

Minutes of Meeting of the Planning Board  
Village/Town of Mount Kisco  
Tuesday, April 28, 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  
Doug Hertz

**Members Absent:** Sol Gibbons  
Stanley Bernstein

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

Chairman Cosentino led the Pledge of Allegiance.

Chairman Cosentino stated this is Tuesday, April 28<sup>th</sup> and this is a Planning Board meeting and the first thing on the agenda since we have no minutes here is a formal application the Hearth of Mount Kisco, 270 Kisco Avenue.

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

Mr. Charles Utschig of Lang Engineer was present.

Mr. Utschig stated good evening Mr. Chairman and Members of the Board. My name is Charles Utschig with the firm of Langan Engineering. We're here tonight just to really give the Board a kind of an update. We got series of memos from your staff in the first week of April, April 7<sup>th</sup> or 8<sup>th</sup>, and we have been starting to deal with those comments. You have a letter in your file from the applicant's attorney asking if it's okay if we kind of work with your staff offline at the meetings, deal with the comments ultimately come back to the Board obviously with everything, but we are trying to work away the simple ones. Our guess is that we will come back to the Board maybe with a few that we will be asking the Board to provide some input on. So that's kind of our goal over the next 30-45 days. We have been working with the DEP, trying to come up with a soil testing program that they're going to be satisfied with. We think we are almost there and hopefully with the consent of the Building Department, we'll be able to go out and drill a couple of holes on the side that will make the DEP happy and that allows the application to move forward.

Chairman Cosentino stated they've been really holding you up, haven't they.

Mr. Utschig stated they are challenging. They never seem to give us a straight answer. We have hoped after the last meeting, then we would have clearly been, had a boring program in place, been done, drilling was done and they were looking at the technical merits of our application and unfortunately a month later we are not.

Rob Melillo stated they're holding you up, huh.

Mr. Utschig stated they are very specific about what they want.

Mr. Vigliotti stated how slow have they been?

Mr. Utschig stated its actually interesting, so we'll submit something and we'll get a phone call. The next day saying we are in the process of looking to get back as best as we can. So the day after we get a phone call saying by the way we're all in seminars tomorrow, we won't be able to back to you until Thursday. So kind of goes like that. When we first submitted was everybody was on vacation during the holiday. It's just one thing after another, so we are doing what we can...

Mr. Vigliotti stated Chuck, when did you first submit? I am just trying to get my head around the delays that we're talking about here

Mr. Utschig stated I think the most recent, I'm trying to think, Whitney, do remember when that meeting was. I want to say it's been about 6 weeks, not since we submitted, since we first started.

Anthony Oliveri stated that was completion, so we got complete application, the initial meetings with them were probably a year ago.

Mr. Utschig stated easily a year ago.

Mr. Vigliotti stated so they're holding things up, you can say that. It's okay.

Mr. Utschig stated they work at the speed of government and they're meticulous.

Mr. Sturniolo stated you're very tactful, Chuck.

Mr. Utschig stated I think we made great strides at the meeting. We had a room full of attorneys from the DEP, from the Village and everybody's on their best behavior and everybody said yes, we are going to make this go. And I actually kind of said, I am not sure I believe everybody.

Mr. Vigliotti stated but you can't move forward until they tell you move forward.

Mr. Utschig stated yes, so this current issue that we're wrapped around is a whole discussion about how far into the rock should we be drilling test holes. So our position is if its rock, its rock, their position is well we'd really like you to prove that it's rock down at the bottom.

Mr. Mareschi stated now did you drill down yet.

Mr. Utschig stated no, that's what we're trying. Some of the places where our practices are there is little bit of slope, this site just happens to have a little topography to it.

Chairman Cosentino stated well, in a way this makes me feel good because I am glad that we're not holding you up and DEP is.

Mr. Utschig stated we are trying, again I think if your staff is okay with it and you willing to authorize them, we will like to try and get as many of the other issues out of the way. We know we've got them. Well DEP is doing their thing and....

Chairman Cosentino stated well they have a list of issues and yes, we should go over with them and get this done and get this off our plate. Now, we want to get this finalized as fast as you want to get this finalized. I am one member of the Board and I don't think any member of the Board has anything negative about our professionals here working with you to get these comments finished, completely all of them.

Whitney Singleton stated it was just over two months ago, just over two months ago today that we met with the DEP, and the application was about a month before that for that. I think what they're getting at Chuck, is that the application to DEP is only very recent and I think he is trying to say is they're taking umbrage as being perceived as holding you up.

Mr. Vigliotti stated 14-16 months ago, we had asked you to meet, correspond, communicate with DEP but they have slowed things down and it seems like as you said you are crawling like a snail, not even a turtle but it's at that end, that's what it sounds like

Chairman Cosentino stated you know Chuck, as Chairman I want to be very, very clear. This Planning Board has not held process of The Hearth up. We have accommodated The Hearth. We have given them the red carpet and if anybody was holding them up, it's either the DEP or somebody within their organization, not the Planning Board and I want to be very clear on that. We have given you the red carpet and we will continue to do that and we want to see this fly, but in no way did this Planning Board hold up the process.

Mr. Utschig stated we would like to take advantage of that and now that we have, while we're doing that we're trying to get some momentum. We made submission to your staff on Monday ticking off a few, I won't say lot, but some and we want to keep doing that

Chairman Cosentino stated work with them and get it done.

Whitney Singleton stated I just want to clarify one thing that was pointed out in Mark Miller's letter, when you say work with us, the Planning Board Consultants, myself included, can provide comments and guidance but ultimately the determinations that need to be made are by your Board. So if Anthony or Jan or I say that you know we would like to see such and such, the fact that we say to us this is important, this thing is less important does not mean that that's per se binding by your Board

Chairman Cosentino stated absolutely not.

Mr. Utschig stated we understand that

Mr. Vigliotti stated I think the Board as much as your working with staff and you are going to get x number of things completed and feel comfortable with that. You're going to move certain items to Planning Board. I don't want to spend weeks and months rehashing what we already worked out which is the type of landscaping plan, the type of stone wall, the type of siding that we spent weeks trying to get to a point. I don't want to go back on that, spending weeks and months reevaluating what we already determined was the right thing for that site and there was agreement on it.

Mr. Utschig stated there's nothing that's going to change.

Mr. Vigliotti stated yes, if you can send that message back, the landscaping plan, I just don't want 6 or 7 items come before us that have already been worked out.

Mr. Utschig stated no, we do not want that. I haven't gotten any indication that there is any interest or desire to do that, there is none.

Chairman Cosentino stated we believe in you.

Mr. Utschig stated we want them to go as fast as many as we can give the go away within the client's direction to me, that's all I can do.

Chairman Cosentino stated I say as long as there is money in the bank there, work with them and let's get it done. I mean I want to get this off our plate too, it's been many years. I want to get it off our plate, it's coming close. Okay and let's finish it up. Thank you.

Mr. Utschig stated very good, thank you for your time, have a good night.

Mr. Sturniolo stated Chuck, just a side question, when you mentioned about drilling into rock, what do you anticipate the depth is going to be, the final?

Mr. Utschig stated well, in some cases its 10 or 12 feet and the boring that's up at the front of the site where we've got the practice up by Kisco Avenue we have two choices, we have to go to the top of the hill and drill down which would mean a 30 feet hole or 35 feet and we get down to Kisco Avenue and drill what would be a 6 or 8' hole. We're trying to convince the DEP that it makes more sense for us to be down towards Kisco Avenue and for a 6 or 8' hole than it does 35-40' hole on the top and the problem is I can't get a rig big enough, that can drill that kind of hole in rock up on top of the slope. So we've modified our proposal to DEP because they won't budge on this. We're actually going to use what is called line drill where they use to drill holes for dynamite, that can really go through rock and there is no technical information that DEP is looking for from this boring. They just want to know it is rock down, they don't care what kind of rock it is, they want to know if there's water in it and if it's rock, so we changed the way we are going to tackle this. So we are trying to be smart about it, I am not sure if it is getting through.

Mr. Sturniolo stated understood, thank you.

**b. Matthew Tynan -179 Main Street (Former Leisure Living)  
PB2015-0301, 80.25-3-26.1 (SBL)  
Site Plan**

Mr. Ira Grandberg of Grandberg Associates was present.

Chairman Cosentino stated the next thing on the agenda is Mathew Tynan, 179 Main Street. Ira, how are you?

Mr. Grandberg stated hi, good evening. We're before you tonight, procedurally, I am not sure how, we assumed for what we were told this is kind of new procedure, I don't know if this come to effect yet. We have a number of projects who are trying to establish historically the parking count of the buildings. We are not coming to you for definitive site plan approval, we are coming to you establish that our client has X number of parking spaces and anything more is more or less is less. So we prepared our charts accordingly. We got memorandums today from the consultants requiring more information but the more information has nothing to do with the parking, it has to do with when the owner decides what he wants to do with the property then we'll deal with it in an appropriate way. We were told by the Building Inspector that John said that he was trying to streamline this and that, he would review with us what the historical data was and we would put it onto the plan and we've met him twice and came up with an accord and that these were the number of parking spaces that were there before. We developed it, we didn't change anything and the idea was that he would tell your Board that yes, I agree this is the historical data, this is the number of parking spaces, so at least we would get that out of the way, so we can move forward and determine if he has to buy spaces or if he has surplus spaces, whatever. So we're coming to you tonight, I guess in new territory just to say we established with the Building Inspector that we had 39 allowable spaces and for your Board to either concur or not concur and the Building Inspector said this is the number he agrees with and that's pretty much what our understanding is.

Chairman Cosentino stated Ira, to get to those parking spaces, is there an easement

Mr. Grandberg stated no, that's establishing what the early uses were either by C of O or...

Chairman Cosentino stated no, the driveway or the road going up to these parking spaces, is that owned by somebody, is it an easement?

Mr. Grandberg stated no, he owns the property, it's not just a road, and it's a driveway that goes up the back of the property.

Chairman Cosentino stated he owns that driveway?

Mr. Grandberg stated he owns the driveway and then one of the consultants indicated, I think Jan, you did.

Jan Johannessen stated it says Village of Mount Kisco, it looks like a right of way.

Mr. Grandberg stated it's a right of way into parking spaces, right. So the issue was whether or not there have to be handicapped spaces for the property or not. We don't know because we don't know what the use of building is but we have allocation that if it has to be handicapped, it will be

Jan Johannessen stated what you just described in terms of what you are here for is the first that I ever heard of that. I was under the impression that you are here for the site plan because one did not exist in your looking to establish a site plan.

Mr. Grandberg stated no, we have three separate properties in the Village that we will approach to come up with a protocol on how to present for each building with a historical for parking and that's what we were told

Jan Johannessen stated that's the first I have heard so...

Mr. Grandberg stated it's the third time I've heard and so that's what we did. So if the Town say. You know what was there and everybody says it equates, it was bulk retail on different floors...

Chairman Cosentino stated well it was plumbing supply with a counter downstairs and sales.

Mr. Grandberg stated it was Leisure Living later.

Jan Johannessen stated why did you submit a site plan application.

Mr. Grandberg stated we were told to.

Jan Johannessen stated Rob, are you aware of this.

Rob Melillo stated I don't know anything about it. I didn't work on with it John, he did it himself.

Whitney Singleton stated well let's back up. Maybe we are just getting hung up on the wording. The building itself to the best of my knowledge does not have a site plan.

Mr. Grandberg stated not a current site plan.

Whitney Singleton stated right, so you are coming into establish a site plan.

Jan Johannessen stated that's not what he's saying. He's saying he's coming into confirm the number of parking spaces that are...

Mr. Vigliotti stated that's a separate issue.

Mr. Grandberg stated to create a current site plan with the x number of allowable parking spaces.

Whitney Singleton stated there is not a site plan for the record in the file for the site. So, you are establishing a site plan and during the course of those discussions, we needed to establish to what degree you would be allocated parking that would have been required had the Village not imposed parking.

Jan Johannessen stated so, at the end of the project you're going to get site plan approval

Mr. Greenberg stated yes, of course. So we surveyed the building, we've established the guidelines on what's there, we established what the historical data was on parking and we want to have a platform in which to now forward.

Jan Johannessen stated but you are not here to just talk about parking, it's the entire site.

Mr. Granberg stated it's the overall, the whole thing. Okay, so based on comments that we have received, we've modified our drawing which you don't have. It just basically says that instead of retail sales, the comment was made to make it bulk retail, so we put the name bulk retail and we would like to make it comment though if it can be done. Naturally, we have clients and naturally they want everything yesterday and often times we get these memorandums from the consultants at the eleventh hour, the day of the hearing. So, it's very difficult to pull over everything in one day; so the question is that none of the comments that were made, they were related to site plan approval and a lot of them are extraneous because we haven't decided yet what the owner wants to do on the building. So, what we've done is we've taken your points and we've address them for what's relevant and we don't want that hold us up in getting at least the parking established and the fact that we have an approved site plan as a goal.

Chairman Cosentino stated I think one goes with the other.

Mr. Grandberg stated yes, it does.

Jan Johannessen stated my point of view, all of my comments relate to site plan and they all need to be addressed.

Mr. Greenberg stated we don't know the uses yet in the building, so we can't established....

Jan Johannessen stated how are you going to identify the proposed or required parking without knowing the uses?

Mr. Grandberg stated well, it's very simple, the owner has an ability to go the Zoning Board to get retail on the second floor, if he wants. The count for 39 spaces, or whatever it is, doesn't allow for second floor retail. You can't make that work. So, the question was does it go to the Zoning Board to get an accommodation for that number of spaces so he can develop the building or he decides to make it storage. He doesn't know yet what his options are in the building, he hasn't developed the building yet, he's just trying to establish that it's an existing building with an existing site plan and that it would allow for 39 spaces, that's the limit that he is looking for now. The platform to take off and develop the site.

Chairman Cosentino stated so in other words, what you're saying is that there is going to be no change whatsoever?

Mr. Grandberg stated and if it is, he has to go to zoning board.

Chairman Cosentino stated if he's denied by the Building Inspector, he goes to the zoning board

Jan Johannessen stated Ira, on your first point, our memos are delivered to the Village on Wednesdays before the meeting, so they are available.

Mr. Grandberg stated I wasn't attacking: I was just saying there always seems to be a compressed schedule

Jan Johannessen stated I'm just saying if you got it today and it was available last week

The Secretary stated office policy is that they don't go out until the day before the meeting, so that you don't appear in front of the Board with revised plans that the board hasn't seen. So you are given the opportunity to review the comments so that you are prepared for the meeting but not appear with revised plans because the Board can't act on something that they haven't seen.

Mr. Grandberg stated well that makes, that's an interesting situation. Since we're all friends, the situation is we do our work, we do our communication with the Building Department, we present our plans and then the day of the presentation, there's all information that we're requested. So it kind of instinctively pushes us to the next meeting and I don't think that's a good way to work

Whitney Singleton stated that's our, to be fair. That's the way every planning meeting, organization...

Mr. Grandberg stated I know, that's why I am bringing it up. Isn't there a way we could at least have more than one day to prepare all our answers, so we don't get stuck?

Whitney Singleton stated we don't want you to have the answers at that meeting; they want the consultants to go through what their comments are and have you come back with a revised set of plans, otherwise the Planning Board gets cut out of the process.

Mr. Vigliotti stated which would be the next meeting that we would have. So, where are we and how are we moving forward or not?

Jan Johannessen stated in my perspective, we had a number of comments, none of them were very significant but I think that all need to be addressed prior to the site plan being approved. I think that you can discuss with the Building Department what the historic parking calculation, is I think that's his...

Mr. Grandberg stated we'd love to give him a guideline because with that information he can decide what he can do with the building

Jan Johannessen stated yes, but it's the Building Inspector's determination as to what the parking counts are.

Mr. Grandberg stated which he did and our understanding was he would present to the Board that yes, he agrees with this number and then the Board can be comfortable that's the number and we can tell our client that that's the number. But as far as trees, we are planting trees and putting lighting in for the parking areas and the sign for that because we don't have a project yet.

Jan Johannessen stated that's later but in connection with your site plan.

Mr. Grandberg stated right and it's good for you to address that, because we have to address it

Jan Johannessen stated all you want to know is what the parking is going to be so can move forward.

Mr. Grandberg stated and if we could put on record that there is now an approved, existing site plan.

Chairman Cosentino stated let's be very clear, that's what the parking is now, not later.

Jan Johannessen stated there is not an approved, existing site plan.

Mr. Grandberg stated yes, but isn't your goal to have an existing site plan approved.

Chairman Cosentino stated absolutely but it could change later.

Mr. Grandberg stated yes, of course, then we have to come before you for a site plan.

Chairman Cosentino stated so you want what's there now, as a base.

Mr. Grandberg stated to put on the record, yes that's actually right. We're trying, we just don't let out lot of questions out there we can't answer now.

Whitney Singleton stated I think there's just a little miscommunication. What Ira is looking for is clarification as what his client may want before and what we are looking for a specifics normally associated with the site plan as far as lighting, landscaping, except parking, deliveries and Ira is countering with I don't know because I don't know who's coming in.

Jan Johannessen stated but, at the same time he is asking for the existing site plan to be approved

Chairman Cosentino stated but there is no existing site plan.

Whitney Singleton stated I think what Ira's really looking for is a parking count.

Rob Melillo stated and honestly, it's not even the Board's jurisdiction to figure out parking. Its John's so for you to be here and ask them for their, I don't think it comes down to the Board saying what's right and what's wrong for parking.

Mr. Grandberg stated no, Rob we were told and I'm not a finger pointer, we were told that he would tell the Board that that number was something he was comfortable with based on his analysis of previous C.O.'s and all that stuff. I mean that's what he told me, I don't know

Chairman Cosentino stated let's leave it at that. Rob is right when he says as far as the calculation of cars, it comes from downstairs but we can change it.

Mr. Grandberg stated I agree with what he's saying. I'm just saying that we were told this was going to be...

Chairman Cosentino stated so let's leave it at that, what we are looking for is the site plan and he is looking for the blessings of what is there now of the 39 or whatever parking spaces there are now, and what's what you have to go by.

Rob Melillo stated Joe, one of the things why he needs a site plan is, we can't issue the building permit to them for these build outs.

Chairman Cosentino stated he knows that but he needs something to go by. In other words, if the client comes in and says look this is what we have now if we need to work around this, let me know what do you want to have. It's only a base

Mr. Grandberg stated exactly right. In another words, if he gets a tenant he wants a second for the retail, right now he can't do that without the parking, so he would go to the zoning, return to you and go to zoning.

Chairman Cosentino stated you need a base

Whitney Singleton stated can I ask just one question for those that are familiar with it because I have to confess, I am not familiar with it. What happened on the second floor?

Chairman Cosentino stated it was always storage, second and third floor were always storage

Whitney Singleton stated but that's not what Ira's saying. Ira's saying the third floor was storage but the second floor was sales

Chairman Cosentino stated no, let me correct that because I know this building, okay. When it was a plumbing supply house which I bought a lot of stuff from there, okay? The first floor was sales, the second and third floors were storage, only storage. When Leisure Living came in, and he did have displays on second floor

Whitney Singleton stated what year did it he transition to Leisure Living?

Chairman Cosentino stated when Leisure Living bought the place. I can't give you year it was 25-30 years ago.

Whitney Singleton stated I think we'll just have to confirm it because the parking does date back to 1967. I don't know what it is for this particular building. Rob, I presume that you all have been through this

Rob Melillo stated this plan, no.

Jan Johannessen stated if you approve the existing conditions of this plan and then at some point in time. I was asking you to approve the existing condition so that he could get tenant in there. If you do that without looking at the whole picture and he gets his site plan approved, at some point in time, someone comes in to occupy the space...

Chairman Cosentino stated he has to come back here.

Jan Johannessen stated not necessarily, not unless there's a change of use so it's very possible if you approve, you would never see him again

Mr. Vigliotti stated if it's retail to retail on the first floor, it goes right to the Building Department.

Chairman Cosentino stated well there's been a change of use without a site plan.

Jan Johannessen stated not if they kept to that parking calculation.

Whitney Singleton stated they still have to have to have a site plan approved.

Jan Johannessen stated you're not picking up that Ira is asking for the Planning Board to approve this site plan without looking at...

Whitney Singleton stated and what Ira's really asking for is a parking calculation so that he can figure out where the mark is.

Mr. Grandberg stated well if the parking calculation is approved, it will based on a previous use it has also been approved and if there is a change in use, we have to come to site plan approval. We have to establish what the previous use was.

Chairman Cosentino stated but the problem is was the previous use approved. We have to establish that and I know if we have, was the previous use, sales on second floor approved.

Mr. Grandberg stated in talking to John, it's been there so many years, I can only rely on his opinion.

Chairman Cosentino stated well that doesn't mean it is right though.

Whitney Singleton stated I wholeheartedly agree with the Chairman. I'll be happy, I understand that Ira does not want to wait around another month...

Chairman Cosentino stated I don't blame him but we don't want this to come and bite us either.

Whitney Singleton stated so Rob will sit down with me and John and we will figure out what the parking requirement was and verify whether what Ira has put in here is accurate or it needs to be tweaked.

Mr. Grandberg stated and respectfully we have been relying on John's input we didn't do this blindly, so I just hope he concurs...

Whitney Singleton stated you went through the entire file?

Mr. Grandberg stated went through everything.

Whitney Singleton stated do you know what this building transition?

Mr. Grandberg stated no idea, except I was relying on his analysis of the file to give us this input. This is the response to his input, its that simple.

Chairman Cosentino stated this had to be done is early 70s, late 60s. But anyways as a Board we need to know of display on the second floor, if it was approved, because we are assuming that it was approved and we really don't know.

Mr. Grandberg stated I agree with you but somebody has to. Hypothetical is this, he is asking us to eventually put a fire stair in the building. And a fire stair means its applying egress from different floors and it either goes up to the roof, it doesn't go up to the roof. It is a fire proof building, does it comes down to a common hallway...

Chairman Cosentino stated I don't know, that's a Building Department issue.

Mr. Grandberg stated no, I know, but the point is he wants to get started to creating a shell. I'm not pushing his agenda, I am just saying he is trying to get started to put a shell in that meets the intent, so he has options for use. So all I am saying is if he is going to go to the Zoning Board because his broker says great second floor retail, it affects us in how we develop the shell of building at some point.

Chairman Cosentino stated I wish we would come with the plans so we can...

Mr. Grandberg stated he can't. It's also a catch 22 in this and this is very important. If we went with the building as it was and if you all agree that it was bulk retail, that means it could sell washing machines on the second floor, that's what bulk retail means. We are trying to make all of this as community members, here. We are trying to make something vital, if he came in with a store that could take second floor a retail it will help the building, it will help the Town, but to do that he has to go the Zoning Board, there is no way around that. So he has to understand the parameters and he is willing to do it but he has to understand what his options are, that's all. So it's an interesting situation.

Chairman Cosentino stated I think in all fairness, before we can give you an answer to that, we need to go back to the Building Department and talk to them and Whitney, we're going to have to set up a meeting with them to really find out what we are up against here.

Mr. Grandberg stated so in the next two weeks, we could evaluate that and come back and tell us where you're at.

Chairman Cosentino stated yes, absolutely, Ira, we'll know more about it. We don't want to hold anybody up.

Mr. Vigliotti stated for staff, at the point the Planning Board would like to have statement from the Building Department with regard to the site plan, the allowable parking spaces based on the historical data review. I thought we were at that point tonight but we're not. So we need to have that memo. If we had that memo tonight, then we would have been able to move forward.

Mr. Grandberg stated understood.

Whitney Singleton stated can I ask, not to belabor the point, but it just want some clarity. Ira, if you have confirmation as to what the appropriate parking number is, do you want to continue coming back for your process application for site plan approval where you do not know what's going in the building

Mr. Grandberg stated no.

Whitney Singleton stated so, you are going to take that parking figure, you're going to market it and you'll come back when you have a tenant.

Chairman Cosentino stated that's going to be his base.

Whitney Singleton stated that's fair enough.

Mr. Grandberg stated he's gotten informal, whatever that means, responses that he is a good argument to possibly get a zoning consideration because of the nature of our town and what they are trying to do and not hurt him by forcing him to put bulk retail on the second floor within the parking arena. So, if he decides to pursue that he has to take his chances but that might give us a better idea of what the building is going to be used for.

Whitney Singleton stated but it will also help, people like the consultants, to know what you are marketing as, as to how the building might be improved and lighting and signage.

Mr. Grandberg stated lighting and the store front, we'd have to go to the ARB, everything that goes with that and there are such nice guy, I'll share it with them..

Chairman Cosentino stated okay. Conceptual applications for Martin Goldbaum, 115-119 Main Street Hello Flower Market

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

Mr. Ira Grandberg of Grandberg Associates was present.

Mr. Grandberg stated again we did a parking count, we reviewed it with John, he agreed historically we are not sure why it is still conceptual. It is not negative. We just don't know where we are at on that at all, wherever we're at we'll tell our client or my landlord

Mr. Vigliotti stated what was the parking count?

Mr. Grandberg stated I don't have it in front of me, it's on your plans, I am sorry but that one required a lot of substantiation based on all the years and all the changes and everything this is another thing that John was aware of. So, if we can just get the reading from your Board not tonight, but at some point, what might still be required because again, he is trying to rent the floor, he doesn't know if he needs parking or he doesn't need parking. He's agreed based on the recommendations to get rid of the driveway that goes to the back of our building, to put steps in and prevents cars from being in the back based on his age and his health and all of that, he has been accommodating. We just want to find out what is the parking count and can he rent his space as this or he has to make accommodations.

Jan Johannessen stated is this the first time he has submitted the application?

Mr. Grandberg stated no.

Jan Johannessen stated did you submit the formal application?

Mr. Grandberg stated oh sure, all the fees and everything

The Secretary stated no, I'm sorry, you haven't.

Mr. Grandberg stated we haven't?

The Secretary stated no, you have not. The last time I spoke to George, he wanted this to stay conceptual so that was between him and the client.

Mr. Grandberg stated okay, did he tell you why?

The Secretary stated no, he did not.

Mr. Grandberg stated then I will check that out, but it's in the hopper, I mean the plans were submitted.

The Secretary stated well, they were submitted last month it stayed under the conceptual application. So until formal application is submitted with more plans...

Jan Johannessen stated there's a separate application for the formal which hasn't been submitted, which triggers our review of the plans.

Mr. Grandberg stated so is the conceptual approved?

Chairman Cosentino stated it just tells you to go to formal.

Mr. Grandberg stated okay, I will do my job.

Chairman Cosentino stated okay the next thing is on our site visits, let's schedule them. We have 50 North Moger, we have 139-141 Main Street and Holiday Inn, wasn't there one more?

Mr. Vigliotti stated Lexington Avenue, are we going to do that one.

Chairman Cosentino stated next to the firehouse. How are we doing that again, Rob.

The Secretary stated what day works for you gentlemen to do a site walk.

Chairman Cosentino stated you know the building next to the fire house.

The Secretary stated its 326 Lexington Avenue.

Chairman Cosentino stated yea, what are we doing on that, where is he.

Jan Johannessen stated they just resubmitted Joe. They resubmitted for the May meeting, formal application.

Chairman Cosentino stated we want to do a site walk there but not know what he's going to do...

Jan Johannessen stated right now he's just, originally he was looking at both properties, now it is just the property that's right adjacent to the fire house

Chairman Cosentino stated how is he going to get parking?

Jan Johannessen stated he's showing parking spots in front of the building.

Chairman Cosentino stated there's going to be no parking spots in front of the building.

Jan Johannessen stated then he's got (inaudible) in the back.

Chairman Cosentino stated why is he coming in? We said no parking in front of the building.

Jan Johannessen stated I heard, my understanding was parking that conformed to the no pulling out on to Lexington Avenue. Right now, he's perpendicular spots, he's has got two parallels spots in front of the building with landscaping in front of that.

Chairman Cosentino stated and how many parking spots does he need?

Jan Johannessen stated I don't know. I haven't reviewed it yet.

Chairman Cosentino stated before we put on the agenda can we review that, so we don't waste anybody's time

The Secretary stated sure, the consultants have it, they'll review it for the May 12<sup>th</sup> meeting.

Chairman Cosentino stated okay, we will just talk about it at a staff meeting. You know, to have something to come before us and that's not going to work its senseless to bring before us.

Mr. Vigliotti stated I agree with the Chair. We had wanted no parking in front, he came back with two parking spaces which are parallel to the building, which means you have to back out into the driving lane in order to get out of the site. So he thinks he's got a homerun with two spaces in the front. I don't think that's what we are looking for.

Jan Johannessen stated then I think we have to give him that direction.

Mr. Vigliotti stated yeah I mean, he presented that, we had a conversation. Originally there was three.

Anthony Oliveri stated I don't know that he presented no parking in front of the building.

Mr. Vigliotti stated no, he presented two spaces, he originally had three and we told him we didn't want any parking.

Anthony Oliveri stated he has a handicap space and a regular space in front of the building right now.

Chairman Cosentino stated now, a couple other things.

The Secretary stated do you want to schedule the site walks before you move on?

Chairman Cosentino stated yes, you might leave that out because we don't know what he is going to do. We will have to schedule on Saturday. Is anybody free for Saturday?

Mr. Vigliotti stated I'm okay.

Mr. Gibbons stated Saturday is tough for me.

Chairman Cosentino stated Ralph?

Mr. Vigliotti stated I'm okay.

Mr. Mareschi stated I am okay at 9

Chairman Cosentino stated you're okay at 9. Do we need 4, Whitney?

Whitney Singleton stated no.

Chairman Cosentino stated so 9 o'clock we will meet at Village Hall, right here. The other thing is, do you know what you are going to have, approximately for the next meeting?

The Secretary stated I don't have the agenda done, I think I took in three applications

Chairman Cosentino stated and nothing here is going on that, I see that now, I don't know.

The Secretary stated not as of now.

Jan Johannessen stated Joe, I'm sorry, for the May meeting, I know that Towne Bus is on for a resolution and Kisco Supply is going to be on for a formal.

The Secretary stated Tommy Copper.

Jan Johannessen stated Holiday Inn, right, Tommy Copper is on for resolution

Chairman Cosentino stated okay so what I am trying to do is that we only have a meeting on the July 14<sup>th</sup> and August 25<sup>th</sup>. July and August one meeting

The Secretary stated yes, but we're still in May.

Chairman Cosentino stated I know but I am looking at the agendas, that we should clear as many as we can up because we have only one meeting in July and one meeting in August

The Secretary stated alright, so we will work on that as we go forward.

Chairman Cosentino stated right. So we understand that it is the July 14<sup>th</sup> and August 25<sup>th</sup>.

Whitney Singleton stated Joe, do you think we can talk about the upcoming resolutions and whether or not, where they are and whether you are comfortable with them.

Chairman Cosentino stated why don't we do it right now?

Whitney Singleton stated I'd rather do that, rather than it be in a form where you feel like you're on the spot. Maybe Jan can just go through what he's working on and what the issues are.

Jan Johannessen stated well I know that I am starting to draft the Towne Bus resolution for the first meeting in May. And my sense, the main issue was whether there is going to a condition in the resolution regarding the school district and limiting that to the Bedford Central School District, it was clear to me anyway at the last meeting that you want that condition in the resolution. So I'm hoping to have a draft of that in the middle of next week so I can start circulating it around.

Chairman Cosentino stated and of course something in the wording that, if they want to come back in something else, they can...

Jan Johannessen stated interestingly enough, the applicant at that meeting had a completely different understanding of what you were stating and he felt that would he want that four of the members do not want that condition in there.

Mr. Vigliotti stated that's not true.

Whitney Singleton stated that's the power of positive thinking.

Chairman Cosentino stated but there should be something in there where if they decided that they want to go to another district, they can come back.

Jan Johannessen stated so basically the conditions would be as those specified in the conditioned Neg. Dec., along with the school district condition and any others that the ZBA included.

Whitney Singleton stated but for a multitude of reasons which I don't want to really get into right now. They would prefer that that not be on for approval at your next meeting.

Chairman Cosentino stated and you're reasoning? Okay I agree, next one.

Jan Johannessen stated but I will start circulating amongst the Board.

Whitney Singleton stated circulating it is fine

Jan Johannessen stated Tommie Copper...

Mr. Sturniolo stated Jan, excuse me, could I just go back to Towne Bus, toward the end of the conversation with their attorney, wasn't he trying to sell concept that any apprehensions we may have about them coming back in the future were already protected by the way the resolution is going to turn out and therefore it needs no further tweaking was something along those lines.

Jan Johannessen stated I think he was telling you that he would need to come back if it exceeded the number if they got another contract and also if they are going to have additional buses beyond what was conditioned, he would have to come back. So he was saying, I will come back for that, you were saying...

Whitney Singleton stated that and you're coming back if you change school districts.

Mr. Sturniolo stated the lesser impact?

Whitney Singleton stated the point was Tony, he didn't want to be relegated just to Bedford Central School District and because he already said I am already circumscribed by the x many per day but his entire presentation or the applicant's entire presentation was predicated on numerous references to the fact that there is no additional traffic, as these school buses for Bedford Central School District are already on the traffic corridor of North Bedford Road. He said they store at night at Fox Lane for the vans and the buses are stored on Norm Avenue at night and they're already going back forth. So fuelling them or servicing them at this site created no additional traffic patterns. Well it is additional traffic patterns if those school buses are still on those two sides and he is still servicing Somers School District or Chappaqua or somebody else. So your Board, notwithstanding what Doug had opened the meeting with, your Board pretty firmly stated no, we want the Special Use Permit relegated just to Bedford Central School District and if you have a change come back to us

Mr. Vigliotti stated and we were sending a letter off to the ZBA regards with regard to that.

Whitney Singleton stated you already sent a letter to ZBA and ZBA has already passed their resolution. Which Michelle is going to sure you have the copy?

The Secretary stated absolutely

Whitney Singleton stated they passed resolution approving it, subject to the fact, some of the conditions are more restrictive. They said that they want to be restricted to no more than 12 buses a day being serviced and I put in 6 and he goes "where did that come from? We never said that" and I said well here is a letter of such and such day which says we anticipate more than 6....

Jan Johannessen stated well if there's a conflict between what was stated in the Conditioned Neg. Dec. and the ZBA, should I just take the most restricted.

Whitney Singleton stated take the more restricted because what the Zoning Board said well you anticipated it not to be more than 6. Let's choose a number in between and they settled on 9. So there were certain things that were more restricted than when you were discussing, certain things they didn't address all, they thought were more appropriate for your Board to impose. But the point is Zoning Board approved that on what date Michelle?

The Secretary stated it was April, no it was last week. The 21<sup>st</sup>, the 22<sup>nd</sup>.

Whitney Singleton stated it would be helpful if some time elapsed since that meeting until you approve.

Jan Johannessen stated the other two items I just want to clarify on Towne Bus, was the currently the plan does not call for any sort of left turn restriction out or into the site, is the Board okay with that?

Chairman Cosentino stated I'm okay with that. I don't know about the rest of the Board but I am okay with that.

Jan Johannessen stated it was something we had discussed a number of times but that's where it stands now, it's not currently proposed to be restricted.

Mr. Vigliotti stated we tried in vain to try and make it work better.

Chairman Cosentino stated even the traffic guy said that it shouldn't be a problem but what's the other one.

Whitney Singleton stated you couldn't have them going to 333 [North Bedford Road], going north up to the exit, make a right hand turn out, and then they won't have to make any turns.

Jan Johannessen stated and moving the center line wasn't going to happen either, the DOT...

Chairman Cosentino stated they don't know that yet.

Whitney Singleton stated they were told no.

Mr. Vigliotti stated we requested from their attorney that we get all of the correspondence that they had sent out to the State and what the State sent back, it was all in email, we're waiting for that. They're going to hold up in my mind. I just want to make sure that what we ask for is a part of the record.

Chairman Cosentino stated listen, none of this was on the agenda, Rob had a prior commitment, do you want to go?

Rob Melillo stated no, I have to wait for Michelle.

Whitney Singleton stated we'll wait for Michelle

Jan Johannessen stated the other resolution I'm going to be working on for the May meeting is Tommie Copper.

Mr. Vigliotti stated getting back to that correspondence, how we are getting that from their attorney?

Jan Johannessen stated maybe that's a good reason to delay the resolution

Mr. Vigliotti stated we're not delaying because of that and I don't want that to be it but we said part of the record that we wanted that correspondence because we may be use that in the future, because according to Mr. Martabano, is they said it would be if in the future there need be a left hand turn with the center lane being moved they would have another look at that, I'd like to have that, it's important.

Chairman Cosentino stated and what's the other thing?

Jan Johannessen stated Tommie Copper.

Chairman Cosentino stated what about that? That has been on our plate for three years now?

Jan Johannessen stated they resubmitted, they submitted the business plan and that was kind of the last piece of the puzzle. I was going to prepare the resolution for the first meeting in May

Chairman Cosentino stated well we haven't seen the final plan.

Jan Johannessen stated you haven't? It was on for review, wasn't it Michelle, Tommie Copper?

The Secretary stated they just submitted.

Mr. Mareschi stated do we have the final plan.

The Secretary stated they just submitted for the last staff meeting. So anything that staff has received isn't on until the next meeting.

Chairman Cosentino stated we haven't received it, why are we putting it on for resolution?

Whitney Singleton stated Joe, we reviewed it at the last Planning Board staff meeting. There were only minor things that needed to be included from the last time

Chairman Cosentino stated shouldn't we see the completed site plan? Shouldn't this Board see it before voting on it?

Whitney Singleton stated of course and you're certainly welcome to see that but I think the imperious was to get the things off your plate.

Chairman Cosentino stated it is but we'd like to see it the night of the resolution. How many new parking spaces he has put in?

Jan Johannessen stated the new lot is 10.

Chairman Cosentino stated and he is got lighting, he has got curbing, he has got landscaping. He has got everything that you are happy with? And you, Anthony?

Anthony Oliveri stated yeah, they're doing dry wells, they had to submit to DEP, we were okay with pretty much everything.

Chairman Cosentino stated Jan, when you say 10 parking spaces are that what he needs or is he getting something from the Village?

Jan Johannessen stated he is going to be zoning compliant on his number of parking stalls, although he has more employees or more staff than parking is going to be provided. So he is going to purchase or has purchased 6 parking stalls from the Village.

Chairman Cosentino stated and he's going to be part of the records.

Jan Johannessen stated yeah, but he doesn't need those 6 stalls for the zoning compliance, he just needs it to make it work.

Whitney Singleton stated he doesn't legally, need it. Here's what the concerns are, if you make him build a parking lot with 50 spaces, if you make him do that, that will allow him the conversion of that building in the future for something that requires 50 parking spaces.

Chairman Cosentino stated no, I understand that, the question is, does the extra parking is that going to be a part of the package deal that we are getting or is it apples and oranges?

Whitney Singleton stated I believe it to be apples and oranges.

Chairman Cosentino stated okay, so we don't have to address that at all?

Jan Johannessen stated I think that we may make reference to it that he's got it but he doesn't need it for compliance.

Whitney Singleton stated we will make reference in the resolution that these spaces cannot count as supporting the building. The theory here...

Chairman Cosentino stated and that's going to be on for when...

The Secretary stated May 12<sup>th</sup>.

Whitney Singleton stated and I will say this whether it is, you know, of any consequence or not, they have been trying to get us the stuff expeditiously, notwithstanding the three years. As of late, they've been much more responsive.

Chairman Cosentino stated okay, anything else.

Whitney Singleton stated the only thing that I was going to suggest Joe, was this since we haven't had, nobody needs to be here for this, not everyone needs to be here for this do you want to have any sort of meetings that are still early to discuss the game plan for tomorrow? Who is going to be there and what we're going to talk about?

The meeting adjourned at 8:44 p.m.