

Minutes of Meeting of the Planning Board
Village/Town of Mount Kisco
Tuesday, April 14, 2015

Chairman Cosentino called the meeting to order at 7:55 pm in the Municipal Building.

Members Present: Chairman Joseph Cosentino
Vice Chairman Anthony Sturniolo
Ralph Vigliotti
Enrico Mareschi
Sol Gibbons
Doug Hertz (Arrived at 8:02 pm)

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

Chairman Cosentino led the Pledge of Allegiance.

Chairman Cosentino stated this is Tuesday April 14th Planning Board meeting for the record. We have minutes, do we have the quorum for this. Yes we do. These are the minutes for November 12th. Okay, we have motion.

Mr. Sturniolo stated Mr. Chairman I will make a motion that we approve the minutes of November 12th.

Mr. Mareschi stated Chairman, I'll second that.

Upon Roll Call Vote:

Mr. Sturniolo	-	aye
Mr. Mareschi	-	aye
Mr. Gibbons	-	aye
Mr. Vigliotti	-	abstain
Chairman Cosentino	-	aye

The motion carried by a vote of 5 to 0.

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

Chairman Cosentino stated okay the first thing is a public hearing for Towne Bus Corp. 343 North Bedford Road. Do we have a sign-in, is there anybody here for or against this, it's a public hearing, nobody in the room. Mr. Martabano, do you?

Mr. Martabano stated we're here for the applicant your honor. If there no one to speak then I don't think we should make any presentation this point in time, since the Board is very familiar with the site or planning to do with it.

Chairman Cosentino stated I think that we may have some questions.

Mr. Martabano stated certainly I would love to answer them. Would you like to open the public hearing in any event.

Chairman Cosentino stated I think we're just open it and close it for a 10 day written notice.

Mr. Martabano stated thank you, we appreciate that.

Chairman Cosentino stated how does the Board feel about this we'll close the public hearing and leave it open for a 10 days written comment, anybody want to make that motion.

Mr. Sturniolo stated Mr. Chairman that we make a motion that we close the public hearing and keep it open for a 10 day written comment.

Mr. Mareschi stated Chairman I'll second that

Board Member: Will the Secretary call the aboard on a question. Will the Secretary call the Board.

Upon Roll Call Vote:

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

The motion carried by a vote of 5 to 0.

Chairman Cosentino stated okay there are some things that we just want to bring up, know how the Board feels and we just have a couple of comments. Charlie on, you've written to the State.

Mr. Martabano stated we have an update on that, Mr. Chairman, if you'd like we have an update on that.

Chairman Cosentino stated yes, we just want to go through this and know what the update is.

Mr. Martabano stated I will let Diego speak to that.

Mr. Villareale stated for the record Diego Villareale with John Meyer Consulting. So after the last meeting we did immediately reach out to the state DOT and initiated some conversation went back and forth with them on the possibilities of making some modifications to that center line along North Bedford Road. About two weeks ago we made a formal application to them provided them with a plan a showing that lane shift occurring and gave them opportunity to send it up to the Poughkeepsie office and review it with their traffic division and their safety operations. We received some information back just via email last week, basically in short concluding that the State is not going to permit the shifting of that double yellow line. What we're proposing with that shifting with the double yellow line was to create that left turn bypass as you suggested. A lot of left turn bypass lane is nonstandard DOT practice, it's not something that is typically approved or conventionally approved. So to approve anything that is not standard you have a whole list of criteria that you need to provide, the benefit of it, who is it for, what is the benefit and they need to make sure that the benefit of the change is going to outweigh the detriment or the negatives that are associated with that. And in their position and their response back to us, they felt that the shifting of the double yellow line is not warranted in this case, because of the low volumes that are expected at this facility. So they wouldn't see that as being a positive. So they did provide to that nature; which we can provide to the Board of course. What they did say very specifically in their email was what could typically be considered in this case is a full left turn lane down the center of the roadway. That would be more of a typical that they would do, but they went one step further and said again, because of the low volumes that are anticipated here it is not warranted, so they don't see that being permitted.

Mr. Sturniolo stated excuse me can you repeat what you just said

Mr. Villareale stated right now North Bedford Road in this area, so that double yellow line runs pretty much right down the center of the roadway. Originally we were proposing in the drawing that we sent to them showed shifting of that double yellow line, west, a few feet, approximately 3', which was to provide enough distance on that now north bound lane, where if a vehicle was waiting to make the left turn into the driveway, there was enough room to another vehicle to bypass that waiting vehicle. With the bus maneuvers and how when a bus makes that left-hand turn, the back of the bus kicks out slightly, and with the limited space there, they just did not feel it was appropriate especially with the low amount of volume that is expected and the timing of how these buses will be fueled. Early in the morning, late at night, whatever it maybe it's not during peak hours on the roadway. So DOT specifically said no to this nonstandard practice. We also looked at the second option and discussed this with them where similar to what you have north of the site, you have a two-way left turn lane that runs right down the center of the roadway. In this case saying, DOT said that is something that they would entertain, but again in this case, because of the low volumes that are expected with this facility, they didn't feel it was warranted. What their conclusion with this essential was that they would permit left turns into this facility. However there was one caveat that they would want to monitor the operations and if there any concerns did develop they would have the ability to prohibit the left turn in the future. That's the way the email chain went back and forth.

Chairman Cosentino stated obviously they're concerned.

Mr. Villareale stated they are, but again it comes down to the really the traffic generation associated with this use and the timing of the traffic generation associated with this use. With the commitments being off-peak hours for fueling, with the limited amount of bus fueling, deliveries and service, the amount of traffic generated just does not warrant a left turn lane.

Chairman Cosentino stated the most of the fueling will be coming from the north anyway.

Mr. Martabano stated I think half and half is what we said depending upon the timing, but all the fueling is off-peak, all of it.

Mr. Villareale stated that is why we ended up having the email, I can forward the last email.

Mr. Martabano stated we did fall through exactly on your suggestion Ralph. We had a diagram attached to it. As I remember I know that it was Ralph's suggestion and we follow up on it and we can provide the email chain to you for the record just like you said, no problem at all.

Chairman Cosentino stated how are we doing with ZBA.

Mr. Martabano stated we're on before them on next Tuesday night, one week from tonight, I think that they were asking for some feedback from you. I think that you are either are in the process of providing it or did provide it, so we will see what happens when we go there, it is just a briefly to adopt a resolution.

Chairman Cosentino stated okay the Board also asked for a limitation or limited to Bedford Central School District and however we want to handle that.

Mr. Martabano stated that was obviously discussed. I think we discussed that at the last Board meeting. My position is really kind of straightforward that I think that I can't remember anytime this Board has imposed any such condition when you go into the level of the details of someone's operation to that extent, and if you think about that, it is very in my opinion, a very dangerous proposition, take a look at it from this point of view. We are going to tear this building down. We are going to construct a brand new building put in a significant investment in, if you go to bank in a normal circumstances and you see this type of limitation that your approval is limited to a contract with the school district, I don't know what bank is going to finance it. I am not saying that this applicant is going to fight this or not. I'm saying if you look at that type of condition, I'm not sure what the reason for it would be because quite frankly I think if we had a different, let's say we had a situation where we got a district to the north. This is just not for the record, but Somers or North Salem or something, maybe the turning would be toward that it would not be in Mount Kisco, yes you will still come in for the fueling, but my point is simple, you have so many conditions in your conditional negative declaration as to when we can fuel buses okay, when we can fuel vans, you have so many limiting conditions on the site, this is like what is it necessary for. So we would have a real significant problem with that, not that we're looking at them, we're happy servicing the Bedford Central School District but the question was asked early on before this Board as whether we would be servicing other districts and the response was we do not know, it could be probably a district close by but tying an approval to a specific contract.

Chairman Cosentino stated I am following through the Board did ask for that. I for one and I'm sure the Board, even if we impose that, you have to have the right to come back before to this board, even if you purchased another company that you say, I purchased another company, and we would like to start the fueling there, and you come back before this Board and like everything else is going to be monitored I would agree with you, I'm not going to disagree with you, because I know what you are going to say okay. I'm going to agree with you.

Mr. Hertz stated I'm going to take a rare moment and agree with Charlie. I think what we want to do is put conditions on the site that make the site functional, and while obviously our bias would be towards servicing our own community. I think the contractual requirement if they service our own community is a difficult one, and I am not sure that we really would even have legal standing to do that assuming this is voluntary conditions, whatever, but I think what we want to do is provide site conditions and site restrictions such as the site functions no matter who the client is. Obviously it makes sense for them as a company to work as locally as possible, because they don't want to ship their buses 50 miles to get gas but that being said I am all for limiting the use of the site to the type of uses we've done the type of the timing and all these other things, but the specific name on the contract I think is.

Mr. Vigliotti stated I think that you have indicated that a condition placed in our resolution that if Towne Bus wants to entertain, down the road, bringing in another school district whether it be a huge a school district with lots of buses or something very small that they come before us, so we can analyze whether the site can handle another bus company and it also provides this opportunity to see how well the establishment

and the business is handling the current contract for Bedford Central Schools. They are applying to this ZBA for a number of permits, and I think we have to go slowly because those permits are not outright permits. I think it provides an opportunity in our resolution that we have provided an opportunity for Towne Bus to comeback and whether it be three month, six months, five years, another board, another time to say things are working just great, it has work great for last three years, we would like to bring on another bus company, and this is our new business plan to prepare for the new bus company and to regulate the amount traffic coming through Mount Kisco, and we've been a good business and we would like to move forward with another bus company. We may find that while we hope they will be a good business, and I am for one I believe they will be, but we don't know, we do not know what the future may hold.

Mr. Hertz stated Ralph, I am not suggesting that we change their ability to add more buses to the site or more whatever, it is just if the contract shifted to the Chappaqua schools versus the Bedford schools, you know.

Mr. Vigliotti stated well a shift is easy, easier than an add on.

Mr. Hertz stated right and that's all I'm saying is, I don't know that we should restricting who they did business with, we should be restricting how they do business. The number of buses on sit per hour, then things that we have very carefully limited, you know, within these conditions

Mr. Martabano stated if I can address what Ralph is saying, if what you are saying and I hope I am interpreting you correctly, is that if we wanted to change these enumerate conditions of which there are eight already that we talked about that you included in you CND and instead of , I'm making this completely up okay. Instead of saying that we will limit the number of vehicles we service or inspected to 12 then the bus company wanted to make that 18, we do have to come back to you, because these conditions are already imposed as part of your CND and I presume you're going to put these conditions on the approval which we all talked about which were very good, so if that your concern we would have to, if we're going to increase the intensity of use at that site and we are going to be honest and forthright and tell you, oh we just I picked up, I don't know whatever school district. We do have to come back to you and we have to modify those conditions.

Mr. Vigliotti stated it would be not that we picked up, we are anticipating bringing on a new business, this is the number of buses that we would like to service and then the Village as a whole says well we've had some issues at the site because the buses aren't following the guidelines that were proposed two years ago, this is moment from us to reestablish some new guidelines. I think it is fair that early on I have said this I am almost tired of hearing myself. We went with a negative dec. based on one bus company and we move forward and it will be an opportunity if it's in writing, in resolution that if you want to go with another bus company and add-on to the business plan that will bring on more traffic, more left-hand turns, more buses in and out that it discussed by the Planning Board, it may not be this Board it maybe another Planning Board. I think that fair and reasonable.

Mr. Martabano stated I think if we are going to do something whereby we think that we need to modify these conditions, because we are contemplating taking on a bus company. We have to come back to you that's a new resolution, if you thought these conditions that is part of the resolution anyway, so I do not have any problems with what you're saying to that regard.

Chairman Cosentino stated Sol, do you want to add anything

Mr. Gibbons stated I think what he says makes sense absolutely, they're limited to number of buses that can be serviced.

Mr. Mareschi stated so if you do get somebody they will come back to us anyway.

Mr. Martabano stated if we need to change these conditions come back to you and I think Ralph's point is, we should do it as early as we are contemplating doing something, if we're going change something, come in as early as possible. I have no problem with doing that.

Mr. Vigliotti stated referring to our attorney with regard to legally, how should we move forward on this.

Mr. Sturniolo stated in hearing everybody discussing this, I am of in the opinion that limiting it to the bus company that we know off, is important, and I would not like to see it opened up prematurely to another company coming in. You countered that by saying, but if we were going to do something else we got to come back to you and it will say it in the resolution of approval. I realize that, but I also worried about the additional traffic load that the other bus company could generate and when you mix it all together candidly, I've never been in favor in general of this concept the usage of renovating the building but putting that

aside, because it is not of importance now but what is important to me now is to see how this can work the way we envision it now, between now and an expansion if you're another bus company. Your company Towne Bus could be sold, granted the conditions of approval carryover with the new person coming in, you're somewhat covered on that respect, because it goes with the property and the particular owner of the property at this point. Anyway to round it up as Mr. Vigliotti said, he did not say these words, but I think it is too risky to enter into something at this time, and I would like to see it left alone with the way you are, we've been travelling with it.

Chairman Cosentino stated it is true what he just said you have to come back anyway. I think this is what Ralph wants and he said at the beginning and to modify the condition. I think the Board is in favor of having you come back if something else is purchased and you know the way we are, we are not going to hurt you.

Mr. Martabano stated never thought of that.

Chairman Cosentino stated and if it works good, it is going to happen. So I think Mr. Vigliotti is right in a way and think Enrico is right, try it, see it if you have something just come back, of course. I do not want to see you lose to the resolution or we vote against the resolution because of that one item and the one I'm hearing over here is that, let us move forward and get a resolution on it with that in it.

Mr. Martabano stated let's see what language Whitney comes up with and we'll talk about it in the next meeting

Chairman Cosentino stated exactly, I would like to get the resolution going. They've been waiting long enough.

Mr. Martabano stated me too.

Mr. Mareschi stated thanks Charlie.

Mr. Martabano stated thanks, we'll see you at the next meeting.

Chairman Cosentino stated the next thing is the Hearth, Whitney, they are not.

Mr. Singleton stated the Hearth has asked to be put off for this meeting they are in receipt of our Engineer's memo and our Planner's memo and there was insignificant time for them to respond.

**b. South Moger LLC – 12-20 S. Moger Avenue (Former Burger Joint)
PB2015-0297, 69.81-1-5
Site Plan**

Mr. Rich Williams, Jr., of Insite Engineering and Mr. Marc Lapointe were present to represent the application.

Chairman Cosentino stated okay thank you Whitney. South Moger LLC 12-20 South Moger Avenue, former Burger Joint.

Rich Williams stated good evening. For the record, Rich Williams, Insite Engineering, with me this evening is Marc La Pointe, Friedland Properties, as well as representatives of the Turk LLC, who are the perspective or new occupants of the former Burger Joint. We've made a resubmission to the Board, I think the applicants read your comments loud and clear, part of your submission package includes of a revised façade which matches that of Peoples Bank which is exactly what you asked for. The submission was also made to the ARB, they are on tomorrow night's agenda the lettering for Subway and Rose Garden is going to be revised to comport with the ARB's comprehensive sign package, which is the pin mounted lettering and gooseneck lighting. So I think with respect to the façade and signage, we heard your comments loud and clear. With respect to the street tress the applicant has agreed to evaluate the trees by having a registered landscape architect look after they leaf out and reviewing status to the trees with the Village Planner and should they need to be replaced, they will replace them if necessary.

Chairman Cosentino stated on the trees, Jan, you are going to be on top of that I guess.

Jan Johannessen stated yes.

Chairman Cosentino stated I would like to see something nice there. Also I think this Board should write a strong letter to the ARB. I think the whole front of the building should be done with to look alike, not just the two places.

Rich Williams stated so would have People's Bank match.

Chairman Cosentino stated everything from the street façade, the whole front of the building. I like to make a strong recommendation, this Board to make a strong recommendation to the ARB requesting that. I just think it's chopped off, you have the two stores with something nice and then all of a sudden it goes back to the 1950s.

Mr. Mareschi stated the whole corner, the whole side, it all matched up.

Rich Williams stated and I think the owner agrees and I think that's what they're proposing.

Chairman Cosentino stated they're not proposing it.

Rich Williams stated maybe I misunderstood, we have Rose Garden.

Chairman Cosentino stated you're saying the whole front is going to look the same.

Rich Williams stated Rose Garden and Subway are going to be...

Chairman Cosentino stated that's not what we say.

Rich Williams stated and I actually do not have the rendering with me this evening. The idea is to have Subway and the Rose Garden match People's Bank with the same façade and lettering.

Mr. Vigliotti stated that is not what we saw though.

Rich Williams stated that is not what we presented last time.

Chairman Cosentino stated this is what we want.

Rich Williams stated and we heard you and the submission package we put together.

Chairman Cosentino stated I didn't see it, this Board didn't see it.

Rich Williams stated it's a simple rendering and you know the idea is to have this façade match, this façade to match Subway to match the Peoples Bank and then you have the center brick.

Mr. Vigliotti stated if they were to match then the brick should continue across, if I can point it out here, we can have this façade is this type of molding or façade at the top. You see the brick here, this brick should continue all the across at the least, in an effort to make it look as though it is like the People's Bank, this piece should continue all the way across this is the time to do it. You have a similar look on the Chase Bank, is that Chase here.

Rich Williams stated that's a parapet wall, its basically just a dummy vertical wall.

Mr. Vigliotti stated the upper trim here what is that that refer to as, it should continue all the way across from here, at the minimum this brick if you can do it right should continue all the way across and it is just not uniform.

Rich Williams stated I think doing the brick, I'm going to have Mark come here just because I don't want to spend his money, but I think doing the brick across is more of a simple thing to accommodate constructing this brick parapet wall across the whole frontage, you are going to get into issues when you hit Burger Joint, how far you extend it around. Do you just stop a vertical wall, at the Burger Joint, but all of a sudden you have this brick wall that's now tall, because what happens is this parapet wall sticks up quite a bit and then steps down, these are still parapet walls, but they're lower reveal, so when you get to the Burger Joint you don't see the sign of Subway, all of a sudden you will have this vertical wall sticking up.

Mr. Vigliotti stated well the question is do you continue that vertical wall. I think what you have needs to be reevaluated.

Mr. Mareschi stated it starts from here, goes all the way around.

Chairman Cosentino stated I think what we originally wanted was something that looked uniform, this is not uniform.

Rich Williams stated I apologize if we missed the mark.

Chairman Cosentino stated I know you can do something better with this, I know you can.

Mr. Sturniolo stated a moment ago you just heard the word uniform, we are not advocating it to look like a strip mall, cookie cutter operation, just change the sign it is now a jewelry store or pizza place or anything but we are looking for continuity which is the big thing. Having continuity would give it a nicer look I believe in up and down changes or façade changes and to me the façade of the building is also below the whole signage area, all along in here where you had the glass and that would also have to match one another, same type of window treatment.

Rich Williams stated one thing I just, maybe this is our misunderstanding when we were here last time we heard about it clear that you like to look of the brick of iFix and People's Bank and matching that would be an acceptable the solution and that's something under the guise of what this is which is rectifying the site place, we can do, it will cost money, it will not cost, it would cost a good penny, but we are now into reconstructing an entire store front, an entire building front, you know when you start talking about replacing glass and frontages out of windows, you start talking about taking down these parapet walls basically just reconstructing them, the you know the scope has gone from seemingly simple to pretty expensive and broad.

Chairman Cosentino stated but it will look nice.

Rich Williams stated yes but at what cost.

Mr. Mareschi stated we like the signage

Mr. Sturniolo stated I can't as one individual approve something when I know you could do so much better because we are discussing what so much better is right now.

Rich Williams stated somebody has got to pay for the so much better, it doesn't come for free.

Mr. Vigliotti stated we are finding so many façade changes, many of the store fronts go back the fifties as applicants are coming before us they are being encouraged and are changing the store fronts to lead the next generation of shoppers. We still, except People's Bank it has a nice look, it looks like Mount Kisco back in the sixties, we haven't changed, I mean it is on South Moger Avenue which is main shopping thoroughfare of the Village. This is just that opportunity to take a property and enhance it and make it valuable. We see with Mount Kisco Sports you know they are changing the façade of the new building that they are moving into, we see with the fruit and vegetable store, they are changing their façade, we see Belizzi is changing their façade too, to make it user friendly, more window space, not saying that you need more window space, as one member, but I happen to agree with Mr. Sturniolo, this is the time to do it because it could be another 10 years or 15 years before you come back before us and it looks terrible right now you know.

Rich Williams stated which is why we've met the Board and said you know we are willing to come to the table and revise the façade, I just don't know that a whole frontage reconstruction is on the table.

Mr. Vigliotti stated I think you hear this, we don't think you are there yet, what you proposed is, you are not there yet.

Rich Williams stated just procedurally your Board writes a letter to the ARB and ultimately this the ARB's jurisdiction, is that how you process it.

Chairman Cosentino stated yes it is, we will write a very strong letter asking them to look into this and what we would like ultimately that something happens.

Jan Johannessen stated Rich, can you just give an overview of exactly what the proposal is for the façade, I know you don't have the rendering, just to clarify what you are proposing, are you proposing anything below the sign for Subway, see how the whitened brick column on the left side of the People's United Bank and the right side would there be a square column on the Subway side.

Rich Williams stated as of now, no.

Jan Johannessen stated but then you are going, the stucco treatment above the store front is currently being proposed to mimic People's United Bank, just without the brick band.

Mr. La Pointe stated there is an existing façade behind the awning and there is no existing brick there, so the idea was to put a fascia panel over the existing fascia and to duplicate the signage scheme that's previously been approved with the Architectural Review Board.

Jan Johannessen stated People's United Bank, is that stucco.

Mr. Lapointe stated I think it is a vinyl clad material that is the white framing.

Mr. Vigliotti stated are you proposing the same material, vinyl clad, same material as People's.

Jan Johannessen stated do you think it is feasible to do that and include a matching column.

Mr. Lapointe stated the issue about the columns, I guess it is hard to tell in the picture, but those are actually existing brick piers painted brown, I believe and then over at this side brick piers, if not brick then cementitious painted turquoise.

Jan Johannessen stated the columns on the left and right of Subway, I know they are kind of falling apart, you can see in the bottom left corner, the paint is removed, those columns on either side of Subway, need some attention of some sort.

Mr. La Pointe stated well it would be easy to maintenance on them I guess in terms of changing the configuration of the store front, both of these stores, the overall width including their partitions, is like 14', so when you take that away from those tenants, there really isn't much left in terms of exposure. I think just looking at in terms of a colonnade, certainly there's a strong colonnade at the People's Bank and uBreak, iFix but it already begins again at the restaurant, the Turk. I think we've had good definition in the terms of piers at the opposite end of Rose Garden and even the building next to it, so I think these very small boutique type tenants, they need the opening as much as possible and when their time comes to do a renovation, Rose Garden is basically you know on a month to month lease, she did her remodel in 1996, I believe Subway did theirs in '92. So basically, what I've gotten the tenants to agree to is I told them that we would go in and we would immediately remove their awnings and put up these new fascia's, I contacted the signage company who did the uBreak, iFix, he has sent me proposals for these signs, I've forwarded them to the tenants. I'm going to leave it to the tenants to do their own signage, I've even spoken to our contractor for our tenant here and asked him if he would be interested in performing this work immediately. So our intention was basically literally have this done within the next two to four weeks.

Mr. Sturniolo stated I'm not, I don't want to sound sarcastic or cute but the two to four weeks that you mentioned, the bottom line may not become the reality.

Mr. Lapointe stated our objective in terms of timing was in response to the Board. I mean, we could, it is not that I want to be cute and say we drag it out, I'm saying we would want to, but that's been, I mean when we submitted this proposal to the Architectural Review Board, it was the day after the last Planning Board meeting, you know few days later and we prepared this to be submitted to you immediately because the timing was such and we have our hearing with them tomorrow night, so I guess I would like to go through that process with them and see. Obviously, they went through the familiar with the building, they went, when it used to be, I guess it was Dansk before, the last time it was there, they did a nice remodel, we are watching them from an architectural perspective, I think I mentioned at the last Board meeting I would rather see if we had a hotshot boutique tenant that wanted to come in here and do something totally off the wall that would be the best thing that could happen this set of store fronts.

Chairman Cosentino stated well anyway how are we going to handle this, they are going before the ARB tomorrow night.

Whitney Singleton stated that's your Board's prerogative, what you'd like to do with it. I don't know if all the issues have been addressed, if you feel as though they've been addressed.

Mr. Williams stated can I ask the Board a question about maybe coming to a solution on this, I just don't want to jump and say if we were going to match this across the frontage, you have this arching brick pattern in here which focuses on the center point, would you want symmetry across the whole building, because then you would have to, I mean are we saying take all this brick down so that you have a uniform brick face or you want to see a bunch of arches, I mean I think a little more thought, to make the whole thing...

Chairman Cosentino stated I would like the ARB to put more thought into it, and to look at it.

Mr. Williams stated okay.

Chairman Cosentino stated Michelle do you go to the ARB?

The Secretary stated I do not.

John Landi stated I was going to say that I will be there tomorrow evening and I can express your concerns.

Chairman Cosentino stated would you just let them know that we as a Board are not happy with this, if they can come up with something.

John Landi stated I can even make some suggestions taken from what you have..

Chairman Cosentino stated maybe you can make some suggestions for what we've said. Let's do it that way right. Let them go before the ARB.

Mr. Williams stated there was a draft resolution prepared.

Chairman Cosentino stated I'm not going to vote on a draft resolution tonight until I see where this is going to go. Ralph, you wanted to...

Mr. Vigliotti stated I think we need to get past the ARB; our next meeting is the 24th.

Mr. Williams stated I just have two pleas to make.

Chairman Cosentino stated we would rather wait on a resolution to pass it, until we find out what the ARB has to say.

Mr. Hertz stated I don't think we want to vote on it, if there is some open issues within the resolution do we want to at least hear their comments.

Chairman Cosentino stated well you saw the resolution, haven't you.

Mr. Williams stated I did, the plea we have is the tenant is going to be in a position to file for a CO in two weeks, you know I understand that's not this Board's problem but the Building Department can't act on the CO until a site plan is filed, my question for this Board is, if ultimately the façade is an ARB issue and this is, you know we want to work with this Board, it means vetting through some of these things tonight we are here to do it, because we need to get that tenant in, but we are kind of in a situation now if the Board doesn't act on this resolution we can't get the tenant in the building and we still have a vacant store front and what if the ARB by chance disagrees with this Board, not that I would say that would happen, then we have to wait and come back to you in a month and we are stuck in the middle.

Chairman Cosentino stated well they can't approve it unless we approve it.

John Landi stated Whitney, if you don't mind, Mr. Chair, if I can ask Whitney a question. Whitney, can they authorize me for a TCO, can the Planning Board authorize me to issue a TCO on the Turk Restaurant.

Whitney Singleton stated no because you don't have a site plan.

John Landi stated okay.

Mr. Vigliotti stated does the site plan include the façade or just the site itself? What are we missing on the site plan?

Whitney Singleton stated can I offer something. I don't think it is clear, maybe it is not clear to me, is it clear to the board what is being proposed for the balance of the facade in front of Subway and the jewelry store, cause I don't know if that that's clear to you guys.

Chairman Cosentino stated I don't understand the question.

Whitney Singleton stated do you want to have the architect, since you don't have a set of plans in front of you, demonstrate to you what the proposal is before the ARB by going through the existing site, do you want to show them what it is that's being proposed?

Chairman Cosentino stated through the ARB, that is what they approved right?

Mr. Williams stated no, this is what was in your submission package, I think Whitney is just suggesting that we go through and make very clear of what we are proposing as far as façade changes.

Chairman Cosentino stated this is what is there now.

Mr. Williams stated that is what there now we have the awning in front of Rose Garden we have the green columns, we have the painted plywood fascia and awning in front of Subway you have this single brick façade and then you have the two what we believe to be our vinyl clad, trimmed out fascia in front of uBreak, iFix and People's Bank, both with pin mounted lettering and gooseneck lighting, which...

Chairman Cosentino stated so these are all coming down.

Mr. Williams stated on the Burger Joint, the awnings are all coming down.

Mr. Lapointe stated the Turk has gone to the Architecture Review Board and they have gotten approval on their store front treatments there.

Chairman Cosentino stated when did they get approval?

Unknown Speaker stated about a month ago.

Chairman Cosentino stated it goes through this Board before they have approval.

The Secretary stated they have a sign package so as long as they confirm to with the package.

Chairman Cosentino stated this is not a site...

Mr. Williams stated my understanding and its crude understanding because my sign package is adopted for property, the ARB process is a little different.

John Landi stated correct.

Mr. Williams stated and maybe John or Michelle can expand that but the idea being the ARB reviewed, the site as a whole and tenant change, they are just coming in and out.

Chairman Cosentino stated so the canopies are going to stay.

Mr. Williams stated I believe they are.

Mr. Lapointe stated at the Turk.

Chairman Cosentino stated that's what they approved, yeah.

Mr. Lapointe stated no, this is existing Turk, what they've proposed.

Chairman Cosentino stated you're not showing it here this is maybe what's throwing us off. You are only showing from here to here.

Mr. Williams stated correct.

Chairman Cosentino stated so now we are going to see the canopies, which I don't say is bad, but we are going to be seeing canopies and we're only dealing...

Mr. Hertz stated well what are we going to see.

Mr. Williams stated the reason why we only submitted from here down is the first meeting you get a very specific focus direction on, you didn't like from the Burger Joint over, it was Subway in Rose Garden that you want us to focus your attention to, that is why we did not give you rendering of all the sides of the building but I guess what Mr. Singleton was saying is we should kind walk you through what we are changing.

Chairman Cosentino stated the bottom line is this, Whitney, I don't want to stop anybody from opening up but are our hands tied if we do this, I mean is there a way where they can open up anything and open up their business and still get this done.

Whitney Singleton stated I think there is a resolution in your package tonight that deals with the site plan elements, you Board still has some concerns as to the overall general appearance of the property which there is historically some overlap between your Board and the ARB. I think what the applicant's trying to show is you what they are planning to demonstrate and achieve from it.

Chairman Cosentino stated do we make it a condition.

Mr. Singleton stated well you could certainly make it a condition that in the event that there's any alteration what is currently being proposed before the ARB, this application shall return this Board for further review.

Chairman Cosentino stated meanwhile they can open up.

Whitney Singleton stated yes, that's approving the resolution.

Chairman Cosentino stated its approving the resolution but with conditions.

Whitney Singleton stated you can say so long as the application before the ARB properly reflects A, B and C, whatever it is but you cannot have a site without being open up without a site plan approval.

Jan Johannessen stated Rich, is it impossible to run that bottom brick across Subway.

Mr. Hertz stated Joe, can I make a recommendation. We have two issues here that are related but unrelated, one of which is the is approving a site plan so that John can approve building permits so that they can open their restaurant which is not a contentious issue, there is no real questions about, what we are trying to do is beautify the facades while we have this opportunity. Whitney, is it possible to approve the site plan with the condition that they come back before us for these open issues of façade and that no final CO is given until all these issues are wrapped up.

Whitney Singleton stated no, you can't approved something to further approval, you can delegate discretionary acts by the engineer, by the planner, or by the Building Inspector but you can't approve subject to a further approval.

Chairman Cosentino stated but am I understanding right that the ARB approved this already.

John Landi stated they approved the sign package. They are going back, I believe to the ARB.

Mr. Sturniolo stated for what purpose though.

John Landi stated for this façade change.

Mr. Williams stated we needed to apply for the façade changes.

Mr. Sturniolo stated so they got the sign package approved.

Mr. Vigliotti stated I don't think the Planning Board is ready to move this to the ARB on the façade, I think we're moving too quickly.

John Landi stated they had a sign package to begin with, years ago, nothing to do with this. Now they're going in front of the ARB, just for the façade change.

Mr. Vigliotti stated I don't want them to stop from opening and giving you a temporary C.O. because you are willing to work with the Board on or open whatever conditions we need on the façade, tomorrow night's ARB meeting, I don't think we're prepared as a Planning Board to move this...

Chairman Cosentino stated the problem is if we don't approve the resolution, he has no site plan and he can't open up.

Mr. Vigliotti stated okay, yes so, do we need to move this or make a recommendation, do they need to go to the ARB tomorrow night, can we delay that one meeting.

Chairman Cosentino stated I think we're, you're right but we're going about it the wrong way. No matter what we do if we don't approve the resolution, there is no site plan, they can't open up. I would like them to open up but I don't know how to get around it.

Mr. Vigliotti stated I would too. On a second item, as one member of the Board, I am not prepared to move this with any recommendation to the ARB if that's a separate item. I don't think we're ready to move it, they may, I want to make sure they understand the façade change.

Chairman Cosentino stated we have no control on what the ARB does.

Mr. Vigliotti stated well we make recommendations and I'm not sure we're ready this evening for those recommendation.

Chairman Cosentino stated well they can go to the ARB tomorrow night and get everything approved.

Mr. Williams stated with all due respect, that's part of our concerns, we are here before you, willing to work with you, the first time we heard you but we need to know what you want.

Mr. Vigliotti stated well I think we shared some ideas this evening, however...

Chairman Cosentino stated I think you are asking for two things, Ralph. The problem is they are going before the ARB tomorrow night. The ARB, it's really their jurisdiction. They need to open up but they don't have a site plan and they need a site plan in order to open up. The only way they are going to get a site plan is to pass this resolution, am I correct counsel.

Whitney Singleton stated yes.

Chairman Cosentino stated to pass this resolution, I am asking for a way and I don't know how we are going to pass the resolutions so they have a site plan, but still open up with the condition that we talked to the ARB or send a letter to the ARB or whatever that we are concerned about the building that they are looking at, that is the issue, how we do that.

Jan Johannessen stated what was your anticipated CO issuance date.

Unknown Speaker stated about two weeks.

Jan Johannessen stated when is the next Planning Board meeting

The Secretary stated the 28th.

Jan Johannessen stated so, why don't you go to the ARB tomorrow, John will relay the Board's concerns and then you can appear back before to the Board on the 28th for a resolution.

Chairman Cosentino stated if you have something to say come up, identify yourself in a record please.

Mr. Zorlu stated my name is Geno, I'm the contractor for Turk's LLC

Chairman Cosentino stated okay, Gino. What is your last name.

Mr. Zorlu stated Z-O-R-L-U.

Chairman Cosentino stated you got that?

The Secretary stated yes, thank you.

Mr. Zorlu stated the reason that, if you do that if you wait another two weeks, I can't do any work in there, they'd have to wait another two weeks..

Jan Johannessen stated you have a building permit, the Board authorized John to issue a building permit for this project.

Mr. Zorlu stated inside, yes, not the exterior though.

Chairman Cosentino stated so you have a building permit, you can continue.

Mr. Zorlu stated yeah, I am working on it, that's what I am saying. It's going to take me another week or two to do the work on site.

Mr. Williams stated but you can get a C.O.

Mr. Zorlu stated I can't do the work outside.

Jan Johannessen stated is there work proposed on the outside of the Turk.

Mr. Zorlu stated yes.

Jan Johannessen stated why can't you do that work, so you can do all the outside work.

Mr. Williams stated when we met last month the restrictions were a building permit could be issued for interior work only, that was discussed at last month's meeting.

Chairman Cosentino stated what has to be done outside.

Mr. Zorlu stated its going to be all mahogany siding and the sign.

Jan Johannessen stated and the ARB approved that.

Mr. Zorlu stated yes.

Chairman Cosentino stated well since the ARB approved that already on that brick whatever they have to do there if they do it since it has been approved by the ARB.

Mr. Williams stated I just have one of thought maybe to propose as a way to solve this, I kind want to see what Counsel and Consultants have to say.

Chairman Cosentino stated I don't want to hurt the guy, I want him open up, you know.

Mr. Williams stated what about this guys, conditions are put on resolutions all the time that require us to come back, so if something changes, we need to come back, is there any way to.

Whitney Singleton stated this Board can issue a resolution of approval, as you frequently do, subject to certain changes being submitted, changes that are not per se to be reviewed by you but reviewed by staff so you're not issuing an approval subject to your further approval it will be subject satisfactory review by counsel, satisfactory review by the Building Inspector and if you let the applicant know what aspects of the application that you like to changed, you could say subject to showing the brick band, subject to showing whatever it is that you want.

Chairman Cosentino stated I agree with you, Whitney but here is my problem and maybe it is not. We are asking for something in this resolution which is really the ARB's jurisdiction. What we want, am I correct so far, and what I want is to before the ARB comes to a decision, if we can just ask them to look at it very carefully because it's nothing else, it is ARB stuff.

Jan Johannessen stated right, if they are allowed to work on the inside and outside of the building, we're going to have another Planning Board meeting before they're ready for a C.O. so you might as well go to the ARB, John relays the comments and come back on the 28th.

Mr. Hertz stated the other option is to go to the ARB but we asked them not to rule, I asked them to consider...

Chairman Cosentino stated they can't rule it until we approve.

Mr. Hertz stated well they can issue an approval...

Chairman Cosentino stated no they cannot, the ARB cannot approve until we complete our application, but they changed it. Am I correct Whitney?

Whitney Singleton stated Joe, I'm going to have to look up that aspect of it.

Chairman Cosentino stated my understanding is that the ARB cannot approve an application unless the Planning Board approves the application first.

Mr. Hertz stated I guess what I'm saying is what we are going to give, but the ARB may give input...

Chairman Cosentino stated we are going to make a suggestion.

Mr. Hertz stated and there will be time for us to review that prior to us having a to adopt a resolution, is my point. It won't hold up the restaurant...

Chairman Cosentino stated yes it will, you have to approve this resolution. They don't have a site plan.

Mr. Hertz stated I am saying approve the resolution pending ARB approval we give input to the ARB, but we ask to ARB not act tomorrow night just to give input rendering whether they can or can't.

Anthony Oliveri stated you can't approve the resolution pending ARB approval, Whitney was mentioning it.

Mr. Sturniolo stated what if as this point they did absolutely nothing.

John Landi stated as far as, I don't understand the question.

Mr. Sturniolo stated renovation or construction nothing on the outside.

John Landi stated they can open as long as interior is done, they can open.

Chairman Cosentino stated we have to pass the resolution first.

John Landi stated the exterior of the building should not hinder them from opening their business.

Mr. Hertz stated except they want to put a sign up.

Mr. Zorlu stated we want to have everything done in one shot.

Mr. Sturniolo stated the only exception is the sign.

John Landi stated and the make the exterior what they want for their business. Both exterior and interior they have a plan on what they want their business to look like, they've got to do it.

Mr. Williams stated what scares me most about this whole thing is...

Mr. Sturniolo stated what I'm trying to get at is there a way, to legally let you open and operate while all this other minutia is being handled with the ARB and the Planning Board.

Mr. Williams stated I've asked, my understanding is no but that's...

Chairman Cosentino stated Whitney is looking up something we have to get an answer to that.

Mr. Williams stated one of my concerns is that the ARB has a different opinion than the Planning Board. We are here really to work with any of the Board's.

Chairman Cosentino stated ultimately, they are in charge, we're just making a recommendation, but in order to make the recommendation, we're trying to protect ourselves too. It's all in this resolution, if the resolution is not passed tonight, you don't have a site plan. Council is looking up stuff right now that may help us, I don't know.

Whitney Singleton stated Joe, in this particular action, is a type two action, the plan is up, the ARB does not have to wait for you, any other application would.

Chairman Cosentino stated okay, go before the ARB, guys have to pass the resolution. It's the ARB's, we have nothing to do with. John will be at the ARB meeting.

Mr. Vigliotti stated pass along our thoughts.

Whitney Singleton stated does John know what those thoughts are.

Chairman Cosentino stated is there is anything on the resolution. You have any comments on the resolution, you read it.

Mr. Williams stated we just have one simple one, the trees are right now conditioned of a C.O. being issued.

Jan Johannessen stated I can address that, Chairman. The concern was that can't assess the trees until the trees leaf out, the application feels that the appropriate time to access the trees is the end of June and hoping to have the C.O. by then so, I would make a simple change to the resolution allowing temporary C.O. to be issued so between condition #7 and #8, there is a heading that states conditions to be satisfied prior to the issuance of any C.O., I would change that to issuance of a final C.O., this way the temporary CO can be issued, the tenant can move in and the trees can be assess prior to the issuance of a final C.O.

John Landi stated may I also make the suggestion that escrow be put in for the trees.

Jan Johannessen stated the escrow is established.

Mr. Vigliotti stated I do not think we need to wait until June to access the trees I think will be bloom in May, we should be able to determine at that point.

Chairman Cosentino stated okay, let's get back to this resolution. Whitney, what we're like to do then is to pass the resolution that allows him to open up. Let the ARB do with they have to do, John is going to be there.

Whitney Singleton stated is John clear what direction you'd like be given to the ARB.

John Landi stated I do believe that I do have concern of the Board at hand they want uniformity within the façade and they would like to see a brick band, I will bring forward that you want the parapet wall to continue over, I kind of disagree with that but I will bring your concerns forward.

Chairman Cosentino stated well talk to them.

Whitney Singleton stated Chairman, there are one or two other items. As we discussed in our staff meeting on Wednesday there's a couple changes that I have proposed in paragraph 18, which I have already given to the Planner and it will be deemed a site plan violation of this site, in the event that deliveries or pickups by suppliers, vendors, whatever are performed in unauthorized areas. There was an eighteen wheeler truck today in front of the premises, double parked on the street, blocking traffic. The applicant is going to have to deal with that by proper vehicle size or have to approach the Village Board so as to create a delivery area.

Mr. Williams stated can I just ask, vehicles of appropriate size are defined as?

Whitney Singleton stated that can fit into park spaces.

Jan Johannessen stated the problem is you can't double park to do your unloading.

Whitney Singleton stated you can't bring an eighteen wheeler truck in and black truck and have the ramp going down all that, like was done today.

Mr. Lapointe stated Newport Market took a delivery like that.

Mr. Zorlu stated it could be Cosi too.

Whitney Singleton stated the point is if their delivering to Cosi its not a problem, delivering to your building, any portion of your building, is a violation site plan.

Mr. Williams stated deliveries can't be double parked.

Mr. Lapointe stated just hypothetically I am going to explain you how we as landlords would have to do that. So, basically the site plan approval includes that provision, we then issue a lease amendment to all the tenants of the building, basically stating to them that if they do this it that basically, it literally automatically, terminates their lease. If things are automatic like that and then that gets into, okay is that even legal in real estate law.

Whitney Singleton stated that's for you...

Mr. Lapointe stated well no, I'm trying to figure out how, I'm not objecting, I am trying to figure out how does building owner or tenants enforce parking regulations.

Whitney Singleton stated I presume that your leases say all tenants must comply by the law and the regulations. That is the law can't double park in the street and will be a site plan violation. I presume if you get a five hundred or thousand dollar fine, you will (inaudible).

Mr. Lapointe stated again, I'm asking, what is the site plan violation? The site plan is no longer approved.

Whitney Singleton stated no, it just a fine.

Mr. Williams stated you to pay a fine and you may have to come up for the Board and at that point, we may have to deal with the parking issues.

Whitney Singleton stated if you feel as though there's an appropriate location on the street or enough deliveries to your site to warrant a delivery location and the elimination of the on-street parking then you can petition the Village Board for that.

Mr. Lapointe stated I mean, it is not, let's put it this way, it's not that the landlord objects to what you are saying or that tenants for that matter object to what you are saying, its everybody who drives a truck and is doing their business, the guy who is driving the truck is ultimately, he knows nothing about us, the landlord, the tenants; he just trying to do make a delivery and he does this and the impact is on everybody else you know we're all guilty by association just for ordering something from somebody.

Mr. Williams stated let me ask the question differently, the Board is obviously struggling coming to whether or not to adopt the resolution like seems we're track, you're willing work with us, if Whitney suggested language, the Board is going with it, we don't have a lot of choice if we want the resolution passed tonight.

Whitney Singleton stated what we're saying is that you can't take deliveries from illegally parked vehicles.

Mr. Lapointe stated none of us want to; none of the parties involved want that to happen, it's the guy driving the truck.

Mr. Hertz stated the way we've dealt with this in the past is that is the business responsibility to inform their vendors as to the proper policies.

Whitney Singleton stated or refuse to accept this delivery, if they double park in the street say we can how we do that and you need to go to a location that works.

Mr. Lapointe stated we will issue directives to our tenants about this but this is the town policy...

Mr. Mareschi stated but the tenants have to tell the vendors, so they're aware of it.

Mr. Lapointe stated but the vendors you know it's like, the guy driving the truck he's so detached from everybody else is like...

John Landi stated he will be getting summonses

Mr. Mareschi stated if the tenant tells the vendors you have to come at this time or park here and he refuses then that tenant won't order from that company anymore, and you'll see how fast they'll come at that time and park in the right spot.

Mr. Lapointe stated I am not objecting in any way I am trying to understand how to implement it.

Mr. Vigliotti stated the suggestions has also been made to the Village Board Trustees for a loading/unloading zone in the immediate vicinity of your stores.

Mr. Williams stated if the problem continuous arise, this I don't see as being a negotiable point, Mark.

Mr. Mareschi stated if the tenant tells the vendor, they'll do it.

Mr. Zorlu stated we'll make sure we do not do that.

Chairman Cosentino stated Whitney, you made the correction.

Whitney Singleton stated yes, that's all.

Chairman Cosentino stated we have a resolution over here, we know what we're going to do with John and the ARB. This is the ARB's bag and we do not want to hold them up for opening up. I think they should open up and we wish them luck. We have a resolution, does anybody want to make a motion on the resolution.

Mr. Hertz stated Mr. Chairman, I'll make a motion that we approve the site plan for 12-20 South Moger Avenue and just want to call everyone's attention, condition two is that the owner shall obtain ABR approval for this façade, specifically Subway and Rose Garden area. I think we are appropriately covered by this.

Mr. Mareschi seconded the motion.

Upon Roll Call Vote:

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

The motion carried by a vote of 6 to 0.

**c. Tommie Copper (BDM Properties) – 28 Britton Lane/74 S. Moger Avenue
PB2013-7, 80.24-3-1
Site Plan**

Applicant did not appear.

Whitney Singleton stated Chairman, the next item on the agenda is supposed to be Tommy Copper, as we discussed previously but just for the record. Tommy Copper has acknowledged receipt of the memos from the Engineers and the Village Planner and is striving to fulfill those requests and supply the information that was requested and saw no point attending. They will submit a revised plan and the other documentation as far as a business plan that was requested by them and asked to be put on future agenda with an eye towards a request for getting a resolution of approval.

Jan Johannessen stated did he specify the meeting date.

Whitney Singleton stated whatever the next meeting would be available.

**d. Holiday Inn – 1 Holiday Inn Drive
PB2014-0280, 69.42-1-1
Amended Site Plan**

Mr. Rich Williams of Insite Engineering was present.

Chairman Cosentino stated identify yourself for the record please.

Mr. Williams stated Richard Williams, Insite Engineering.

Chairman Cosentino stated alright, we'll go through this but my fellow board members we need to set up the site visits. This is one we need to go on a site visit, we also need to go on couple other ones, I won't be available this Saturday that does not mean you guys can't go. Think about it for the end of the meeting and we will put it together, I would really like to go but I just will not be in town. Briefly go ahead.

Mr. Williams stated so we presented this concept plans several months ago and it's the Holiday Inn at the intersection of Kensico Drive and Holiday Inn Drive, I believe the Board is familiar with the location of the property. There are several improvements proposed some existing drainage out in the front, we're planning on repairing some catch basins, there is proposed crosswalk being added to facilitate access between the building and the existing handicap spaces. We have bollard lighting proposed in the front of the building as well as some wall sconces, this is typical Holiday Inn required lighting, it was part of your submission package. The Board may recall that we did come before you with a concept plan with some large green up

lighting that spanned the whole building that we didn't believe that you would be in favor of, that is not part of the proposed lighting. The wall sconces are simple, small wall sconces that just have up and down beam. There is a terrace proposed it is uncovered; it is next to other banquet area as well as a covered dining area, covered outdoor terrace. There are improvements associated with the proposed pool, they are behind a six-foot high vinyl fence, which is also proposed. The pool improvements result in a decrease in impervious surfaces and there is also an ADA improvement in the north end of the site to gain access to the rooms.

Chairman Cosentino stated now was there, I understand there was work being done there, some changes or something in this application.

John Landi stated there are interior changes being done right now.

Chairman Cosentino stated but were there some without permits or anything.

John Landi stated not that I'm aware of, Mr. Chair.

Jan Johannessen stated Chair, I think you might be referring to some of the discrepancies between the site plan of record and the existing conditions. I can go over those and elaborate on that...

Chairman Cosentino stated well I think you have to work with him on that.

Jan Johannessen stated we took a look at the site plan of record and compared it to the existing condition of the survey that was submitted and there is some additional parking spaces that were added to the site that were not approved. Some of the lighting is inconsistent with the prior plan and just some items of that nature.

Chairman Cosentino stated we need to do a site visit on the site on this piece of property also, maybe we can do these all the same day. I guess we need to go over on the site what was changed and what was not changed on the original to the new.

Jan Johannessen stated there were some originally improved landscape islands that were never installed, basically they added parking spaces that have kind of resulted in some narrow aisle widths.

Chairman Cosentino stated we need to do this, go over there and look at this and get this back where it was. I think we need a site visit here and to look at what we're doing over there.

Mr. Williams stated that's actually what we were hoping you were going to go.

Chairman Cosentino stated so let's get a date this is another one is site visit, with the other ones and I think we have to come back and see what our findings are.

Mr. Williams stated the only other thing we're going to talk about tonight was I believe Jan mentioned this has to go the county for referral.

Jan Johannessen stated that is something Michelle will coordinate; you might need to provide an additional set of plans for her to send down there but she'll make the mailing.

Chairman Cosentino stated and I think once Michelle will poll the Board for when we can go on that site visit and maybe you should be there and look at it then and have you come back.

Mr. Williams stated thank you.

**e. Sea Shell Realty (Greg Lewis) – 139 Main Street (Tiger Lily & Coin Shop)
PB2015-0294, 80.25-3-32.1 (SBL)
Site Plan**

Mr. Joseph Fernandez was present.

Chairman Cosentino stated the next thing on the agenda is Seashell Realty.

Mr. Fernandez stated good evening.

Chairman Cosentino stated identify yourself for the record please.

Mr. Fernandez stated certainly, Joseph Fernandez, architect representing Seashell Realty, 139-141 Main Street.

Chairman Cosentino stated this is another application that we want to do a site visit.

John Landi stated Mr. Chair, is this 139-141 Main Street application. Mr. Chair, if I may say that I would like the Chair not to listen to this application until all of the violations have not been, all the non-site plan violations have been cleared up.

Mr. Fernandez stated thank you.

Chairman Cosentino stated thank you for coming, thank you Mr. Building inspector.

John Landi stated no problem, sir.

**f. Martin Goldbaum – 115-119 Main Street (Hello Flower Market)
PB2015-0296, 89.25-3-5 (SBL)
Site Plan**

Applicant did not appear.

Chairman Cosentino stated on the conceptual, we have Martin Goldbaum, that is a Hello Flower market, plans provided by Grandberg I guess nobody is here for that.

**g. New York Stone & Building Supply – 105 Kisco Avenue
PB2014-0284, 69.65-2-4, 69.65-2-5 (SBL)
Amended Site Plan**

Applicant did not appear.

Chairman Cosentino stated New York Stone, we are not going to hear that. 50 North Moger Avenue. Michelle, a site visit for that.

The Secretary stated yes sir.

**h. 50 North Moger Avenue
PB2015-0302, 69.73-2-11 (SBL)
Site Plan**

Mr. James Nixon, III, AIA and Mr. Manuel Montesdeoca were present.

Chairman Cosentino stated I would like the Building Department to also, if it's possible, are you representing them, oh I am sorry come right up identify yourself.

Mr. Nixon stated I am, James Nixon, I'm the architect.

John Landi stated Mr. Chair, if I also may with this applicant, until they straighten up all the violations that are in court, that the Chair does not entertain this application.

Chairman Cosentino stated thank you. Guess you've heard that Building Department, it was quick, I'm sorry.

Mr. Nixon stated okay, I am not sure how to do that.

Chairman Cosentino stated I am going to deny the application tonight as the Building Inspector informed me that there are violations and they are being brought to court, so until whatever happens in court is satisfied, the Building Inspector will let me know and then we'll entertain the application as if now I cannot entertain the application because it violations.

John Landi stated and Mr. Chair, if I also may while I have the applicant. The applicant and his representatives can meet with the Building Department to go over the original plans of that building and I believe it's within my preview to issue permits to restore the building to exact original conditions, then they can come back to the Board for the site plan approval.

Chairman Cosentino stated but we would still like to do a site visit there, if it's okay with you.

John Landi stated I believe the Planning Board should do a site walk.

Chairman Cosentino stated Michelle will you set that up also, as a site visit.

The Secretary stated absolutely.

John Landi stated if the representatives want to make appointment with Building Department, I suggested do so.

Chairman Cosentino stated that's up to the Building Department and the applicant.

John Landi stated from what I understand of the law I'm able to able to issue permits again to restore the building to exact, original, legal condition

Mr. Nixon stated okay, not to alter but to restore, okay that's a little clearer. My concern was that I thought I needed you to go to Building Department and you're saying we need to go to court to come here, now I think I'm good.

John Landi stated you can do to the court concurrently with restoring the building to its original condition as long as it's only restoring the building to original conditions....

Whitney Singleton stated original approved from which they given permits.

Chairman Cosentino stated and also coverage.

John Landi stated that's going to be part of it; I'm going to require I need to know the lot coverage of what's out there, current conditions. So if you can calculate that before you come in, we can go over that so we can restore it to legal conditions.

Chairman Cosentino stated thank you for coming, sir. Do we have a motion to close.

The meeting adjourned at 9:18 p.m.