, first of all my name Frank Vigna, regional operations manager, I think I've introduced myself to all of you but just in case anyone, without, off the top of my head, I'm not sure the exact number 28, 29 sinks into my head with the overflow storage that we have...

Chairman Cosentino stated in the rear.

Mr. Vigna stated yeah in the rear down below...

Chairman Cosentino stated they have storage in the rear now.

Mr. Vigna stated so we have upper section and then down below.

Mr. Vigliotti stated how much storage will you have in the rear.

Mr. Vigna stated I think there will be...

Jan Johannessen stated nine parking spaces.

Mr. Vigna stated nine parking spaces.

Mr. Vigliotti stated okay so it's the twenty-eight plus the nine.

Mr. Vigna stated correct.

Mr. Vigliotti stated okay, just we're all familiar with the storage problems that exist and that's why you've...

Mr. Vigna stated and that's, we've come to this, that's why we're here.

Mr. Vigliotti stated okay.

Whitney Singleton stated Ralph, one of the other things that, keep in mind this is not a standalone site, we have another business, this is part of an integrated site plan...

Mr. Vigliotti stated with Nissian, yeah.

Whitney Singleton stated with Nissian, so they've got to be able to demonstrate to your Board the satisfaction that they have sufficient parking for the amount of all uses and to differentiate between car storage and parking spaces for customers.

Chairman Cosentino stated and Nissian will be vacating that, yeah. Okay.

Ms. Yacavone stated okay, if the Board has no further questions, great, thank you all very much.

Chairman Cosentino stated we're on a roll.

Mr. Vigna stated have a great holiday, thank you very much.

Chairman Cosentino stated thank you for coming.

Mr. Grunthal stated if Nissian is vacating then what's the, if Nissian is vacating then what's the issue with Nissian.

Mr. Vigliotti stated Nissian isn't vacating.

Jan Johannessen stated no.

Chairman Cosentino stated Enterprise is, that's the small building.

Whitney Singleton stated they're vacating that building, they still own the rest of the site.

Mr. Grunthal stated so Nissian is there.

Chairman Cosentino stated but they're getting out.

Mr. Grunthal stated then why raise it.

Chairman Cosentino stated why what.

Mr. Grunthal stated then why raise the issue if they're getting out.

Chairman Cosentino stated because it's a change of use number one and you can't have two rentals on the same property so the Village Board is going to eliminate that part of the Code that says you can't have one rental agent on one parcel, to you can have more than one. Okay, next is medical use at 118 North Bedford Road.

**c. Medical use at 118 North Bedford Road  
PB2014-0273, 69.74-2-1 (SBL)  
Amended Site Plan and Change of Use**

Mr. Marc Petrero of JMC CONSULTAING and Mr. Mark Ellman of Celestial were present.

Chairman Cosentino stated this is an amended site plan and change of use. Welcome.

Mr. Ellman stated it's good to be back again.

Chairman Cosentino stated it's good to have you back. Okay, this is originally an office building and it will be a change of use to convert 3,825 square feet of vacant office space to medical and there will be a loss of two [parking] spaces. Why don't you...

Mr. Petrero stated good evening Chairman and Members of the Board, my name is Marc Petrero from John Meyer Consulting, I am here with Mark Ellman, our client for the property regarding the change of use. The proposal is to occupy an existing vacant square footage of a little less than 4,000 square feet of existing office to be proposed medical office building, there are currently 128 parking spaces on the property which is actually three short of what the Town/Village zoning requires as parking, just as existing professional office and the change of use would add another twelve spaces deficit to that shortage and we provided some additional handicap spaces as requested which leaves an additional two spaces short so in total there would be seventeen spaces short, however we did provide a parking utilization that could accommodate the proposed office, medical office as well as if the office building was to be occupied, the remaining use that's vacant.

Chairman Cosentino stated Jan, for the record, why don't you give us your input on this and what we've done.

Jan Johannessen stated sure, as the Board may recall the applicant had originally submitted for approximately six to 8,000 square feet of spaces to be converted from professional office to medical, the Board thought that was a little excessive and requested that that number be reduced to approximately three to 4,000 square feet. The applicant complied. There are currently 128 [parking] spaces on the property, approximately 8,500 square feet currently vacant, the parking formula for office is 1/250 [square feet] and

the parking requirement for medical office is 1/150 [square feet], the conversion results in twelve space deficit coupled with the existing shortfall of three spaces and the added short fall of two space when you add the handicap parking to bring the site into ADA compliance. There is a total shortfall of seventeen spaces and the applicant's consultant provided some parking utilization, the study that analyzed the site on two occasions and found that approximately 52% of the parking spaces on the site are currently not in use, so we feel that there is adequate parking on site for the proposed conversion of approximately 3,000 square feet of office space to medical office space. The applicant also agreed to use its current compact car parking which is on site now is...

Chairman Cosentino stated it's on the north side.

Jan Johannessen stated yeah, so that's going to be signed for employee only parking, those compact car spaces were previously approved by the Planning Board and show on their site plan of record, just thought that it would be beneficial to allocate those as employee only.

Chairman Cosentino stated okay, where do we go from here.

Jan Johannessen stated there's a draft resolution before the Board for a change of use permit, there are certain conditions associated with the change of use permit, one of which is any future change of use would require Planning Board approval and require a full parking utilization study with the medical office space currently pending before the Board to be fully occupied.

Chairman Cosentino stated okay, have you, Whitney have you read this resolution.

Whitney Singleton stated yes I have and I'm entirely comfortable with it.

Chairman Cosentino stated okay there is...

Mr. Vigliotti stated I have a question.

Chairman Cosentino stated go ahead.

Mr. Vigliotti stated how many compact spaces do you currently have.

Mr. Petrero stated I believe it was actually 41, 41 compact spaces.

Mr. Vigliotti stated just as I recall in the past when we've had an opportunity to convert compact to regular spaces when an application was before us, we did. At some point this may be a consideration by this Board, so just, they were approved a number of years ago, you're back before us for the first time converting from office space to medical space which has a greater need of parking, so not only are we short 17 spaces, even though you have spaces that are out there not being used, you also have 41 compact parking spaces that at some point they need to be brought up to the current standard of the Village. I just want kind of place that in the record.

Mr. Ellman stated we understand, we understand your point, we have also reviewed the draft resolution.

Mr. Vigliotti stated okay.

Mr. Hertz stated Mr. Chairman.

Chairman Cosentino stated yes.

Mr. Hertz stated if I may, I don't have any essential issue with this as there does appear to be adequate parking on site for the current situation, my concern is really what happens as you know we move through in the next few years with this site and other things want to change or you get a higher utilization, how do we ensure that the site is going to continue to function properly and I guess one of my questions is you know, should there or could there be a condition in this that we and I don't want to make it anything that can't be enforceable or anything that onerous on the landlord but should we looking at future leases in here so that we're comfortable that they're compliant.

Chairman Cosentino stated well anything else that goes into that building, he has to come back...

Mr. Hertz stated any change of use but not anything that goes into the building.

Mr. Petrero stated any change of use.

Chairman Cosentino stated if he chooses to go more than medical than what he has now, he has to come back before this Board.

Mr. Ellman stated correct.

Mr. Hertz stated but I guess my point is, you know we have a general kind of parking calculation, that's based on an office but there are lots of variance within what happens in an office, you could have a very busy office with lot of clients, you could have a very static office with a much larger layout between employees, different utilization therefore different car counts. You know we're, I'm sure you know the applicant wants to make his site work as well as can be and it's our function to make sure that those sites comply as well possible, we're going on, you know a car count that has been provided that's current but there could be without changes of use happening, there could be compliant usage that we would never see that could possibly result in a much different view of what that parking looks like down the line.

Mr. Ellman stated Mr. Hertz, I might just bring one thing, before about 3 years ago, we had the County Department of Health in that space and that is as intensive a use, they were packed in there like sardines and most of them had two cars because they would drive their personal car, leave it, take the county car out and when they came back into the office, each employee that two cars. The building at that time was full and we never had a parking shortage. I understand your concern and we'll certainly address it, the one thing we have considered in the past, just if it became important, the gas station across, Barger, across the street from the parking lot does rent monthly spaces and we would not be adverse in doing that, it would be something that we would, you know to keep...

Chairman Cosentino stated you said the parking lot across the street.

Mr. Ellman stated the gas station.

Chairman Cosentino stated he rents spaces.

Mr. Mareschi stated the gas station on the corner.

Mr. Vigliotti stated it's the former Mobil, it's now...

Mr. Mareschi stated Simone.

Mr. Ellman stated I don't know.

Chairman Cosentino stated he rents parking spaces out.

Mr. Ellman stated I believe he does, there are cars parked there all the time.

Mr. Mareschi stated that's actually good to know.

Mr. Ellman stated there are cars parked there all the time.

Chairman Cosentino stated from your place.

Mr. Ellman stated no.

Mr. Mareschi stated no he rents spots to other...

Mr. Hertz stated okay so I guess my question, I sort of throw it open to everyone, are we comfortable that the condition that any change, that it's only a change of use that would trigger anything coming back to us, we feel that's an adequate safeguard for...

Mr. Vigliotti stated the point that you make though is interesting which is if we're allowing the 17 spaces, the 17 space shortfall, typically we would not, if you were leasing another 3,000 general spaces have you come back before us, it would be general business to general business but under the circumstances it may require you and it's something that we do need to talk about to ensure that we gave, there is a shortfall and



whether the next business coming in is going to add even a greater shortfall but not have any, not come before this Board to review it.

Mr. Ellman stated I understand your concern, there is only one issue from our perspective in that when you get a letter of intent signed with a tenant, they have move in dates and you go right to the lease and you want to get them in, not only because it's rent commencement but to prevent your highly regarding from poaching, you know if we had to spend a couple of months before we could sign the lease.

Mr. Vigliotti stated I guess a question maybe for the Building Inspector then would be if there is a vacancy of, hypothetically 3,000 square feet of general office space, John does that need to go before your department at all.

John Landi stated no, only if it is a change of use or they're doing a build out.

Mr. Ellman stated well we will be doing a build out in any case certainly.

Mr. Vigliotti stated so I guess that question is, or my statement is if it doesn't come before us because it doesn't have to under the circumstances of the shortfall and I think what Doug is saying that whatever goes into the next 5,000 square feet perhaps needs to have a closer look at it, it may be your department, I don't know.

John Landi stated well we would look at it I mean only if it comes in for a build out. If they don't do a build out and they don't need any building permits, then I have no authority to look at it, as long as it's not a change of use.

Chairman Cosentino stated when you're saying build out...

Mr. Ellman stated something that requires a building permit and we have...

Chairman Cosentino stated but you're using the term build out, do you mean...

Mr. Hertz stated any change in...

Chairman Cosentino stated fine, I just want to make that very clear for the minutes.

Mr. Ellman stated we have demolished everything but the perimeter offices in there and so you...

John Landi stated any rebuild would have to come back to me for a permit and inspections in which...

Mr. Ellman stated they're not built out and usable with paint and carpet.

Chairman Cosentino stated we're talking about the footprint.

Mr. Hertz stated so does that, do we feel that, would a cursory look by the Building Department to determine if you felt that there was, would be a substantial impact on the parking.

John Landi stated that's one of our reviews when we're reviewing the plans Rob will look at the parking analysis.

Mr. Mareschi stated is a medical use one office, is one doctor in particular or is it all separate doctors.

Mr. Ellman stated we don't have a tenant.

Mr. Mareschi stated oh okay.

Mr. Ellman stated we haven't marketed the space for medical use until we had the approval.

Mr. Mareschi stated so it could two or three doctors, maybe.

Chairman Cosentino stated it could be five or six.

Mr. Vigliotti stated that's forthright of you, most would do it the other way, they have a tenant then they come in.

Whitney Singleton stated Ralph, he disclosed that on day one and I think...

Mr. Ellman stated I am a recovering lawyer.

Chairman Cosentino stated and his wife is an active lawyer.

Mr. Ellman stated very active lawyer.

Mr. Mareschi stated well good luck.

Mr. Hertz stated while I appreciate the approach and we obviously want to make, I certainly understand, we don't want to put road blocks in your way to making this successful, so it sounds like we have adequate safeguards in place because there will be a build out, we'll come to you, you will have a chance to look at this and if you feel, so what is the trigger if you feel that there will be significant parking impacts.

John Landi stated we're just going to look at it, there's not much I could do about it, all I can do is look at it.

Mr. Hertz stated so can we put in the condition that if the Building Department feels that because of this and the fact there is a minus seventeen, a seventeen parking space deficit, if in the Building Department's opinion, it may not work well that it comes back to the Planning Board.

Chairman Cosentino stated it would have to come back to the Planning Board.

Whitney Singleton stated you're talking about if a permitted, already authorized use comes into to occupy that space, first of all you're going to have a build out that's not necessarily going to let the Building Inspector know what the level of activity is, you can have anything from a call center to you know two lawyers sitting in that space and that goes not only for that space, it goes for anything else in the building.

Mr. Hertz stated I understand, I understand.

Whitney Singleton stated so I think you're getting a little bit on a slippery slope, I think the protection that you have Doug is this, is that in the event, beyond the fact that there's been a demonstrated excess, irrespective of what our parking requirements are in the Code, based upon the demonstrated excess that is on the site, coupled with the fact that there is no capacity for people to go to on-street parking or park on adjoining lots makes it fall squarely within the property owner or landlords purview to make sure that he's renting out to reasonable mix of uses because if they can't go there, they're not going to rent there if they can't get a parking spot and while the seventeen may be a large amount, the reality is it's only a twelve space increase over what was there and that there were several dozen Board of Health vehicles there previously that seemed to operate without a problem and I understand that the concern that you have for precedent and everything else but for this particular use at this particular site, that's why the Planning Board is entertaining this on a qualified basis for only a limited number of square feet.

Mr. Hertz stated so I would like to be very clear that this is for this site specific, this specific site with its specific history has demonstrated that there is a surplus of parking and can accommodate it.

Mr. Ellman stated we have submitted diagrams showing the precise location and numbers of square feet that we're requesting this variance for.

Chairman Cosentino stated Ralph, does that answer, does that satisfy your...

Mr. Vigliotti stated the conversation is an important conversation to have.

Chairman Cosentino stated well we had the conversation, it's good.

John Landi stated I want the Board to understand, I mean even though we have no authority we do look at the parking; Rob looks at every aspect of the building.

Chairman Cosentino stated well I think the Building Department as a whole looks at the...

Mr. Landi stated correct, yeah I mean...

Chairman Cosentino stated under your jurisdiction, it goes under your jurisdiction.

Mr. Landi stated its part of our review process is to look at the parking, whether we can do anything about it or not, at least we're looking at it.

Chairman Cosentino stated right.

Mr. Vigliotti stated we've aired our concerns and at least you have an understanding of where we're coming from.

Mr. Ellman stated we understand your concerns and we share them.

Mr. Vigliotti stated sure, great.

Mr. Ellman stated because if we put a tenancy in there where our tenants can't park, the tenants are going to move in droves.

Chairman Cosentino stated tell me something, are you related to Ellman over here.

Mr. Ellman stated no, I don't know which Ellman is here but I don't have relatives here.

Chairman Cosentino stated oh, I was just going to tell you to fix the building, that's why we didn't vote on it, I had to get that very clear, it's the tire place. We have a resolution here...

Mr. Grunthal stated Mr. Chairman, may I just make one point.

Chairman Cosentino stated yes, absolutely.

Mr. Grunthal stated I'm not unhappy with this, I'm fine with this and I think it's, I'm going to vote yes on the resolution but I do want to raise one matter of concern, this is the second case in two meetings where we have a traffic study based on only one or two readings and I believe that this could be really misleading, I really believe that traffic studies must have readings of existing parking on several occasions, not just one or two, now in this case the higher number was used for the calculations for a whole numbers of reasons it was fine but I would just like to voice my concern and maybe Mr. Landi and our consultants can hear this and take a counter if they want to, I'd like to see traffic studies where several readings are taken, we had a case in front of us a couple of weeks ago, which had a reading of such and such, on such and such a day in the summer, every time I've driven by that place, I went into that parking lot and I counted the cars and it was very variable and on average much higher than the one reading we go, so I just wanted to know, I'd like us to be more...

Chairman Cosentino stated absolutely, we can talk about that.

Mr. Grunthal stated more concerned about this traffic studies.

Chairman Cosentino stated something we should talk about, we'll talk about it. Okay, we have a resolution here.

Mr. Mareschi stated I'll make a motion Chairman, amended site plan, a change of use 118 North Bedford Road, section 69.74 block 2, lot 1, application number PB2014-0273.

Chairman Cosentino stated okay, Mr. Mareschi, do we have a second.

Mr. Vigliotti stated I'll second.

Chairman Cosentino stated Mr. Vigliotti on the second, on the question, will the Secretary.

Mr. Bernstein stated one moment, I didn't hear the entire, what is this for, to accept the...

Chairman Cosentino stated the resolution for the change of use on...

Mr. Mareschi stated change of use.

Mr. Bernstein stated doesn't this require a...

Chairman Cosentino stated I think you're going to have to abstain on this.

Mr. Bernstein stated doesn't this space require a negative, declaration of negative, positive declaration of...

Whitney Singleton stated it's a type II action.

Mr. Bernstein stated it's done.

Whitney Singleton stated no, it's a type II action.

Mr. Bernstein stated it's a type II action and okay, okay.

Chairman Cosentino stated Stan would you want to abstain on this being that you weren't here for the.

Whitney Singleton stated I'm sorry Stan...

Jan Johannessen stated they did submit a short EAF in this resolution.

Mr. Bernstein stated they submitted a short EAF, we have to declare lead agency and we have to declare...

Jan Johannessen stated it's an unlisted action under SEQRA, the Board has the option to do a coordinated or an uncoordinated review, there is no other agency that's involved...

Mr. Bernstein stated no.

Jan Johannessen stated so there's no reason to do a coordinated review so this resolution adopts the negative declaration within it.

Mr. Bernstein stated alright.

Chairman Cosentino stated Stan, do you want to abstain on this since you...

Mr. Bernstein stated I think because I'm not that familiar with the...

Upon Roll Call Vote:

Mr. Mareschi	-	aye
Mr. Vigliotti	-	aye
Mr. Bernstein	-	abstain
Mr. Gibbons	-	aye
Mr. Hertz	-	aye
Mr. Grunthal	-	aye
Chairman Cosentino	-	aye

The motion carried by a vote of 6 to 0.

Mr. Ellman stated gentlemen, thank you very much.

Mr. Hertz stated thank you, good luck.

Mr. Ellman stated my pleasure to appear and thank you for your cooperation.

### **Correspondence**

Chairman Cosentino stated okay and under correspondence we have two, the Planning Board schedule and the Metropolitan Transportation Council, we've read that.

The Secretary stated if you could talk about your schedule, you have to adopt it for next year.

Chairman Cosentino stated well I think it's great, you did a wonderful job on it Michelle.

The Secretary stated thank you very much Chairman.

Chairman Cosentino stated I know you've been working very hard on this, I know John, he's not whipping you, is he.

The Secretary stated I'm sorry.

Chairman Cosentino stated John's not whipping you is he, to get this all done.

The Secretary stated not at all.

Chairman Cosentino stated thank you too John.

John Landi stated Mr. Chairman, I did nothing, Michelle did it all, sir.

Chairman Cosentino stated well we have a schedule here, do we want to adopt it, I looked at it, I don't have a problem with it.

Mr. Hertz stated so I'm just curious about one...

Mr. Mareschi stated first meeting is January 27<sup>th</sup> Michelle.

The Secretary stated yeah.

Mr. Mareschi stated fine.

Mr. Hertz stated so there's no early January meeting.

The Secretary stated no, there is not.

Chairman Cosentino stated no.

Mr. Hertz stated and there is a single July and a single August.

The Secretary stated which is what your general schedule is and you'll have a single December just like you will this year.

Mr. Hertz stated right, so same thing early July, and August.

The Secretary stated absolutely, I wanted to stay with what you had and in speaking with the Chairman to have one late January meeting.

Chairman Cosentino stated right because people are going away on.

Mr. Hertz stated yup, no, no, no arguments.

Chairman Cosentino stated does anybody want to, do we want to adopt this, I'll make the motion that we adopt it, Mr. Gibbons seconded the motion.

Mr. Gibbons stated I did.

Chairman Cosentino asked for all in favor.

The motion carried by a vote of 7 to 0.

Chairman Cosentino stated thank you Michelle and John.

The Secretary stated you are all very welcome.

Mr. Mareschi stated thank you Michelle.

Mr. Hertz stated Michelle, can you circulate that electronically.

The Secretary stated via email, absolutely.

Chairman Cosentino stated did I tell you.

Whitney Singleton stated motion to close.

Chairman Cosentino stated motion to close.

Mr. Mareschi stated yes sir counsel.

Whitney Singleton stated are you closed.

Chairman Cosentino stated yes the meetings closed.

The Secretary stated Joe, you want to hit it.

The meeting adjourned at 8:30 p.m.