

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

Chairman Cosentino called the meeting to order at 7:44 pm in the Municipal Building.

**Members Present:** Chairman Joseph Cosentino  
Vice Chairman Anthony Sturniolo  
Doug Hertz  
Enrico Mareschi  
Ralph Vigliotti

**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 thank you. This is Tuesday, August 25<sup>th</sup>, and this is the Planning Board and the first thing on our agenda would be the minutes. Michelle, we have a quorum here to address them? These are the minutes of June 24<sup>th</sup>, we have a motion. Anybody want to make a motion on these minutes?

**1. Minutes**

Minutes adjourned to next agenda.

Chairman Cosentino stated okay, we'll go. We're going to get the public hearing and the first thing on the public hearing is Devereux 27 Radio Circle, and that was the former Little Garden Daycare. I am going to open up the public hearing and at their request, I'm going to close it.

**2. Devereux NY Cares – 27 Radio Circle (Former Little Garden Day Care)  
PB2015-0304, 80.64-1-2 (SBL)  
Special Permit and Change of Use**

Whitney Singleton stated the applicant has requested that it be adjourned to a subsequent date certain, and I believe it was two weeks from tonight, Michelle?

The Secretary stated September 9<sup>th</sup> is going to be the next meeting.

Chairman Cosentino stated okay.

Whitney Singleton stated they're still investigating.

Chairman Cosentino stated so we'll adjourn it to the next meeting. I don't think we need a vote on that, do we?

Whitney Singleton stated I would take a vote.

Chairman Cosentino stated anybody want to...?

**Mr. Hertz stated yes, I'll make a motion that we adjourn as requested by the applicant.**

**Mr. Mareschi stated I'll second it, Chairman.**

**Chairman Cosentino stated motion made by Mr. Hertz, second by Mr. Mareschi, on the question. Will, Secretary poll the Board, please.**

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

**The motion carried by a vote of 5 to 0.**

**3. 154-162 East Main Street – 154 Main Street (Former Border's)  
PB2015-0309, 80.25-2-9 (SBL)  
Special Use Permit**

Mr. William Null of Cuddy & Feder and Mr. Chris Raffaelli of NDA Architects, Mr. John Borrelli, Community Marketing Manager for Modell's, Mr. Will Perez, Regional Manager for Modell's, Mr. Doug Epstein, Senior Vice President of Real Estate and General Counsel for Modell's were present.

Chairman Cosentino stated next on the public hearing is 154-162 East Main Street, that's the Former Borders and this is concerning Modell's. I am going to open a public hearing and allow three minutes for each person to speak. You have a signup sheet here.

The Secretary stated I do.

Mr. Hertz stated do you want to first have a presentation by the applicant?

Chairman Cosentino stated is the applicant here from Modell's?

Mr. Null stated yes, Mr. Chairman.

Chairman Cosentino stated I want you to give a presentation to the public...

Mr. Null stated okay.

Chairman Cosentino stated before I have them speak.

Mr. Null stated do you want me to address you, Mr. Chairman, or do you want me to address...

Chairman Cosentino stated I want you to address the public and address the Board if you like, and just identify yourselves for the record.

Mr. Null stated thank you. Mr. Chairman, for the record my name is William Null, I'm a member of the firm Cuddy & Feder on behalf of SL Mount Kisco LLC, Grobman Mount Kisco LLC, and M&M Mount Kisco LLC, who collectively are the owners of 154-162 Main Street. I'm here with Chris Raffaelli from Norman DiChiara Architects, who is the architect for this building. As you know this the Former Borders bookstore building that's been vacant for quite a number of years. It's a 22,600 square foot building in the CB-1 District. And the proposal is for a Modell's Sporting Goods Store to take most of, but not all of the space. It will actually take 12,800 square feet on the street level, and 4,000 square feet on the lower level. Because the store is over 8,000 square feet, that's proposed under Mount Kisco's regulations that there is requirement for a Special Permit. The purpose of the Special Permit is to see how the store will fit in, configure in the space itself. We're not proposing any exterior changes to the building other than for the second tenant. We're anticipating installing an elevator in that space, that space should be little over 5,000 square feet on the street level, and a little over a 1,000 square feet on the lower level; we have no identified tenant for that and that space actually does not require a special permit, unlike a larger space. So you've submitted elevations and plans. As I said, there are no physical changes to the store front, except for an elevator penthouse that would be visible once the elevator would be installed in the tenant space.

*Fire Department Horn sounds.*

Mr. Null stated so Modell's Sporting Goods is a well-known, and highly regarded sporting goods retailer. They have an active program for engagement with the community, we submitted documentation to you that detailed that program and communication for some extent. And we have somebody here, if you have any questions with regard to that. Other than that, they're retailer, who we think will occupy the space in and be a participant in a beneficial way to the community. And as I said, there is adequate parking, loading, and everything else, we call as is site and we're looking forward to being able to have them move in. We can show the elevations with the elevations essentially are no different than what than what the store looks right now. So they're probably harder to read than what people remember what the stores look like. If you have any other questions, I am happy to address them.

Chairman Cosentino stated I don't have any questions, but I think that the public should know what the programs et cetera, that Modell's has to offer for the Village. Some of the programs that Modell's has to offer to the Village of Mount Kisco

Mr. Null stated to my left is John Borrelli, who is Community Marketing Manager for Modell's.

Mr. Borrelli stated good evening everyone. My name is John Borrelli, Community Marketing Manager for Modell's Sporting Goods and I'd like to give you a brief overview of what Modell's means to community and what it can bring to the community. As a sporting goods retailer, we're not just a retailer, we're part of the community. We take pride in supporting local youth sports, and also educational entities inside it of your Town. It's about a bond to sport, it's about embracing individuals who are inside the community and bring it to life and supporting that growth. Sports should be accessible to everybody, that's what Modell's embodies. Some of the programs that we have to offer, outside of just sponsorship opportunities, is our Teen Reach program, which is an exclusive discount program that offers a chance for organizations to receive cash funds back. This program alone contributed three quarters of a million dollars for organizations that we work with fleet wide in 2014 and we would love to extend those opportunities to organizations inside the Mount Kisco community and surrounding communities as well. When you take a walk, this Town is beautiful, whether it be Leonard Park or the library, there's plenty of opportunities where we can partner and help out. It seems like a bustling community, whether it be us supporting the local little league or the soccer program, we'll bring exclusive opportunities that Modell's can only do. Do example, our partnerships with various sports clubs like NYCFC, tomorrow and Thursday, in Purchase, New York, we're running a special clinic for organizations that we work with and have supported throughout and that's what we can bring to Mount Kisco, throughout time. Also, it's not a one and done story, it's a story about commitment and if read some of the testimonials with the organizations that we work with, for example Monroe/Woodbury Little League, Ryetown Youth Football, these are partnerships that we've fostered year, over year, over year, and these programs help sustain these little leagues and various educational institutions. That's what we want to do and that's what we can do for your community. If anybody else has any questions, I'd be happy to answer them, that's my case.

Chairman Cosentino stated thank you very much. Is there anybody in the audience that has any comments on what Mr. Borrelli just said?

Mr. Null stated we'd be happy to respond after people have the opportunity to speak, Mr. Chairman, if that's acceptable to you?

Chairman Cosentino stated thank you very much. I'm going to ask the Board if they have any comments, my Board here. Doug, you had something?

Mr. Hertz stated yeah, I'm sure that public hasn't seen this. So would you mind, sorry what I was going to say that I assume that the public has not seen these plans, but could you delineate, talk a little bit about what the store is going to look like inside. I have a plan for fixtures and everything else. What's very notable to me is that this is primarily apparel and licensed apparel. The section designated literally as sporting goods represents a fairly small part. So could someone from Modell's, just talk through what it's going to be, what signage we're going to see, what will be windows.

Mr. Perez stated Will Perez, I'm the Regional Manager of Modell's. So what you see on the plan, there are six big fixtures. They're actually a lot bigger than they actually look on the picture. That's all dedicated to specific sporting goods items, but there are many items that tie into sporting goods that we sell in the stores. So for example, maybe athletic apparel that the kids are wearing now, like the dry-fit apparel is tied into that, in addition all of the cleats wouldn't be housed in that sporting goods section, that's within our footwear department. But the sporting goods department is actually going to be very, very large in comparison to some of our other Modell's stores within the neighboring area.

Mr. Hertz stated can you walk through what, you know, men's apparel, women's apparel, Adidas, Nike, licensed? Give us, you know, give people a narrative as to what this store will be.

Mr. Perez stated so I think when you get to the apparel piece of it, we can satisfy all customers because we do have high end apparel at the front of store.

Mr. Null stated you want to just sort of walk through...

Mr. Hertz stated and what I'd like to do while we do this, I'm going to put this plan set out, if anyone wants to look at it.

Chairman Cosentino stated just come up, look at it.

Mr. Perez stated so as I was saying, when you look at the plan, we're able to satisfy all customers because we do have high end apparel in the store, so we satisfy the kid that's looking for a better item, better athletic apparel but we still are very value driven, so we can all the needs of the community. The apparel sections takes you into the sporting goods department which we think will have a phenomenal teams sports section in the store to support the community, as well as when you go into the footwear department, same thing, there will be a very wide breadth of assortment from value into high end footwear to satisfy all the

needs of the community. We will have a very, very nice running selections, we know that this is a pretty good Town for athletic and running apparel, so we will have a pretty diversion selection of that, but this will be a fairly large sporting goods departments in comparison to some of our other stores.

Mr. Hertz stated can you described as we're walking down Main Street and walking on the street, the lower level glass, what are we going to see?

Mr. Perez stated so on the lower level is going to be youth apparel.

Mr. Hertz stated what I am asking is, what are we are going to see through the windows?

Mr. Perez stated through the windows you will see mostly what we call branded apparels, so you'll see Nike, Adidas, Under Armor, and showcase that. You will also see our footwear department through the front of the window, and our sporting goods department actually be towards the rear end of the store, because those are larger fixtures where we house the merchandise on, so that will be on the rear.

Mr. Hertz stated so you're not having window, there won't be displays within the window areas, you'll looking straight through?

Mr. Perez stated there will be mannequins, for each specific vendors there will be mannequins.

Mr. Hertz stated I'm trying to lead you.

Mr. Epstein stated so I'm Doug Epstein, Senior Vice President of Real Estate and General Counsel for Modell's. Taking a step back for a second, we're a 155-store chain, family operated fourth generation, and we pride ourselves on merchandizing each particular location based on the demand and needs of the community, which is why you'll see in every store a different assortment or breakdown with regard to various categories. We see four categories, footwear, apparel, licensed clothing and sporting goods. What Will alluded to earlier is the capacity of the fixtures, is what really dictates volume of the goods in store versus the square footage on a linear basis, merchandise, sporting good, from the floor up are apparel is generally on racks. With regard to the question about signage is actually major initiative in the organization to pull signage from the windows, and let the merchandise speak for itself with some, we had a department within the organization that's in charge of what we call window dressing. Which is mannequins dressed, featuring various merchandise, which is an accent feature in the windows, not a dominant feature, but is intended to highlight the product that's being featured in the stores. Throughout the stores there's wayfaring signage and departmental signage, it's really limited to the areas just to help people as they enter the store to figure out which area has what in particular, and then of course you'll have a much smaller scale of signage that deals with the individual products with an explanation of the features, descriptions, price.

Jan Johannessen stated are you going to have sale posters in the windows?

Mr. Epstein stated up against the windows?

Jan Johannessen stated on the windows, facing the street.

Mr. Epstein stated in this, it depends on the neighborhood that we operate in, we trying to taylor the look and feel of the store to neighborhood. Here, I would imagine that it would be set back from the windows, 12 to 18 inches hung from some sort of system from the ceiling, and not the dominant feature of the window, just enough to let people know what's going on in the store for particular seasons and promotions.

Mr. Vigliotti stated in your business model for a Main Street store, and I'm not sure how many of you're 150 stores you have are on Main Street similar to what you are proposing for Mount Kisco. What you are doing to accommodate our Main Street, and the look, the town and country look that we have in our downtown? From the plans that I saw and it looks very typical Modell's almost anywhere, lots of racks as you're passing by, it doesn't look inviting, you know what? It is inviting, but it's not the look that we're trying to achieve. So what are you going to do to achieve this town and country look as that's on Main Street, to tone down the signage to create the displays that make Modell's very welcoming to the community. How are you addressing that?

Mr. Epstein stated the revolving signage or the permanent signage?

Mr. Vigliotti stated its permanent, revolving, are we going to see in the windows, Adidas, and all the other licensed products flashing at you or in the windows and...

Mr. Epstein stated it won't be illuminated signage in the windows per se, if that's what the question is. There will be an exterior sign in compliance with local code. The windows signs that I was referring to are done by a professional manufacture on a heavy stock paper that hangs in the back but not a neon kind of light box which I think you're referring to, we've, there's a legacy in the chain with regard to those, generally those are stored within the back of the store with footwear.

Mr. Vigliotti stated do you have any Main Street stores in the chain you have?

Mr. Epstein stated we have central business district stores, about 25% of the chain, I would say.

Mr. Vigliotti stated if you could give us the locations if they're within Westchester or Fairfield County or Rockland, and if they're in a downtown Main Street area, I would love to be able get a sense that community.

Mr. Epstein stated you're talking about street scape, I can get you a list of those.

Mr. Vigliotti stated I know what they look like in strip malls and on major highways and all that.

Mr. Epstein stated we can provide a list of main street scape stores. What I would encourage you to do is, you may be thinking that this is an older prototype...

Mr. Vigliotti stated I think a lot of people are thinking of an older...

Mr. Epstein stated the newer Modell's prototype has a modern look flooring that appears as a wood finished floor, two tone, dark wood on the aisle pattern and then balance where the merchandise is displayed, very similar to this color, is what the flooring is. It's no longer the VCT beige and grey, K-Mart-esque store...

Mr. Vigliotti stated I think that is the information the community needs to hear.

Mr. Epstein stated predominantly the walls will disappear behind merchandise...

Chairman Cosentino stated are you talking about the exterior?

Mr. Vigliotti stated exterior, interior...

Chairman Cosentino stated he's talking about the interior.

Mr. Vigliotti stated I know he is.

Mr. Null stated I'm just trying to understand to make sure we can address what you're concerned about. This isn't operation of the store as it might impact the outside, if you're looking at...

Mr. Vigliotti stated it's more of an architectural...

Mr. Null stated what will be visible through the glass.

Mr. Hertz stated right, you're on a main walking thoroughfare...

Mr. Epstein stated mannequins are trimmed to feature the product, probably 20% of the window itself, the balance of the window will be just an exposed glass window that you can look through and experience the store.

Mr. Vigliotti stated you know Modell's has always had this kind of urban look to it and we're asking, at least I am, to soften that look for our Town, and how you are going to do that?

Mr. Null stated the exterior of the store as it is now, will be the same. We're not making any architectural changes on outside. The signage that you present will need to be approve, I know by the municipality and it's going to conform to the sign requirements. So what we are talking really is what's visible through the glass from the street and what we we've said now is that you want to be able to see the activity in the store. We're not looking to push everything up against the windows and not have visibility into store, which I think is consistent across the other stores along the Main Street, so hopefully that in large part, will address what your question is, we can get you more details, but that's the idea. We're looking to make it so people have in interest in coming because they see what's inside.

Chairman Cosentino stated what are your hours of operation?

Mr. Null stated so hours of operations are 9:00 a.m. to 9:00 p.m. weekdays except for Sunday and Sunday 10:00a.m. to 7:00p.m.

Chairman Cosentino stated would you consider 12:00 on Sunday because of the church that's next door? I mean, they have masses and up to maybe 12:00 or 1:00, probably 12:00. It would really help the community if you opened up to 12:00, instead of 10:00, because we do have the church, it's unique and they are masses there.

Mr. Null stated I wouldn't expect, we can certainly discuss that with our client but I wouldn't expect that the retail presence of this store would eliminate access to parking in the parking lot there. There's substantial parking...

Chairman Cosentino stated would you consider that?

Mr. Null stated I will talk to our client.

Chairman Cosentino stated we don't ask for much, but we do ask for things that are really needed. If the church wasn't there, I wouldn't be asking that question, but since the church is there, I need to ask it.

Mr. Null stated I understand.

Chairman Cosentino stated anybody else? Mr. Sturniolo?

Mr. Sturniolo stated Mr. Chairman, I have a question, you had used the term apparel, referring to clothing, numerous times in your collective presentation. What about things like hockey sticks, a catchers mitt, a football helmet, spikes, the mechanical things that are not day-to-day apparel, how in what percentage does that figure into your operation?

Mr. Epstein stated the overall breakdown of a typical Modell's sporting goods store would be about a third is what you're referring to as sporting goods...

Mr. Sturniolo stated I am sorry could you say it a little bit louder?

Mr. Epstein stated it's about a third of that overall that includes the cleated footwear, as well as the team sports. That varies depending on market and demand.

Mr. Sturniolo stated and the season.

Mr. Epstein stated we come into a community expecting there to be a need and then we gauge the actually reaction of the community and adjust our assortment of sporting needs. Apparel we use, maybe a little bit too loosely, because embodied in that apparel is also the team licensed clothing, Yankees, Mets, Jets, Giants, stuff like that which takes up a chunk of the apparel, a portion of the apparel. Our focus is in [inaudible] is team sports, the heart of it is team sports, soccer, basketball, football, baseball, lacrosse, those are the primary sports and then we do carry the other sports like hockey, golf...

Mr. Sturniolo stated do you anticipate and professional autograph signings, you know, Mariano Rivera comes in.

Mr. Epstein stated we'd love to have Mariano Rivera come in. Do I anticipate it happening? We do player appearances in various stores, a lot of it is based on accessibility of the players themselves. There's restrictions on their appearances based on the schedules, team schedules, Union, labor requirements from their leagues and you try to do that and try to gauge when there's an off day, so it's on a limited basis but it does happen.

Mr. Mareschi stated how about deliveries a week?

Mr. Epstein stated I would anticipate this store, there would be one or two deliveries a week, at most. Generally, not during the height of the day, either at the front end or the back end of the hours, not to interfere with traffic, we're cognizant of noise that trucks make in this community, so they won't be coming through Town at 3a.m., they'll be around when people are out and about and not put any pressure on the streets.

Chairman Cosentino stated do you hire a lot of local people?

Mr. Epstein stated our goal is to generally hiring from the community, all our hiring is done in the physical space that we're going to occupy a big space, we're in the neighboring space and we're going to encourage the local community to come out and apply. If there's jobs programs in the community, we always partner up with those communities in order to solicit potential associates from that pool of candidates. We obviously can't control who comes through the door and applies. We find that, we pride ourselves on being that we're on the larger scale of a community sporting goods store, we find that it allows for a better connection to the people who shop our stores to see their neighbors and their neighbor's children working in the stores. And through the partnerships that Will referred to earlier with the leagues, there's often part time associates that are hired through those relationships.

Mr. Hertz stated can I just ask one more question, just back on deliveries, what size trucks usually deliver, are they your trucks? How do you work that?

Mr. Epstein stated they're all run, at least in the New York Metro area, the trucks that we use are our own with our own drivers.

Mr. Hertz stated own?

Mr. Epstein stated yes, we own the trucks, we operate the trucks. We do use third party shipping to be more with the regulations for our stores in other areas, but above and beyond Mount Kisco, Washington and whatnot, I couldn't stand here and tell you the size of the trucks.

Mr. Hertz stated are they semis, are they tractor trailers, are they smaller vehicles?

Mr. Epstein stated some are tractor trailers and some are box trucks.

Chairman Cosentino stated anybody else? Thank you. Thank you for coming tonight.

Mr. Null stated thank you.

Chairman Cosentino stated I'm going to go to the audience right now and there was a sign-in sheet, and I have a total of six names here. So I assume that six people are going to talk and the first one, I don't know what they mean by Main Street Merchant Association. Is there somebody to represent that organization?

**Ms. Deutsch** stated yes, sir.

Chairman Cosentino stated you want to come up and identify yourself, and where do live?

**Ms. Deutsch** stated I personally live in South Salem, but I have owned Tiger Lily Boutique, at 139 Main Street right opposite the proposed site.

Chairman Cosentino stated the next...

**Ms. Deutsch** stated and this is Leslie Bijoux, her husband Eric, who own Evolution and Yogi's Paw, also on Main Street. This is Richie, who owns D'Errico Jewler. Elephant's Truck could not be here tonight, as well as New York Dolls, who are in support.

Chairman Cosentino stated thank you for coming.

**Ms. Deutsch** stated thank you. I would like to say that I did submit material which included petitions from customers, letters from retailers and letters from our customers as well. I would like to note that Main Street has suffered severely since the closing of Borders. Our numbers down 20% to 40% over the last four years. We have over 10 vacancies in a two block stretch, which are increasing, none of which have rented over the past three years. It is a ghost town on Main Street. We are all considering our options regarding our leases, because we are suffering. We need Modell's, we support them coming to town, its a fine family owned business, which will increase our traffic, in turn increasing traffic to all of the businesses in our Village. We have lost our anchor and Mount Kisco is suffering seriously, and our customers come to town, they feel unexcited. I believe this will be something that will turn the tide for Mount Kisco. I know that there was some concern about competitions to other businesses, but quite frankly, there are nine ladies' boutiques in this town, they were eight jewelry stores, there are about 25 restaurants, there are about 6, 10, 12 hair salons, we'll all find the way to speak to our customers, but we all find the way to speak to our customers in a way that makes us unique and desirable, so I feel that all of this will only enhance the beauty of all of our stores and what we bring to this Town. And I feel that Modell's will give us the life what we need. Quite frankly, my income is my business, and every day I see empty streets, I see empty parking, I see people who are just not coming to Main Street. So there were no other people interested. This is our lifeline at this point and I think that they have integrity, and they manage their businesses well. My uncle

retired for them, he worked for them for 60 years. He said it was the greatest family he ever had. So I and all of my colleagues offer full support to their occupancy.

Chairman Cosentino stated I just need to know, you made statement...

**Ms. Deutsch** stated yes.

Chairman Cosentino stated I just want you to go over it one more time, traffic.

**Ms. Deutsch** stated meaning customers coming into town...

Chairman Cosentino stated well, you had said something about traffic itself on the street.

**Ms. Deutsch** stated yes, foot traffic.

Chairman Cosentino stated oh, you're talking about foot traffic?

**Ms. Deutsch** stated yes, foot traffic is severely diminished. If you walk and you drive on Main Street, it's blank, it's dark, no one is renting our stores, why would they? We're the mom and pop, and we're suffering because of that, we need anchor stores. I personally don't see any negative repercussions of their opening.

Chairman Cosentino stated all right. I want to thank you for coming.

**Ms. Deutsch** stated thank you, Chairman. So if anybody has any questions but my colleagues all agree and we're the ones who were directly impacted by the loss of Borders because of the frontage. Thank you.

Chairman Cosentino stated thank you, thank you all for coming. Is there a Robert Bernstein? Mr. Bernstein would you, where do you live?

**Mr. Bernstein** stated I live in North Salem.

Chairman Cosentino stated thank you. Thank you for coming.

**Mr. Bernstein** stated thank you. Thank you, honorable Chairman Cosentino and the rest of the Planning Board. My name is Robert Bernstein, I own and operate Mount Kisco Sports, I'm proud to say that I've been open since April 26, 1997, and truly enjoyed and continue to enjoy being part of this Village for the past 18 years. We look forward to starting a new chapter of our business with the opening of our new store at 13 East Main Street, right next to Bicycle World. Our new location and design will fit nicely with charm and character of Mount Kisco. It will be a store we all can be proud of. I'm here today to oppose the Modell's issuance of a Special Permit to occupy 154-162 East Main Street. As the owner of a local sporting goods store, it would seem obvious to why I oppose the Modell's, and I can sit here for hours rattling off different reasons why I oppose it. As my reason, maybe obviously there are many reasons that are not so obvious and I ask the Board to ponder before proceeding with the issuance of this permit. Therefore, I will simply pose a couple of questions, they don't have to be answered. Does the proposed use of space 154-162 East Main Street by Modell's fit into the character of the Village? Is any retail space out there that can occupy 16,000 to 22,000 square feet in a matter that fits into the character of the Village? If the space is split into four to five different spaces, would it fit in? I think it would fit in a little bit better. Do you think it seems reasonable to let Modell's into a space, just so we don't have a vacant store anymore? I don't know if it's a good fit, or adds to the character of this community. I don't want to react to anything that anybody said, I just want to say what I have to say and if you have any questions for me after. Just a few final comments before I leave you to think about these questions, allowing Modell's into Mount Kisco, in my opinion is the beginning of the end of a charming Village. When Border's occupied the space, it was not only a retail space but a gathering place, a place where people would gather, socialize, meet, educate themselves, and their children and even with those benefits, the store was too large and the demographics could not support it. What makes Modell's a better choice? It's not, contrary to what many of you think I don't believe it will supply the traffic that the other people on Main Street are looking forward to having. I think they're going to go in the back and out the back and they're going to go on their way. Thank you very much for your time.

Chairman Cosentino stated I want to thank you for coming.

**Mr. Bernstein** stated thank you.

Chairman Cosentino stated is there a Tina Bernstein?



**Mrs. Bernstein** stated hi, my name is Tina Bernstein, my husband is Rob Bernstein, we own Mount Kisco Sports. When word came to us that Modell's was opening, it was quite scary, as any of the mom and pop stores would understand. We spent many years in Mount Kisco, we named our store Mount Kisco Sports because when we came up here, we loved the Town so much and we really wanted to be a part of it, and we committed ourselves to being a part of Town. To partake in leagues throughout the Village, supporting baseball, supporting soccer, supporting swim. We spent countless hours giving back to community, which we will continue to do in our new space. It's funny, this is like a movie coming in here, you know, we're the mom and pop and then the suits come in and you're kind of like whoa, this is like a movie, and right now we're caught up in that movie. What we object to, we're not objecting to competition, we've dealt with competition, everyone that has a phone, this is our competition as well, and we've been dealing with this and we've adjusted, and we will continue to adjust. What we are objecting to is a store that is going to be seven to eight times the space we are, seven to eight, that huge. We are not talking about a 1,000 square-foot store, but 2,000, 3,000, 4,000, which the Gap is, let's just say. We're talking about a very large space that everyone is trying to hide behind and say, oh, how are you going to make it look like that a local community place, how are you hiding 16,000 square feet, I don't know how you do that? We object to the competition, we've dealt with many other little stores coming in that carried sporting goods and we didn't throw our arms up in the air and say, oh, my god, they're opening up. We are objecting to store that is not fair, it's not equal. It's not an equal competition. I understand where all you guys are coming from, I really truly do but we're mom and pop also, okay, so when you come up here and you speak the way you do, you're nothing of us. Wait, let me finish...

**Ms. Deutsch** stated right, actually I have because TJ Maxx is my competition and how many square feet would that be?

**Mrs. Bernstein** stated you were up here, this is my time to speak.

Chairman Cosentino stated one at a time.

**Ms. Deutsch** stated you asked me, I answered you.

**Mrs. Bernstein** stated I'm not addressing you, I addressed all of you.

Chairman Cosentino stated Mrs. Bernstein, continue. Do not address the public.

**Mrs. Bernstein** stated okay. We just wanted to be fair, that's it. We want fair competition. If Modell's is coming in at 4,000, 5,000, 6,000, no, its over 8,000 square feet. That's why they're here because it's huge. It just doesn't seem right, it doesn't seem fair, and it doesn't fit into the Town, it doesn't fit into our Town. What's going to be next, what's coming in next afterwards, you know. If we allow this, what are we going to allow for the next time around? Okay. What are all the other towns fighting about, what's Katonah fighting about, telling them that they wouldn't let CVS in, good for them, and you know what, maybe Mount Kisco should be doing the same thing. So, all I'm asking is for fair competition in the Village, okay, and this is not fair. It's not fair. So, thank you very much for your time.

Chairman Cosentino stated thank you for coming.

**Mrs. Bernstein** stated I appreciate it.

Chairman Cosentino stated Roslin, Dr. Ros.

**Mr. Roslin** stated thank you, I come up here because I've been proud to call Mitchell Modell one of my close friends for 20 years. So when you call a bunch of suits, I can honestly say as a human being that is absolutely a wonderful person that has taken an active role in communities, has supported our hospital, supported local hospitals. When he was on Undercover Boss, he was presented with a woman who was a single mother and spontaneously purchased a house for her. So when you're talking about suits, he's epitome of success, this was truly a family business that was given to him and his brother and his brother in time, passed away. He cares about the community and you know something, its not going to be an easy thing to fill 14 to 15,000 square feet in this area, its going to creativity, it's going to take ideas and he's the type of person to have the ideas. And I think that rather than cluster a whole bunch of big, publicly traded corporations, I think you have to understand a person. He is a first class person that has had the same loyal staff working for him for years. Has been a major player in every community he's been to. I'm really active in Northern Westchester Hospital and I've asked him to get involved and his immediate answer was absolutely, yes and that's really about all I can say is that this is not some tyrant, this is not some monster, this is actually a first class person who happens one of the most generous people I've ever met.

Chairman Cosentino stated thank you, Doctor.

Chairman Cosentino stated Eric, is it Marcus?

**Mr. Marcus** stated I'm going to withhold comments.

Chairman Cosentino stated is there a Gina Picinich

**Ms. Picinich** stated my name is Gina Picinich, and I'm a resident of Mount Kisco. I'm also the consumer, I shop here in Mount Kisco. And I would propose that the target audience on these two businesses is different. When my 10-year-old daughter says she wants to play tennis, I currently go to Target and buy a \$20 tennis racket. If my daughter gets good at tennis, I then go to Mount Kisco Sports and I buy her better racket and I go back to Mount Kisco Sports to have the racket strung, and then she needs certain shoes, I'll go back to Mount Kisco Sports because there's a level of knowledge and expertise at Mount Kisco Sports that I need. My plantar fasciitis acts up, I have to go to speak with them and with respect to Modell's, they're going to have students from high school, other people shopping there that don't have the level of knowledge, then they have at Mount Kisco Sports. So, as a consumer and as a resident, I'll shop at both. So I propose that real competition is Target for Modell's, not Mount Kisco Sports. The other thing that I want to say is the concept of letting big box chains into our town, the horse is already out of the barn you know we have Party City, we have Gap, we have TJ Maxx, we're Town with the Starbucks, locally and so that's what makes Mount Kisco unique, we have both. So people can come shop here and go to Tiger Lily or Yogi's Paw and they can also go to the Gap, or they can go to the Party City. So I propose that this offers another option to people who are coming to shop in Mount Kisco and residents of Mount Kisco. And so I'm going to continue to come to Mount Kisco Sports, but when I want to pick up a pair of sweatpants a little less expensively, I'll probably run over to Modell's. So, as a resident, as a shopper and consumer, that's what I'd like to propose to you.

Chairman Cosentino stated thank you very much for coming. Is there anybody else that would like to come right up?

**Mrs. Grandberg** stated my name is Barbara Grandberg, I'm a resident, I also have a business in Town that doesn't rely on foot traffic. My question is, I heard the Modell's people talking and all I heard is a chain and I didn't hear the number. So could someone please tell me how many stores you have in a Greater New York area?

Mr. Epstein stated 155 stores throughout the Atlantic and the Northeast and the Greater New York area, I don't know how you define the Greater New York area.

**Mrs. Grandberg** stated okay, so tell me where is your first, your newest store, where did you open your newest store? In what town?

Mr. Epstein stated [inaudible] prototype or the newest store?

**Mrs. Grandberg** stated the newest Modell's.

Mr. Epstein stated the last one opened is in Long Island City, Queens.

**Mrs. Grandberg** stated in Queens, and it was how big?

Mr. Epstein stated 13,500 square feet.

**Mrs. Grandberg** stated okay, we are talking about how much?

Chairman Cosentino stated 16,000.

**Mrs. Grandberg** stated okay. And it's there been for how long?

Mr. Epstein stated since February.

**Mrs. Grandberg** stated and is it in a town, on a street?

Mr. Epstein stated in a shopping center.

**Mrs. Grandberg** stated okay, my next question is, you must have had stores closed over the last couple of years. Where was your last store that you closed?

Mr. Epstein stated the last store that I can recall that closed, would be Kingston, New York.

**Mrs. Grandberg** stated and how big was that.

Mr. Epstein stated it was a store on 42<sup>nd</sup>, [inaudible] came in they bought the building, they shut us down.

**Mrs. Grandberg** stated competition.

Mr. Epstein stated a real estate development, but that last store that we closed voluntarily was Kingston.

**Mrs. Grandberg** stated okay, I just want to get a sense of who you are, because you are talking about who you are in terms of community and we're a small community but you're a big operation and we had a big-box store and through no fault of anybody's, it closed, and so I think this is information that we should just think about, because it is, you're a big operation no matter what you want to say and I don't, I'm not one way or the other, but you are a big operation in this tiny Town and it's a big decision that you guys have to make.

Chairman Cosentino stated thank you very much. Is there anybody else? Anybody from staff?

**Mr. Sussman** stated why did you close Kingston?

Chairman Cosentino stated come up. Identify yourself.

**Mr. Sussman** stated Eric Sussman, Yogi's Paw. Why did you close Kingston, I'm just curious.

Mr. Epstein stated Kingston was open for 15 years, we ironically, have 3 or 4 sporting goods operators in the market and the market wasn't large enough to sustain 4 stores and ours came up first.

Chairman Cosentino stated thank you. Is there anybody else? Gentlemen, I want to thank you all for coming.

Mr. Null stated can I address a few things?

Chairman Cosentino stated go ahead.

Mr. Null stated Mount Kisco approved this 22,500 square storefront many years ago and part and parcel of that was understanding that it needed a tenant or tenants, and for long time Borders was in there which was the entire store, the entire 22,500 square feet. Since Borders left, probably four years ago or so, it's been vacant, which shows how difficult it is to lease that space up. This isn't a choice of picking who you want, we think Modell's is a fine tenant and would be a true beneficial addition to the Town. But that's not the standards of the zoning laws, to pick the tenant and you know that. The question is the use is retail, it conforms to the zoning ordinance. We have fully conforming parking. We think we described that the character building is not going to change, we're looking to participate in the community, we're looking to be meaningful member of the neighborhood of stores and you have any number of stores that are this size or larger in your community as well. So we hope that when you're considering when we meet the standards from the special permit provisions of your zoning ordinance that you evaluate Modell's as you would any other tenant proposed for this site, not on the basis of whether you necessarily would prefer them as the entity operating the business, but whether the business as a retail business, is compatible with and conforming to your requirements. The fact that we only have two trucks a week, coming in is much less than you'd have if you had multiple tenants in those stores. You would have a lot more activity, we're able to control the truck deliveries because they're our own trucks and we're able to make so that they're at the beginning today or the end of. We think by being a responsible community member, occupying most of that space there is a greater likelihood that the balance of that space will lease out too. So the nature of the smaller store, some of them make it, some of them don't, maybe they don't get questioned on why they closed or not. Everyone is looking to have a successful business if they are going to commit the money to open as Modell's is doing here. We hope you give them the same open mindedness as you do everybody else. Thank you.

Chairman Cosentino stated we certainly will do that.

Mr. Mareschi stated thank you.

Chairman Cosentino stated there anybody else? Okay. I want to thank all the ladies and gentlemen and everybody that came tonight. I guess you can all go home and eat now.

Mr. Hertz stated Mr. Chairman...

**Mrs. Picinich** stated when will there be a vote on passing or not passing this?

Chairman Cosentino stated we're going to continue this public hearing.

Mr. Null stated is there anything else you want us to bring back to you, if you're continuing it, Mr. Chairman.

Chairman Cosentino stated yeah, something like you won't open up until 12:00 on Sundays, which will be nice, if you could bring that back.

Mr. Null stated I'll bring you back an answer, we'll entertain that.

**Mrs. Picinich** stated so there's going to be another public hearing?

Whitney Singleton stated not another public hearing, it will be continued to the next meeting.

**Ms. Deutsch** stated and when is the next meeting?

Whitney Singleton stated two weeks.

The Secretary stated September.

Mr. Hertz stated Mr. Chairman, if I might it also like to acknowledge that the Village has received emails, letters, and documents some of which are provided, dropped off, some of which have come by email so...

Chairman Cosentino stated as of today, yeah.

Mr. Hertz stated as of today, so I think because the amount of...

**Ms. Deutsch** stated people want a solution, they want Trader Joe's and it's just impossible...

Chairman Cosentino stated if you want to talk, come on up. I can hear you better.

**Ms. Deutsch** stated thank you. This is a very tough nut to crack in the community because people have their desires. I know there's so much with Chappaqua Crossing and people being concerned about the retail and Whole Food or this or that and everybody thinks that they have a choice. We want Trader Joe's, personally they don't want us, and you don't want the truck traffic either. People say they don't want Modell's because they think it will appeal to the lower end of our community, which I think is a very horrible thought, we have a diverse and wonderful area here with all economic strata's and people who are casual athletes and people who are professional athletes. There's a lot on Facebook, it's become very, very heated and quite frankly, it's been very offensive to me, to see how people are speaking about what the economy product will do to this Town. And not taking in consideration the impact of having it empty has had on all of our retailers. So, I think a lot of this chatter that's going on, is based up on people think they have a choice about, we want Sephora, so we can buy makeup locally, Sephora is never going to come there, so they're going to trash Modell's. We want Trader Joe's, we want Whole Foods, we want Home Goods. It's not about who people want, its about who's applying and again I'm sorry, I don't mean to be overly vocal but I think people have gotten a little bit carried away with their desires.

Mr. Hertz stated Facebook has never appeared before us here, and we don't necessarily see the chatter. You may be aware of it, we see what people come here, people write letters, people e-mail. So we have e-mails and letters, for both sides of the issue and some that fall down the center.

Chairman Cosentino stated keep in mind that everybody has an opinion, whether it's for or whether it's against.

**Ms. Deutsch** stated that is true.

Chairman Cosentino stated we accepted your opinion.

**Ms. Deutsch** stated thank you, Chairman. I do appreciate that.

Chairman Cosentino stated again, I want to thank everybody.

Jan Johannessen stated Chairman, just to point out that we had a comment memo, as did Anthony and Rob.

Chairman Cosentino stated do you want to go, do you want to go through that comment?

Jan Johannessen stated we're happy to, its just that the comments should be addressed by the applicant in writing for the next meeting.

Chairman Cosentino stated okay, just put it in for the record then. Do you want to comment on it tonight?

Anthony Oliveri stated probably not necessary.

Chairman Cosentino stated I don't think it's necessary for tonight. Let's comment on the next one, because there maybe more.

Mr. Null stated we did receive comment letters.

Chairman Cosentino stated these are items that they have to improve from our staff, that we want done. I guess you could say for the quality of life.

Jan Johannessen stated I think there should be some response to the window dressing and window signage, whether it's typical window display or something more concrete. So we can understand how that's going to be.

Chairman Cosentino stated yeah, and we may have a couple lot of things that we want to address.

Mr. Null stated we provided a full explanation of the windows, unless there is something else you're interested in. I thought we spent a fair amount of time...

Jan Johannessen stated I don't think anybody, I certainly didn't walk away with a clear understanding of...

Mr. Vigliotti stated yeah, I think we need to narrow down with what we are expecting to get answers for. So the Chair had asked with regard to Sunday hours, we need to get an answer to that. If you want to help the process move along. I had a question on signage. I'd like to see what the signage is going to look like. Is it going to say Modell's Sporting Goods, just Modell's, are they going to be two or three of them, what type of materials, are they going to be on the inside mounted on the outside? Mr. Sturniolo had a very good question, which was will you have special events, signings by professional athletes, and Tony, I think your point is very well taken. I am not sure if our infrastructure could handle something like that and that's something that needs to be addressed. So if there is anything else, and now you're some writing some thoughts down, so that's good. We want the process to move along.

Mr. Null stated there was one question that had come up in the comment letters about ADA accessibility for the front entrance on Main Street. Chris, do you want to address that? There's an existing condition, step up...

Mr. Raffaelli stated the entry on Main Street into the Modell's space has about 7 inch step from curb line up to the floor slab, that's on the building line, which happens to coincide with the property line. That right now is going to remain an existing condition. We don't have plans to alter that entry at all, the accessible route into the building is from parking lot where the accessible parking stalls are, into the lower level where disabled bodies can use the elevator to reach the main floor.

Mr. Null stated and, you were saying there was no requirement under the regulations to make that change, and the feasibility of making that change.

Chairman Cosentino stated I'll leave that up to the Building Inspector.

Mr. Null stated I think we can speak to that, Chris?

Mr. Raffaelli stated in order to make that entrance fully accessible, it would need to become a ramp or align the slab with the sidewalk. Aligning the slab with the sidewalk will require a curb line change in the street, which we really can't do. And modifying the interior of the building to suit the grade at the sidewalk requires a structural modifications of the building, which brings us into Code will dictate, technically infeasible, so therefore there going to be an existing condition.

Chairman Cosentino stated of course, you could have ramped it into the building.

Mr. Raffaelli stated well that's what I'm talking about, to do that we would have to modify the foundation of the building.

Chairman Cosentino stated okay, we understand.

Mr. Null stated that was one of the comments that I recalled from the comment letters, I just wanted to...

Whitney Singleton stated you're going to get the list of locations for the Board, so that they can visit other locations.

Mr. Null stated we can do that.

Mr. Vigliotti stated it would be more Main Street locations, as opposed to strip malls.

Mr. Epstein stated I'll provide you with a list of every central business district location we have.

Mr. Hertz stated would it be to facilitate so everyone can understand what it looks like, do you have photos of streetscapes, those streetscapes of various buildings, so we could see how...

Mr. Epstein stated I provided photos, the question, and I should have answered this earlier with regard to how we integrate with the aesthetics of a town. We operate in landmark buildings in New York City and if you've ever been before the Landmark Commission in New York City, their regulations are pretty stringent in terms of compliance with historical look, and feel and signage, what's permitted and what's not permitted. In fact we just recently, [inaudible] Mitchell Modell, we returned to a location that we had lost, it was the oldest operating location in the chain, we just returned about three weeks ago because the family feels a connection with the individual location and it pains him to close Mo's actually. I'm the one that who deals with the conversations about closing stores and the desire is never to close, he personally knows the managers in all the stores...

Mr. Hertz stated but if you might, you're not going to be constrained by historic things here. We're trying to get sense of what it might look like, and as we walk down the street, so I appreciate that you've made it past landmarks commissions and arduous situations.

Mr. Epstein stated no, we're cognizant of the communities we operate in, and I use that as an example of how, I get the impression, perhaps it's a false impression, that there's this concern that there's going to be 10 by 10 sales signs in the windows, plastered on the outside...

Mr. Hertz stated right, so photos or boards could really help us understand that.

Mr. Epstein stated I'll provide photos, I encourage you to visit one of our local stores to get a real feel for what an operating store looks like. I would caution you in that regard that some of these stores are not Mo's prototype but we will do...

Mr. Hertz stated right so that's why maybe an illustration or something of what it would be, would be very helpful.

Mr. Null stated we will present you with images of what we propose the store to look like and get that to you, so you have that to consider.

Mr. Mareschi stated where's your newest store?

Mr. Epstein stated the newest prototype locally would either be in Port Chester or Nanuet. Nanuet [inaudible]...

Chairman Cosentino stated its getting late, why don't we address this at the next meeting or staff meeting with them or something like that because there may be some other items.

Mr. Null stated Mr. Chairman, would we be able to get copies of the communications that Mr. Hertz was talking about, so we can be sure...

Chairman Cosentino stated sure, check with our Secretary, Michelle.

Mr. Null stated thank you very much.

Mr. Sturniolo stated two quick comments, the front of the former bookstore, there is a guide wire leading from the telephone pole down, diagonally across the sidewalk and it anchors very close to your property wall. What do you envision you're going to do about that, if you're going to do anything?

Mr. Null stated I'm not aware that typically has something that's Con Ed, not us, but we can certainly look at it. I don't think we had any plan to do anything with it but I don't know if we were aware of it.

Mr. Sturniolo stated my second point is and I say this in all politeness as to you and your team and I'm not patronizing anybody in the audience, but I believe you have lot of detailed homework to present this Planning Board such as what Mr. Hertz, just mentioned about, with what some of the signage is going to look like, what Mr. Vigliotti, talked about the exterior of the building. We need some more of the meat and potatoes to be able to digest this over and above what we've heard and read so far. And again I say this out of politeness, but concern for the Village of Mount Kisco. Thank you.

Mr. Null stated have a good night.

*Off topic conversation.*

Chairman Cosentino stated The Hearth of Mount Kisco, come up, identify yourself for the record please.

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

Mr. Mark Miller of Veneziano & Associates, Mr. Chuck Utschig of Langan Engineering and Mr. Christian Sexton, the applicant.

Mr. Miller stated Mark Miller, Veneziano & Associates.

Mr. Utschig stated Chuck Utschig, Langan Engineering.

Mr. Sexton stated Christian Sexton with Fortis Hearth, the applicant.

Mr. Miller stated first, I would like to take this opportunity to thank the Board again for convening the special meeting so we can address the access to the site that was very helpful. Since that meeting, we've reviewed the resolution that your Board adopted and we have been working diligently with your engineer, outside consultant that the engineer brought in, with the Village Manager to address the issues raised in you resolution, so we can finish the work on the site, get out, and remediate. We have a lot of coordination to do with various Village officials, the Building Inspector, Village Manger, et cetera, and DEP. We now have a schedule set up to complete the work, I believe on September 2<sup>nd</sup>, with DEP in attendance, because that's one of their requirements, is that they witnessed remainder of the testing. And we've working on bigger items, the bonding that we have to provide, down to the smaller items, what kind of seed mix we're going to use on the site, we think that's all basically have been worked out. So, hopefully on September 2<sup>nd</sup>, we'll be able to complete the drilling, start the withdrawal process from the site and the remediation. That said, we're still, of course we're happy to answer any questions about that. That said we're still looking to proceed with your Board and with respect to the Site Plan and Special Permit Approval. We've been working, I believe, we're down to just a very few comments that remained open with some information that Jan has requested with respect to emergency calls, we apologize, we should have gotten you that information sooner but you'll have it. And then Anthony has some technical issues that he is working on with Chuck. In order to keep this moving forward and we're happy to discuss any of those open items, I would respectfully request that the Board consider, just again, to keep it moving forward authorizing your Counsel to be start drafting the resolutions. Most of the issues are resolved, we know the ones that aren't, we anticipate what will probably be conditions of approval, we can satisfy, we believe almost everything, and we think now is the time to start that process. So as we work on finishing up the drilling and remediating site, moving forward with the next step.

Chairman Cosentino stated Jan, do you or Anthony have anything you want to add to his?

Anthony Oliveri stated just a question maybe to Chuck, from the July meeting, I guess, when you produced that last memo with the list of outstanding items. You submitted some stuff, posted on your website has anything that submitted since then that I haven't received.

Mr. Utschig stated I don't think so.

Anthony Oliveri stated the water report?

Mr. Utschig stated that's the one open item.

Anthony Oliveri stated I wasn't sure because we were talking about almost everything being addressed, there are still a few kind of larger items that I thought, like that...

Mr. Utschig stated that's one item. You raised a question about the supply of water for the irrigation system, which we committed to put a well in, that resolved that one.

Anthony Oliveri stated some of those things were resolved with that submission.

Mr. Utschig stated we've kind of gotten to this where we think the water report is that the open item on your list, and Jan had a couple.

Jan Johannessen stated yeah, while we were reviewing those items as kind of piecemeal submissions through postings on the website. It maybe be beneficial for you to kind of wrap that all up and give us your final set of plans...

Mr. Utschig stated we can do that. That would bring it all kind of together and with your understanding and as we've come meeting after meeting, we have been working with your Staff to try and resolve the issues or address their comments at least. And they're right there have been a series of submissions that have occurred over that time and I think I've said before that our goal was to kind of get to the last few and then make, what we would look at as a combined solution submission and all that included. And I think we're there and I think your Staff is maybe saying the same thing.

Mr. Hertz stated Anthony, in a very short, what's the water report? What is that issue that is not resolved yet?

Anthony Oliveri stated well the water report that had been submitted probably towards the beginning of the year I think, we had some comments on that some revisions that had to be done and we just haven't gotten that back yet, so that's why and the report included the water and sewer service analysis. We were, you know, basically there on in terms of what they were saying, but they didn't provide the right back-up that we were looking for. So that's we were looking for this point.

Chairman Cosentino stated also, the steep slopes and the wetlands, you're working on that, I guess.

Anthony Oliveri stated yeah, I had a memo at the July meeting, which listed all the outstanding items.

Chairman Cosentino stated alright, we got a letter from the County and I want to address this letter and some of the things that they requested and I think that we should go over them.

Jan Johannessen stated Chairman, I think there are three main items in their memo. The first one dealt with pedestrian circulation, they talked about the need for some sort of shuttle service, which I believe has been committed to in the FEIS and findings. They also talked about providing the sidewalk from Kisco Avenue, up to driveway to the point where the stairs go up through the rock slope to the facility. So that was item number one, was the sidewalks up the access driveway.

Mr. Hertz stated is that is not still feasible, given what you are doing?

Mr. Utschig stated I don't think so. And if I recall, but I believe we have touched on this issue in the past and I think general the consensus was as steep as this road is not at 5%, it's at 12% and 15% and the likelihood that anybody would walk up with is probably not very and I think offset to that was discussion about making sure there was a shuttle service available. I think it goes hand in hand with the discussion about the lack of a bus stop on Kisco Avenue, in this area, which I think we also can agree...

Jan Johannessen stated I'm sorry to interrupt, Chuck. I think what probably triggered their comment was the fact that there was a staircase through the rock slope, so maybe you can remind us why there's a staircase.

Mr. Utschig stated that's correct, they tied it to the walkways around the building. Those walkways around the building are all based on from what the architect told me, are based on fire exit requirements, to get them out to a safe place, they have a path to the road. Doesn't have to go anywhere other than to the road and it clears them so I think that's, and the one in the back that goes up the steep slopes was actually through discussion with Fire Department and desire for them to be able to get up behind the building with a hose, I think Rob was part of that.

Rob Melillo stated under the State Fire Code, because of their building, they have to be able to get within 300 feet of all points of the building. That was the requirement why I made them put a stair in over there because it had no way of getting to those points of the building within 300 feet.

Mr. Miller stated also Mr. Chair, I think its fair to say that the installation of the sidewalk, you know what we've gone through to design the road and to minimize disturbance, and get rid of the S's and all that other stuff that we've been through, to now add a sidewalk, I don't know exactly what the additional width



would be, I would guess we'd have to defer to Chuck, another 5 feet wide, perhaps maybe more and attending disturbance of the rock cut.

Anthony Oliveri stated it's also going to impact the obviously the impervious area coverage and it will impact the DEP application as well.

Mr. Utschig stated and we currently have a non-curbed roadway section, so the drainage from the road goes into the roadside swales. So the addition of sidewalk without a curb section starts to raise pedestrian safety issues. So that sidewalk, starting with the fact that this road is between 12% and 15% steep and 1,300 feet long, and then the likelihood of somebody using a sidewalk and then you add to those are the factors that's why we don't have one on the plan.

Chairman Cosentino stated so what you're is saying the County didn't take the consideration all these factors?

Mr. Utschig stated they may not have had all the information they needed to make their assessment, we typically see pedestrian access, you know, comments in their letters repeatedly, some of these we see all the time.

Mr. Vigliotti stated how many employees do you anticipate for the assisted living.

Mr. Sexton stated I think its about 45 full-time equivalent, is usually our...

Mr. Vigliotti stated how will they, if they're taking the public transportation? It could be 10 or 15, whatever shift it may be, taking public transportation, are they walking up the road wanting to get there?

Mr. Sexton stated no, absolutely not. We're anticipating a shuttle just for transportation, from most likely the metro.

Mr. Vigliotti stated and when you say your anticipating, are you providing a shuttle for your employees.

Mr. Sexton stated as of now, we will commit to that, its one or two shuttles, once we figure out the amount of local employees, and if they're driving or coming to the metro, we can adjust as necessary, if we need another shuttle.

Mr. Miller stated we're committed to a shuttle, certainly.

Mr. Mareschi stated so the shuttle will be all the way down the hill, you'll pick them up?

Mr. Sexton stated it's a shuttle bus that parks in the parking lot and takes not only, in this case, employees but residents to other communities. We will own the bus.

Mr. Vigliotti stated so no one will be walking up and down that hill, on the roadway.

Chairman Cosentino stated I wouldn't say that.

Mr. Utschig stated I wouldn't, I don't know. There is nothing that prevents them from doing it. So there is not a bus on Kisco Avenue, so that's one issue. So you've got to get wherever, if someone is taking the bus it's a person that's gotten off, and I don't know where the closest bus stop is but they've gotten...

Mr. Sexton stated to answer your question, I would use Curtis Instruments as an example. Is there anybody walking up Curtis Instruments driveway to work?

Chairman Cosentino stated no, not to work, I see people do walk up there, I don't know whether to work or you know, go for a walk on their lunch and come back.

Jan Johannessen stated the next item was just compliance with DEP rules and regulations which is needed regardless. The third item was the County's recommendation to provide 10% affordable units.

Mr. Sexton stated I can answer that, we have a lot of affordable housing experience, we've done a lot of affordable housing development. Years ago, I even looked at if we can provide that to this specific deal and its not feasible.

Chairman Cosentino stated why?

Mr. Sexton stated the easy answer is, in my experience, with that comes with affordable housing, is an opposite of financing and the numbers don't work out.

Chairman Cosentino stated so are you going to be going for tax abatements or anything on this?

Mr. Sexton stated we have a PILOT, we don't have tax abatement, we have PILOT in place.

Mr. Vigliotti stated what does that mean?

Mr. Sexton stated it's a payment in lieu of taxes, where the County, the School District, and the Village all share taxes over a 10 year stream. The Village has been made whole, the Village is not decreasing, not even one dollar, for what the tax impact would be.

Whitney Singleton stated I don't know that I would agree to those numbers, they can state that but it was the Village's position that it did not want to participate in the PILOT, whereby the taxes are reduced significantly, if it meant that it was coming at the expense of Village taxpayers. The School District and the County, are taking a big hit financially in taxes.

Chairman Cosentino stated but my school taxes just went up 7%.

Whitney Singleton stated well they could also make the argument that they're not putting any kids in school.

Chairman Cosentino stated I don't have any kids in school.

Whitney Singleton stated Joe, the point I'm trying to make is that yes, the County is receiving significantly less taxes than they otherwise would receive if it were not for the PILOT.

Chairman Cosentino stated is that why they're asking for the 10 percent?

Mr. Utschig stated the County, 10% is a standard, every project that the County reviews that is housing has the 10% and Jan can verify that...

Mr. Miller stated and that's based to a certain extent on the settlement that the County entered into few years ago with HUD, and so, they asked for obviously that requirement was not in place when we were modeling project.

Mr. Vigliotti stated I am not so concern about the County tax that will be lost. I am concerned about the school tax that will be lost by this PILOT program for 10 years. I would like to know, and I think the residents should know, because early only on, that wasn't even a consideration. How much school taxes are you not going to be paying because the rest of the Village will be subsidizing that because early on and we've had this conversation before. Early on, it was a full tax load, you were going to end up helping the Village at large because of the taxes you were going to pay. Now, the school taxes have gone up immensely and we thought use ago, that this may help. So I'd like to know and I think the rest of the Board would like to know, what the tax savings is going to be for school taxes?

Mr. Sexton stated Mr. Vigliotti, I understand your question, I'm not prepared to answer that, we can get you that information, by next week.

Jan Johannessen stated the last item was green building technology and bicycle parking and they noted that the project was seeking to reach a level of LEEDS Silver certification and they also requested that the applicant consider a bicycle parking area...

Mr. Hertz stated Mountain Avenue is used by the County Police as a training route, right there. Every year we get the County Police, will put all their bike guys and they will come and almost die in front of my house but they make them climb the hill, so they might substitute your hill which will be even more hill, so they can get familiar with the territory.

Mr. Sexton stated that's an easy addition if we find residents, specifically residents or employees are biking to work, we can add a bike park.

Jan Johannessen stated is it true that you're still seeking LEEDS Certification?

Mr. Miller stated our goal is LEEDS equivalence, I mean because you can't get the certification until you're done anyway, but that's the goal, is the equivalence.

Whitney Singleton stated Mark, can you do me a favor, can you just address, briefly, on a point by point basis, why things are not feasible. What you're going to do with the shuttle service, why you don't intent to provide affordable housing units, how you're going to comply with the watershed regs and what you're going to do...

Jan Johannessen stated or provide that in writing.

Mr. Miller stated I think that's what Whitney's asking. I was hoping you didn't mean right now.

Chairman Cosentino stated thank you, Whitney, because I had that on my list.

Mr. Hertz stated and just as a comment, I just want to know that there is a typo on the County's letter, unless you've significantly scaled down the project, I do believe there are 129 units, and not 29..

Chairman Cosentino stated okay, is there anything else?

Mr. Hertz stated Mr. Chairman, I have one additional thing, because of the disturbance and the restoration that's going on, feeling your overall numbers for trees lost, areas of disturbance would change, so even though this is being mitigated separately. I think I'd like to understand what those additional changes were and as supplement to the data you provided.

Mr. Miller stated okay.

Whitney Singleton stated I have one or two other things, I'm kind of picking up where Doug left off there, I would like to know how the Board would like to see or how the applicant proposed to incorporate what was done in that area of the disturbance into the conservation easement. Is it simply going to be restoration and then conservation on the conservation easement, or is going to alter the area, alter the perimeter of the conservation easement? I don't really know what the Board's thinking is at this point in time given the fact that the conservation area has already been disturbed. But Mark, along those lines, if you could provide some degree of a proposed conservation easement, I would appreciate that.

Mr. Miller stated okay, the last time you and I had spoken, we have talked about incorporating it into the deed to come from the Village. I'd be happy to provide you with some proposed language..

Whitney Singleton stated I still need to be able to show the Planning Board something and also are there any comments back in the emergency access easement since last October.

Mr. Miller stated I haven't had a chance, candidly to focus on it.

Mr. Sturniolo stated Mr. Chairman, I have a question for Mark when he's finished...

Mr. Miller stated yes, sir.

Mr. Sturniolo stated Mark, when will we see a final executed document and Curtis Instruments?

Mr. Miller stated we will be able to provide you with the final language go through Whitney's comments and of course go over with counsel for Curtis, I don't think any of them were showstoppers by even remotely close. The actual executed easement won't happen until we receive Site Plan Approval, Curtis doesn't want to be in a position of having given us an easement until we have approval but we'll able to provide you with the final executable copy. We'll certainly provide you with a fully executed one, once it has been fully executed, but that won't happen until following the approval. And we also need, just so we're clear, the access road from Curtis before it gets to the property that the Village will be conveying to us traverses a narrow strip of Village owned land and I believe I provided to Whitney, correct me if I'm wrong, we prepared an easement with the Village along the lines of using the Curtis easement as a model, pretty sure I gave it to you, Whitney, I'll sent it to you.

Mr. Brancati stated I just wanted to comment and I know Mark addressed that they've been working with myself and Staff as far as addressing a lot of the condition that the Board set at our August 5<sup>th</sup> meeting. They are being met, I think all but one or two are still outstanding, so my only question, I know we communicate back and forth on the escrow and finance, and I think that we settled on numbers, I just was wondering when you expect...

Mr. Sexton stated as early as tomorrow, I tried to get it done today.

Whitney Singleton stated just to be clear and make good use of our time here, what's still outstanding. They don't have the performance bonds.

Mr. Brancati stated it's the performance bond and the escrow. What we asked for with respect to the remediation memo that we got from Sven Hoeger which you all saw, was a grand total of \$313,275 but it was spilt into short term and long term remediation.

Whitney Singleton stated do we have the general release? I know we have A general release, do we have the one that's required for here because the only that was given was conditional.

Mr. Sexton stated yes, follow up with me tomorrow, I returned it.

Mr. Brancati stated yeah, we have the general release that was dated August 14<sup>th</sup>.

Anthony Oliveri stated the other thing was just the written permission to go on to Village property, I'm not sure that comes from your office...

Mr. Miller stated I think that will be coming from Ed, based upon the action by the Village Board at their last meeting effectively granting their consent to authorizing Ed to act on their behalf.

Mr. Brancati stated and I'm simply just waiting until we had all other conditions met before...

Whitney Singleton stated that's the one thing that they're allowed to do without the bonds. It says that's not one of the things that's precluded, they can go right up Kisco Avenue and do all the silt fencing. The only thing that they can't do is access the parcel of Village property, that work can be done.

Anthony Oliveri stated how are they going to get in there to put the silt fence if they can't access across Village property?

Whitney Singleton stated they're going to go right up off Kisco Avenue.

Mr. Utschig stated its physically impossible.

Anthony Oliveri stated no, you'd have to bring it down on a vehicle. Just so you understand with the September 2<sup>nd</sup> date as far as I'm concerned, I've got to see that all things happen and are in place unless I get direction. So, let's get those in place, so...

Mr. Brancati stated the existing escrow account was brought current, brought up to its required threshold. So the Board understands what the Village asked for as far as the financing, a separate segregated escrow account of \$50,000 with performance bonds to cover the balance for both the short term and the long term remediation. They've indicated that will be in place, and tomorrow we have the updated general release. They have the copy of the executed 10<sup>th</sup> amendment that they had asked for, I think that is the only, we have already established the consulting engineer is going to have somebody assigned specifically to escort them on and off property and be with them at all times work is being conducted on the property. So, I think that's really last piece that we're waiting for. Once we have that in place and confirm that then we'll go ahead and give them the written permission to go onto the property under those conditions and do the work, that's been...

Mr. Utschig stated I think somewhere in the process too, we have to submit an amended application.

Rob Melillo stated yeah, you have to revise all this, showing all this information in your building permit, so there's a record of it all, so all these agreements, everything that's going on here, has to be all laid out in the building permit.

Mr. Utschig stated those are listed from the resolution?

Mr. Brancati stated yeah, the conditions from August 5<sup>th</sup>.

Rob Melillo stated yeah, I need everything that was listed in the resolution, amended to the building permit that you're going to put in there showing your contacts...

Whitney Singleton stated Rob, do you not have a copy of the resolution?

Anthony Oliveri stated does the building permit just referenced the resolution or should it be actually listed in the permit?

Rob Melillo stated I mean when I read through that resolution, I was away so I missed those meeting, but when I read through the resolution, there were things that were, paperwork that has to be compiled that should be part of the record for the building permit to make that complete. A lot of this stuff is happening

within all you guys, but I need it on my end. Really the building permit is authorizing the work to be done, so I want all that with the building permit.

Anthony Oliveri stated you want copies of the bonds, you want the general release, all that stuff should be copied and attached to the building permit.

Rob Melillo stated it should all be part of the building permit record. Again, we're your resources, your library, all this is going into that building permit so that if somebody were to ever FOIL that building permit, they're understanding everything, how it's all happening here.

Jan Johannessen stated Chuck, provided you finish up the testing the first week of September or how long it takes when you start September 2<sup>nd</sup>? What would be your best guess in terms of wrapping up DEP, where are you with them? Is this the last missing piece of the puzzle?

Mr. Utschig stated no, this is about first step in the process even though it's been there for years, this is in their minds, the first step in the process. So, the first thing they're going to do once the testing is done is they're going to determine it engineer equivalence of our design, which is what came out of our meeting with the Village and DEP and ourselves. Basically, the engineering determination that what we're proposing as the stormwater management solutions, is an engineering equivalent satisfying the regulations, it has to do with what their law department came up as a question to be answered that would and then result in variance not being required, okay. And once they've done that and now we have an application that is determined that engineering equivalence in its design and they will then do their technical review.

Chairman Cosentino stated how long off is that?

Mr. Utschig stated it could be two months, it could be six months, it could be more...

Chairman Cosentino stated how are you going to get a resolution if its not done?

Mr. Miller stated DEP approval would be a condition, we can't go anywhere without them anyway.

Mr. Sturniolo stated Chuck, if a variance were required, who does that put in peril, you, the Village, both of us?

Mt. Utschig stated so the variance application with the DEP doesn't have the same type of conditions to go along with the variance process at the Village has, but it's still discretionary decision on the part of the DEP. So, they could grant or deny based on the merits to the application.

Mr. Miller stated Tony, to answer your question, it would obviously put us risk with respect to this project and the bigger issue for the Village is that it puts potentially in jeopardy. Even it we couldn't develop it, that puts in jeopardy the development of the site by anybody...

Mr. Utschig stated it a core issue, so it's not about how big the building is, its not even about how long the driveway is. It's about kind of a fundamental issue that relates to this site and their requirements. So, you could get caught in the same variance process if you wanted to put up 2000 square foot retail building, with 8 spaces and short driveway, you could run into the same issue. So it's an issue that wants fundamentally with this piece of property. I'm not going to say regardless of what's proposed, but almost regardless of what's proposed.

Whitney Singleton stated more conceptually Tony, I think the answer to your question is that they cannot design on your site, the type of stormwater system that New York City DEP requires and they're trying to provide a functional equivalent.

Mr. Miller stated that's correct.

Mr. Utschig stated and anyone who develops on this site, any development on this site, obviously above a very short threshold, would be in this same predicament.

Anthony Oliveri stated and the other thing even without a variance, condition that DEP could theoretically make them change something that would trigger them to come back and amend the site plan. We can't predict what DEP is going to...

Mr. Miller stated we recognize that risk.

Mr. Utschig stated I mean we, I don't want to make it sound like this is the starting point of the process. We've submitted to them you know, an 800 page stormwater management report that they've looked at.

And I'll be specific that first criteria is to have testing witnessed by them, for them to start their review. They've been through our report, they've given us preliminary comments. We have a sense of where they're going. We've had this whole discussion about the variance and the engineer equivalent. So, we're not starting at the beginning but they consider the testing the first step in the process.

Chairman Cosentino stated okay, anything else?

Mr. Utschig stated thank you.

Chairman Cosentino stated Mercedes-Benz, 333, North Bedford Road. Please come up and identify yourselves for the record please.

**5. Mercedes Benz of Mount Kisco – 333 North Bedford Rd (Former Wine Enthusiast)  
PB2014-0285, 69.50-2-1 (SBL)  
Amended Site Plan and Change of Use**

Mr. Anthony Monteleone, attorney for the applicant, Mr. Peter Catizone of Catizone Engineering, Mr. Bill Diamond and Mr. Mark Blandford of Diamond Properties, Dr. John Collins of Maser Consulting, Mr. Anthony Miranda of Cuddy & Feder, and Mr. Chris Buonanno, the applicant.

Mr. Monteleone stated Anthony Monteleone, Monteleone & Monteleone, attorney for the applicant.

Mr. Catizone stated Peter Catizone, Catizone Engineering, civil engineer for the applicant.

Mr. Diamond stated Bill Diamond, Diamond Properties.

Dr. Collins stated John Collins, Maser Consulting, traffic consultant for the applicant,

Mr. Blandford stated Mark Blandford with Diamond Properties.

Mr. Monteleone stated and Chris Buonanno.

Mr. Monteleone stated gentlemen, thank you for having us on this evening. There are couple of very important new developments. The principal one is that Diamond Properties is under contract to acquire the property just north of Ice House Road. Their intention, and Bill is here to confirm that, and Mark, is to demolish those buildings and create a new ingress and egress. Peter has the initial preliminary plan for the ingress and egress. Peter.

Mr. Catizone stated this is the initial parcel. This is Subway, and this is the former Verizon, I am not sure what's there now, former Casa Tile. So this is the Ice House Road which currently is one lane in, one lane out, and this plan by the way was prepared by Maser Consulting. So, I'm sure that Mr. Collins will add to this conversation. But the new alignment aligns with Park Drive and it provide one lane in and as shown here two lanes out, so one would be a straight or left, which is the minor portion of the traffic and the other would be a right turn out. So, with respect to queuing and the volume of traffic that's able to exit from the same green time, it's increased significantly and I think John if you want to add to this with respect to the single improvement from five leg to four leg signal and the implications of that.

Dr. Collins stated currently that intersection is basically what they call five phase intersection. You have the three phase associated with Ice House Road, that's the exit from Ice House Road the thru traffic along 117 and the left turns in, that's three phases. Then, there are two other phases that were added, one at the request of the Board years ago to signalize Park Street that has to be under separate phase because it doesn't align with Ice House Road. And then, after that, the current owner of the retail area that has Subway, et cetera, couldn't get out even though we had asked them to be part of the signal to begin with, and he requested, and the State put the fifth phase. So, that's operating as a five phase signal and every time we bring up a phase, every time you get the clearance, you start green, yellow, red and it just eats up the time. In addition, there is offset interval that takes time for the vehicles to clear, all three of those intersections, the retail, the Park Street, as well as Ice House Road. The alignment of the driveway, besides looking, being a better indication of what happens would require a whole signal installation. That signal installation would basically take the signal from the five phase down to a three phase, thereby eliminating those two phases because everything would align. You would not have the clearance that would be required to get through the various curb cuts and it just increases the efficiency of that intersection, reducing the cues and everything else so that you currently see that intersection. Because basically the State and given minimum time to all three phases, Ice House Road Park Street and the retail area and kept most of the time on 117 because that would allow for better distribution. It is my opinion that the State would welcome that particular solution, because it basically clears up an existing intersection and puts additional laneage on Ice House Road especially for the right turn out, and we'd be better coordinated with what's

happening on 117. It was recognized early on, and the Board recognized it, and Mr. Jim Diamond and Diamond Properties took into account that and sought that out as a potential solution. I think it changes what's happening at the intersection. I'm not saying Mercedes couldn't be built without but this creates a much better, long term solution the area.

Mr. Monteleone stated now, the time table so that would be approximately two to three years due to the fact that have to reallocate the existing tenants and do the demolition and possibly build another building there. In the interim, what we are proposing is we will reduce the number of service bays that we're currently requesting. Right now, we have a requesting 36 service bays. We would reduce that number to 27 with the understanding that when the intersection is in place and/or we can come back with the revised traffic study showing the impact of Mercedes there, that we can then increase our lift capacity or service bay lift capacity to the initial 36, remember we had 36 plus three, two alignment and one car wash, so that was our proposal and we feel that is our proposal and we feel that those are two principal concerns of your Board. One, the traffic and secondly, the traffic that's going to be created by the service bays, so by reducing the number of bays at this time we'd like the condition any site plan approval saying that when the intersection is improved and/or we can show it through a study that the traffic has not increased drastically that we go up to the 36. Finally, we ask that your Board, set this matter down for a public hearing, hopefully in October or sooner.

Mr. Sturniolo stated Mr. Monteleone, if I may ask a question of John. With this new signalization in traffic flow, I understand it will take the burden of the north end of 333 property, what does it do to the parking count itself?

Dr. Collins stated that particular, the change in the driveway location does not affect the traffic and parking count on 333 at all.

Mr. Sturniolo stated okay.

Dr. Collins stated what would happen in association with the alignment of that roadway, there would have to be a reconfiguration of that parcel and it's my recommendation that any parking associated with that parcel specific that has the small retail area be from the 333 side, not from 117 and not from Ice House Road. So, it comes out the back, that's where you would have the access to that particular park.

Chairman Cosentino stated yeah, but there's still parking in the back there.

Dr. Collins stated you can still park there, but the fact is that the size of the store, the footprint will change.

Mr. Sturniolo stated the supply issue will be that parking, thank you.

Dr. Collins stated so it would have no impact on 333. Let me put it this way, I would not be standing here forcing that if impacted at all.

Chairman Cosentino stated so you're going to get a smaller building, so you don't need as much parking as there is now.

Dr. Colling stated and the access to that smaller building would be from 333 side, not from 117 because the last thing I want to do is another curb cut on 117. I'm eliminating curb cuts, I'm aligning curb cuts, I'm making it look a lot better, it will appear a lot better. There will be more landscaping associated, I mean every time you see those islands, et cetera that's going to be the landscaping et cetera at that intersection.

Mr. Catizone stated this area is pretty significant as far as landscaping and I think it just creates a, Jan brought this up during one of our conversation, it creates more of a boulevard look and more aesthetically pleasing entrance.

Jan Johannessen stated are those properties are going to be merged?

Mr. Diamond stated we're still putting in place the strategy for there, the thinking is that we would obviously demolish all or a portion of that building, and then build a different structure behind it. Something ever be a lot more visually appealing as well.

Jan Johannessen stated John noted, you're going to gain access from not Ice House Road, but off 333, the bypass road.

Mr. Diamond stated right.

Dr. Collins stated there is very little grade change in that back, between 333 and that property, so you can...

Jan Johannessen stated would there be any curb to the Subway portion on North Bedford Road?

Mr. Catizone stated there would ultimately be new building in this location.

Dr. Collins stated the curb would basically extend from Toyota, all the way over.

Chairman Cosentino stated you're eliminating the curb cuts on 117, and egress and ingress is going to be in rear of 333, with the parking in the rear of present building.

Mr. Diamond stated and with the much more handsome structure than what is there today.

Mr. Sturniolo stated not that safety is a minor issue but this proposal does clean up the safety concerns and the site distance coming out of there now.

Dr. Collins stated and the confusion.

Anthony Oliveri stated John, do you anticipate with the new intersection an improvement to say, the level of service?

Dr. Collins stated significant.

Anthony Oliveri stated so even with the addition of Mercedes, you're going to see an improvement to the level service.

Dr. Collins stated let me put it this way, leaving Mercedes aside, this is not done for Mercedes, this is done because of existing, and what's happening here today with the amount of time it's being lost on all the four phase, three phases. They are getting cues et cetera, this will eliminate the cueing.

Anthony Oliveri stated I'm thinking the elimination of that queueing might improve the level of service on 117.

Dr. Collins stated the count basically found that two-thirds of the people coming out of that driveway turned right, and that right turn right currently could get blocked by a vehicle turning left, heading north. So, what we're looking at is by proposing a right turn lane is particular location, as you come up to 117, it allows that right turn to occur under two phases as opposed to only a one phase.

Mr. Vigliotti stated does this mean you're going to abandon the alternative road south of there? It makes sense, I mean it certainly makes sense, once this is in place.

Mr. Diamond stated I would say this because we don't want abandon our right to it because, but certainly there is no intention that, it won't be very popular road, even if we...

Mr. Sturniolo stated Bill, you're referring to Easement number 1.

Mr. Diamond stated yes.

Dr. Collins stated let me put it this way, from a traffic standpoint, the need for it may be reduced significantly.

Jan Johannessen stated John, will there be any increased green time on North Bedford Road or Ice House Road.

Dr. Collins stated I think what's going to happen is the State's going to steal some back on 117 and they're going to give us more time on Ice House Road. They're going to split the baby, they're going to take stage three. But what happens is even if I only had. Let's say for example I have five phases. They are going to take one phase back and give it to 117 north/south and they're probably going to...

Chairman Cosentino stated but is that going to impact the traffic more on 117.

Dr. Collins stated it's going to get better, I'm going to give more green time to 117.

Jan Johannessen stated that right only, that would be right on red?



Dr. Collins stated the right turn would occur when I'm having left turns in, so I can allow right turns out as well as when I have the exit from Ice House Road, so I'm operating the right turn, under two phases. I'm not sure whether or not I want to propose right turn on red. I would propose right now, we start off with no right turn or left because of the volume traffic on 117.

Mr. Sturniolo stated it certainly does paint a different picture of the overall 333 operation with the demolition of those buildings and the reconfiguration of road especially tied into the traffic light on 117.

Jan Johannessen stated Pete, one thing we were just talking about was, you should probably amend your application to include this additional parcel.

Mr. Catizone stated well, I think what's going to happen and Bill could clarify that, but there is going to be a separate application for the development of this parcel.

Mr. Diamond stated yeah, this is going to be a longer process obviously, obviously we haven't even closed on the property. So, we still want to move forward with the public hearing for Mercedes. Diamond Properties' intention is to do this, this is why we bought the building. We wouldn't normally purchase a building like this. This is really our intention to solve this problem, not just for Mercedes but for the site as a whole. When we do this that whole complex down there just gets a little bit better. So, we have a 100% intention of doing this, but it may take some time as we have tenants in there that have leases.

Jan Johannessen stated I think you're going to want to make it, our SEQRA determination, the Board is going to receive this as mitigation and we're going to want them include at some level. I'm not saying completely engineered, but at some level they're going to want to consider this plan as part of the SEQRA.

Mr. Diamond stated but that's why we also throwing in the fact that Mercedes will go to 27 lifts, instead of the 36 until we get it solved.

Whitney Singleton stated the Planning Board cannot look at this application with a blind eye towards the overall thing. They have to evaluate under SEQRA the entire thing otherwise it would constitute impressive segmentation.

Dr. Collins stated right but it doesn't have to be the same application.

Whitney Singleton stated from an environmental review, it does.

Dr. Collins stated same parcel, I should say. It has to be review, I agree it had to be reviewed, and it has to detail on what's on the plan, but it may not be on the same parcel.

Jan Johannessen stated it won't be made part of the application but it needs to be analyzed for purposes of SEQRA. So when we're going over the EAF and things of nature this item needs to be addressed.

Dr. Collins stated included in the analysis.

Whitney Singleton stated and the traffic associated with it and everything else.

Dr. Collins stated see what happens is, the traffic associated with it, there's really no more traffic associated with this particular plan because...

Whitney Singleton stated no, but the level of improved services needs to be...

Jan Johannessen stated how did you get to the 27 lifts, was there any? Is that an arbitrary number or is there some?

Dr. Collins stated let me go through from a traffic standpoint. When we did the traffic analysis, we took into account 36 lift bays et cetera and this is all in the study. We generated traffic because of lift bays and we took out the traffic that's currently being generated by the Wine Enthusiast and we came back up with basically 50 new vehicles, let's say in the morning hour, and we said okay, let's take half of that out and that equates to 9 or 10 bays. So we basically said, let's put less traffic during that morning hour. So, there's some rationale, it's also was something that we could also sell, that Chris can sell to Mercedes on an interim basis.

Jan Johannessen stated is there a certain number of vehicles that are generally associated per hour or per day on a list basis, like an industry standard?

Dr. Collins stated what happens is, the way we accomplish that is we took the existing Estate Motors that has both service, sells, corporate office, et cetera, and they currently have, I think, it was 13 lift bays, we did a count over several days, to find out how many vehicles came in because we really can't separate who is service, who is a corporate, et cetera, at that particular time, and who is driven in to be dropped off, to pick up, et cetera. So what we did was we took that on the existing site divided it by 13 bays and came up with a trip rate. We took on that trip rate, basically, similar to other trip rates we've used before on various dealerships and we applied that to the full 36 lift bays that we have, knowing full well that we probably estimating the traffic because while we increase a number lift bays we don't necessarily increase proportionally number of clerical staffs and things like that. So, very conservative estimate of that. And we felt that we're going to be ramping up the number of the service vehicle over time, so probably we won't need the 36 lift bays from day one but we will need them somewhere down the line. So, we felt, with a conversation with Mercedes, around 26-27 bays.

Chairman Cosentino stated I need to say something. Whatever this way works out, is fine, whatever way it works out. But what I'm seeing here is, that nothing is changed for Mercedes except egress and ingress, correct? If you didn't have the road, they would still have the 36 lifts. Whatever happens, I don't know, and I can't guarantee anything, but they're being punished because we want the road, because that was a good idea. But why is that?.

Mr. Diamond stated if you guys say they can have 36 lifts, we'll be happy to do that. Our intention is to build the road if the Planning Board takes us at our word on it, which I think Diamond Properties has proven we're trustworthy folks. We're going to build the road, we'd be thrilled if you say Mercedes could go ahead with that 36 lifts.

Chairman Cosentino stated what I'm saying is I don't know which way this going to go, I'm only one member, okay. Wherever he goes it doesn't make any difference whether it is 36 or 27.

Mr. Diamond stated well, there is less traffic.

Mr. Monteleone stated initially, it'd be less traffic until that improvement occurred whereas...

Mr. Vigliotti stated it makes a difference.

*Overlapping conversation.*

Mr. Vigliotti stated it helps us and you to test the waters at 27. Come back, you say, see we told you, its not big deal, we have the road in place, we're ready to move to 36 and that's fair and reasonable. I will say I'm very happy about the road, I think it will make a huge difference for your site and the Village. I don't know if you'll listen to us, but I think we got you think differently.

Mr. Monteleone stated we always listen and the timing was critically important. The timing was perfect.

Jan Johannessen stated can you give us any estimation of how many vehicles in the 9 lift reduction takes off the road, at the peak hour?

Dr. Collins stated even my concern with peak hour, let me put it this way, if I was adding 50 new vehicles to that system in the morning, probably going to be adding 25. The difference we're talking about is not a significant volume one way or the other. It's showing, I think on good faith and understanding where the Board is coming from. The fact is that there are existing operational constraints of that intersection today, that has caused queueing, et cetera and we all recognize it and that's the difference. So, I don't think what Mercedes is generating is causing the problem, I think this is addressing the issue and that's...

Anthony Oliveri stated Mr. Chairman, just one more question, for Peter, the stormwater with the new drive, what do you anticipate impacts and will that be done on the 333 site or this parcel?

Mr. Catizone stated I would think we do it on this site. So, this is in Designated Main Street district, so it does require approval from DEP. When you look at it from an impervious surface viewpoint, we're eliminating quite a bit of impervious surface in this area, and this lot is almost entirely paved to begin with. So, we're really not adding a significant amount of new impervious surface. We don't think it will be that huge.

Mr. Blandford stated this is also going to be a completely separate application where we address all of those issues in the context of that. I mean what we're asking for here, for Mercedes is we knew there was a concern with the number of lifts, that's why we're asking for this application, we're hoping to tie in, either we demonstrate that didn't create the traffic, or when the intersection is put in then we can jump up to a higher number of lifts down the road. But it's important that this is going to be a separate application

because obviously the time frame is never going to work. We all know that between DEP and everything with DOT.

Whitney Singleton stated from an environmental perspective, this must be part of the application, it must be, it's not even discretionary, otherwise it will be impermissible segmentation in contrary to SEQRA regulations. This has to be considered as part of the overall project.

Anthony Oliveri stated and that's why I'm asking the impacts, if its not going to get fully engineered at this point, make it part of the, are the impacts going to affect 333 and if you have to do stormwater detention on the 333 site, you'd have to show that now, so that was the question...

Mr. Monteleone stated but we don't have the plan complete the improvement of the intersection in order to get Mercedes Benz approved.

Whitney Singleton stated no, but if you're saying and your access, you're long term plan is to do the five different things to the site, or to the adjoining sites, that's a part of your application to this Board, they can't turn a blind eye to certain aspects of your application. They're required under State law to evaluate the entire application. And that's not only this, this is the southern end of the site, the exit out anything else going on as part of your application, is part of their environmental review of this application. And that's not crazy interpretation of law, that's a mandate from the State.

Mr. Miranda stated my name is Anthony Miranda, I'm an attorney from Cuddy & Feder, Neil had a conflict, he's out this week, so I'm here. Just to jump in on this, I think just to back up a little bit, the point as the team brought up earlier, was the purchase of this property which is still under contract, was to show the good faith in the effort and full intention of one the applicant's to do this in the future, we all know that. But one thing I think that I got lost in there was that they're reducing the bays, and John spoke about that, as the current application. So, they are purchasing this property for the future work, which they don't have a current plan for it. They're talking about potential options but what they're saying is they fully intend to come back with that. But right now, they have the current plan to reduce the bays, which solves the traffic and the queueing issues that we were talking about.

Jan Johannessen stated we don't have that.

Chairman Cosentino stated you can't say that.

Jan Johannessen stated that's yet to be determined, based on our analysis of that.

Mr. Monteleone stated if we produce documentation, a study that shows that the reduction in the number of service bays...

Jan Johannessen stated our expert needs to make a determination as to whether the 27 bays is going to have an impact.

Mr. Monteleone stated right, exactly and that would be separate from finally getting the intersection in place.

Mr. Miranda stated right, so understanding the urgency of moving forward for a multitude of reasons which everybody here knows better than I do. This is why Mercedes and the applicants came together to reduce the bays, with the full intention in the future of coming to a plan present as part of a new SEQRA process. So, it's not that there's a current plan pending, it's an intention to do something that this is not yet developed.

Chairman Cosentino stated it can't be an intention to do something, they have to do it. The whole thing is contemplated on that, that's what you just said, Bill.

Mr. Diamond stated what I said was, we would go from 36 to 27 bays with the current application.

Chairman Cosentino stated what he's saying is that there's a possibility that you won't build that road.

Mr. Miranda stated no, I'm talking about the details of our plan about the property. We're talking when the discussion of the type of building....

Jan Johannessen stated so you don't believe that that road should be evaluated at this point, under SEQRA?

Dr. Collins stated I think the traffic evaluation show what the level of service would be, can be identified in the study. I think what we're talking about is, for example, there is no vision for what the plan will look

like in respect to the building. We have a concept plan for the driveway, where we show the grades et cetera, because we've done that.

Whitney Singleton stated but that's a whole purpose of evaluating it as one package. If a particular building was going to be erected and it would have changed the location of the driveway, had the Planning Board known what the building was going to be, then they would have come to a different conclusion. That's why you have to, without necessarily all the details, show massing of where the building is going to be, show where the driveway is going to, show what the impacts are going to be, that is what segmentation is all about. SEQRA mandates you look at the whole picture not just a portion of it.

Dr. Collins stated so you're looking at it from a concept standpoint for that parcel. That's different from a detailed plan. The concept we have, in other words we have the driveway concept and the building is going to have fit in where the driveway is not.

Mr. Diamond stated this feels like a slippery slope of somehow preventing Mercedes until this entire project is in and we can't do that.

Whitney Singleton stated you saying you can't do it, is not necessarily a mandate upon the Board because you have a timetable.

Mr. Diamond stated but we can also just say fine, leave the building where it is.

Anthony Oliveri stated wait a minute, it's a second phase but the first phase with the 27 bays has to be able to stand alone, if this doesn't happen. That's what's got to be shown.

Mr. Diamond stated of course.

Dr. Collins stated well the impact of that has to be shown.

Jan Johannessen stated I think my only point was that the Board can't turn a blind eye towards this proposal when it's going through a SEQRA analysis for Estate Motors.

Dr. Collins stated a second phase.

Anthony Oliveri stated the first phase to be able to stand alone and how you're going to show that.

Dr. Collins stated what I plan to do is to do an analysis on the project, without this, and then what happens when I put this on.

Whitney Singleton stated John, that's one aspect, less traffic. We have stormwater, we have slope to the roads, we have the location of the buildings, how the other places that currently achieve access via Ice House Road, are going to gain access to this site. Those are all things that need to be evaluated now.

Dr. Collins stated that plan shows that access to the other properties on the south side.

Whitney Singleton stated that plan needs to be part of what they review.

Mr. Diamond stated but again I feel like we keep somehow moving to this thing where all these plans go together. But the intention is that by us going to the 27 bays, we're showing that the project stands on its own from the traffic standpoint. And all we're saying is that, then if this project gets approved down the road, of course meeting all the requirements that we'll have to do then once this is in place we would go to 36 bays.

Whitney Singleton stated why don't we not waste the Planning Board's time, I'll do a memo on segmentation to the Board, what is permissible, what is not permissible and if the applicant wants to direct that as well but I'm telling you with a high degree of certainty, you cannot turn a blind eye to that, now that they've brought that forward.

Mr. Catizone stated we'll do a concept.

Mr. Monteleone stated but we can do it in two phases.

Whitney Singleton stated but Tony, construction in two phases is much different than evaluating a project in two phases. You may build it in two phases but the Planning Board is not have evaluated in two phases.

Mr. Sturniolo stated Planning Board, its very similar to what we did with the hospital. It was one project split up in different phases at different times. But overall we looked at the big picture from day one and then each time period click phase two, phase three, phase 27 all worked in and this is the same mechanical and legal approach.

Chairman Cosentino stated you're right, we looked at the whole.

Anthony Oliveri stated but there each phase required the next phase to happen. Here, they don't want that, they want the first phase to be able to stand alone if this doesn't happen or get approved by DOT, or whatever.

Jan Johannessen stated and that's fine so long as the Board makes the conclusion that the 27 bays doesn't...

Anthony Oliveri stated right, so that's a little different in that respect.

Mr. Sturniolo stated it is a little bit different but does everybody have another way to get the ball moving?

Mr. Diamond stated maybe we just say and correct me if I'm wrong, 27 bays and then when we show the traffic's not an issue or whatever, we can discuss these other issues.

Mr. Sturniolo stated come back for modification to the approved site plan.

Mr. Miranda stated if I may, and I understand what Counsel's coming from this point, but there is no certain plan beyond the traffic issue. The commitment by the applicant for traffic, there is no building proposal, there is no idea of what they're going to actually do there, so there is nothing known.

Whitney Singleton stated but you said you're going to build a building that dictates where the road goes, maybe dictates where the building goes and what the aesthetics are, those are things that you can't look at in isolation of the others.

Dr. Collins stated the road has go where we show it, that's the only way I can align with Park Street and still align with internal.

Whitney Singleton stated I still don't even know what it looks like, I can't see it. You can't go straight down the hill?

Mr. Monteleone stated if we could go straight down the hill, we wouldn't have to buy the parcel.

Dr. Collins stated first of all the grade, what this does, aligning it up with Park Street, which has to be done and I'm starting basically at this point and I want the longer run to reduce to grade on Ice House Road, also. So, basically I'm starting here and I'm ending here, and there is a certain amount of curvature that I have to have. So, the building, whatever building comes in here, has to happen in here. It can't happen in here and I'm not going to take the load and bring it straight down and then I have two pieces and that's useless to me. So, the road will start here, climb, and we can show you profiles of this road because we have this starting grade, because we've already done the profile.

Whitney Singleton stated but maybe the Planning Board would want to see an alternative, where you do come straight down, and perhaps as not as big as a building or any building. That's the whole the point of incorporating it into the analysis.

Mr. Diamond stated yeah, but guys again, we're talking about was a concession we were coming in and saying we're willing to go from 36 to 27, that's the concession. We're letting you know long term plans, but this is a separate thing here. I mean we cannot all of a sudden say, let's put these guys on hold for three years while we do a big plan here. Okay, I mean it has to be from 36 to 27, that's the concession that eliminates in our opinion, which will end the traffic issue.

Anthony Oliveri I think it's just got to be structured so they can avoid segmenting the project.

Mr. Diamond stated we're not talking about this now. I mean we could almost say forget about it.

Anthony Oliveri stated I know but you presented it and I think Whitney's point is then, if they don't look at it, it's segmenting it under SEQRA, that's the problem.

Whitney Singleton stated they're not doing their job.

Mr. Diamond stated but then we can just say okay, we can take this off the table.

Mr. Vigliotti stated yeah but if you take it off the table, it made it palatable tonight seeing this and there's a connection, whether its off that table...

Mr. Diamond stated we can't have this delay the project for two years.

Mr. Vigliotti stated I agree with you.

*Overlapping conversation.*

Mr. Monteleone stated my original application was that we reduce the number of bays, until such time as one, either there is an improvement in the intersection, or we show under a traffic study that we are not impacting traffic that greatly, so we can do it separately with a condition of site approval.

Chairman Cosentino stated I need to get something from Whitney, or this Board...

Whitney Singleton stated can I give you another analogy, let's just say that somebody had a two acre piece of land and they're going to show a little road going in there, a little cul-de-sac with four houses, two houses on either side of the road, each half acre lots and they propose a little road and a little bit of drainage, a small water line, a small little sewer line and they said, oh by the way, they have 186 acres behind this which we plan on doing a 400 lot subdivision, would you accept a 3 inch water line, would you accepts a 4 inch sewer, no would want to see the big picture. It's analogize to this situation, is more buildings are going in, roads are being relocated, traffic signals are going to be altered, you would be remiss in your duties, if you didn't evaluate that up front.

Mr. Diamond stated Whitney, I disagree with that because this is...

Whitney Singleton stated you can disagree with it but I'm telling you what the law requires.

Mr. Diamond stated because what we're saying is we were going to go to 26 to solve the traffic issue, or 27.

Mr. Miranda stated this was a good faith effort, there is no formal application, there is no known project, I understand what you're saying, we can talk about it offline, we can talk about the law but like you said, we're wasting time with the Board here but the point is there is no formal proposal here today. There is no application for it. This is simply, look we had an option, we reduced the bays but we're also trying to do something better in the future. We don't know what that's necessarily going to be yet, but we wanted to let you know, that's what that is. So, it's just to bifurcate, it's the reducing from 36 to 27, that's going to address the comments on the traffic. I understand we need to confirm that and talk a little detail about that and this was good faith effort going forward.

Mr. Sturniolo stated it's a heads up.

Mr. Miranda stated correct.

Mr. Monteleone stated its something that is going to happen.

Mr. Miranda stated but there is no plan for another building, there's no plan for, so we can't create a number of buildings, right?

Chairman Cosentino stated right now I agree with Counsel.

Whitney Singleton stated you can't say its speculative and then Tony is saying it's going to happen.

Mr. Monteleone stated no, I am saying that one of the two things. We either have the roadway built in the future, in which case we can up to 36 or we provide a traffic study at some point in the future and say the traffic shows that we haven't impact traffic to warrant out not going from 27 to 36. So, there is nothing to do with the intersection, except that if it's filled we can go to 36, if it isn't filled we have to show we have the right to go to 36.

Mr. Diamond stated but I think one of the other things we wanted to see was whether we could get a public hearing for October?

Chairman Cosentino stated I don't think we're ready for a public hearing.

Whitney Singleton stated we don't even know what the application is yet.

Jan Johannessen stated are you going to make a new application for 27 bays?

Dr. Collins stated what's going to happen is the bays will be laid out for the 36, the equipment will not be installed.

Mr. Monteleone stated the building is going to show 36, we're only going to install 27.

Jan Johannessen stated I don't think you can have it both ways, I think that if you're not thinking about making this part of the SEQRA analysis then you should make a new application for 27 bays and evaluate its face.

Mr. Monteleone stated but the building is going to be able to accommodate 36 bays.

Jan Johannessen stated the Planning Board is not going to make a determination in this resolution that if this is installed, they will going to be able to draw out 37 bays without analyzing. You can't have it both ways.

Mr. Sturniolo stated but Jan, tie this into the public hearing issue, what you're saying?

Whitney Singleton stated we don't know what we're sending to the public.

Jan Johannessen stated we don't know what the project. If they make a new application for 27 bays, I think that's the project and evaluate it on 27 bays.

Mr. Miranda stated we would modify the pending application to accommodate this change.

Chairman Cosentino stated look at, it's getting late, I've got more clients out there, what we need to do now in all fairness, we have to get the memo from Counsel on this. We have to know what we don't and then we can set up the public hearing. Right now I don't know the set it up for.

Mr. Catizone stated let's talk to these guys and we'll do our best to get it in. There is a couple of more pieces, I think of good news one is you may have heard the field house is coming back? That's going to be a separate application. But in the meantime, we've been working pretty diligently with your consultants and we've conducted a zoning analysis based on district-specific zoning and while we can get the coverage. So there were areas that were not counted under coverage under previous applications and those consisted of the stone parking lot areas, the rear access road and then the other non-asphalt area. So, basically from the historic condition, where our coverage was 77.2%, to the existing which is 75.6%, which is a reduction and the current plan brings that up to 75.9%. Now we can't do that, once you grandfathered in, once you make improvements, you can't unmake those. So, we can get this down to existing by removing about 4,000 square feet of overhang sidewalks and so on. But I just want to make this Board aware that the field house in that case would require a variance for coverage.

Anthony Oliveri stated this is the development coverage?

Mr. Catizone stated this is development coverage. The other interesting thing that came up is that we used the 2014 Alta survey and we actually went out and counted spaces, and found that the existing number of parking spaces on the site is 806 as opposed to 799. So, the shortage of 142 previously approved is actually less. With this application and with the additional parking spaces, the shortage is going to be 135, up from 133, the real numbers based on the actual parking.

Chairman Cosentino stated I don't have any paperwork on this. Why don't we have any paperwork on this?

Mr. Catizone stated well, these are issues that we've been discussing offline and getting technical details on, but I thought it will be important to just bring the Board up to speed.

Jan Johannessen stated Pete, was 135 compared 133.

Mr. Catizone stated yes, 135 as compared to 133.

Jan Johannessen stated has that all being confirmed, Rob?

Rob Melillo stated no, none of its been confirmed, I mean I don't know if, they went out and counted them but are they compliant parking spaces, that I don't know.

Mr. Catizone stated we did not measure every space, we can identify where those spaces are. It was not a conforming...

Jan Johannessen stated you're going to update your site plans especially where you found spaces?

Mr. Catizone stated yeah, well the Alta survey, which was conducted in 2014 pretty much does that with the exception of the Canine Kindergarten site, which was not updated on the survey and that's where a lot of those spaces came from.

Whitney Singleton stated just a note for the Board, the spaces in Bedford, serving the Mount Kisco uses, do not meet Mount Kisco's Code, they meet Bedford's Code, they are substandard to Mount Kisco's Code.

Mr. Catizone stated so, here is the Village/Town line, and that is correct. These spaces, existing and proposed, are compliant with Bedford, but not necessarily with Mount Kisco.

Whitney Singleton stated including the travel lanes as well.

Mr. Catizone stated now the conformance, it's not that much as far as dimensionally, but what it would mean is that this edge of pavement would have to get pushed further into the wetland buffer, or the wetland area rather, which right now we're not proposing any work within the areas outside of the existing pavement limits. All of our work is within the existing pavement limit.

Whitney Singleton stated and Pete, whatever the number was, 805, 806...

Mr. Catizone stated 806.

Whitney Singleton stated that is not inclusive of the parking you're putting on the north end to accommodate the pre-owned certified.

Mr. Catizone stated that is correct. So, we're almost treating this as a separate application, not to muddy the waters between the 333 proper and adjacent developments.

Rob Melillo stated and I think one of the other things they've got to clean up down there too, is the dumpsters because the dumpsters are in requirement parking spaces down by the Canine Kindergarten, so that should be addressed too, at some point.

Jan Johannessen stated what's your last communication with Seth? I know he asked for some additional information...

Dr. Collins stated we gave him the additional information, with respect to more technical and synchro filing, we had a conversation with him, at that time we also talked or him about this idea and we understood very clearly that, he needs analysis of it...

Jan Johannessen stated he's going to get us a report on your study and is your study going to be potentially revised to run the numbers on 27 bays?

Dr. Collins stated it's going to be revised depending upon how we come out to an agreement, I don't know how it's going to be rerun yet, but it's going I have something in it.

Jan Johannessen stated so you're expecting to get a memo from him responding to you...

Dr. Collins stated well, I talked to him about the trip rate, how we did it and he basically, the critical question was the fact that this signal is operating 5 phases versus the 3, so that's the critical.

Jan Johannessen stated because we obviously need from him, his recommendation on the 27 bays.

Dr. Collins stated that's totally understood but I don't know which way I'm going yet.

Chairman Cosentino stated alright gentlemen, thank you for coming.

Mr. Miranda stated and we're going to do everything we can as soon as possible to get on in September.

Chairman Cosentino stated yeah, not a problem. Alright, so we got the Estate Warehouse, 19 Kensico. Rob, there's not a problem or anything on that, we could just go ahead with that, right?

Rob Melillo stated say that again.



Chairman Cosentino stated Estate Motors Warehouse, 19 Kensico Drive. There's no problem, there are certain things you're taking care of right?

Rob Melillo stated I think he's here to correct his issues.

**6. Estate Motors Warehouse – 19 Kensico Drive  
PB2015-0307, 69.50-1-4 & 5  
Amended Site Plan**

Mr. Peter Catizone of Catizone Engineering was present.

Mr. Catizone stated well, the issue here is an issue of non-conformance. There were originally lifts approved, here and there were seven additional, you have 30 now? So there was 27 lifts originally approved, now there are 30 there. The locations of the lifts are six in this location, one in this location. The ones in this location were the former, approved parking spaces. There were six spaces here approved initially, and that is now reduced to one and incidentally that was formally approved as an ADA space but the striping doesn't meet the dimensional requirements. So, what we've done is, we were asking for consideration to reconfigure this back area. It doesn't change the number of parking spaces in the back, all it does is allows us to have compliant ADA space and not only compliant but the space is also meeting the minimum dimension of the Village Code. And we're composing to land bank the former spaces there. So, if there is ever a need to go back to the original site plan, they would need to remove the lifts. And that's kind of where we are, we've received a memo, couple of memos actually, and I think the point of those memos were to increase landscaping in this area and that area, which we'll gladly do and also we're over in development coverage. If we look at lot five which is the southernmost lot, individually, separately from lot four which is this L-shaped lot, our development coverage is about 98%, or something like that. If we look at them combined, it's 80.8%, the allowable is 75%, so we obviously, we're unable to determine with the Building Department when this was paved, we know it's been paved for a while but there is no records of when it was done, so we require a variance for the coverage. Other than the landscaping and the striping, there are no proposed changes to the exterior of the site. The site is largely uncurbed, I know that was a comment also. The drainage basically goes to this area here, there is some curbing at the entrance and on the perimeter, the side of the building, which we would obviously extend. And that's where we are in the process, so if this Board is satisfied with the concept, then we can go forward with the variance application.

Mr. Hertz stated do you have to merge the lots?

Mr. Catizone stated we're proposing to merge, we don't have to merge the lots. I think it makes sense. They are under the same ownership, and in addition, it's more compliant as one parcel as opposed to two separate. So, just in terms of minimizing the variance, and maximizing the compliance with the Village Code, I think it makes sense to merge the two lots.

Anthony Oliveri stated was there a variance in your original site plan, or the site plan that came in?

Mr. Catizone stated there was not a variance. They basically looked at lot five and didn't do anything with lot four, and the building was existing, the pavement was existing. So, the only thing that got approved was the use and the parking again, three parking spaces outside and six inside.

Anthony Oliveri stated it was an existing condition at the time.

Mr. Catizone stated it was an existing condition. So, maybe someone at this table knows when that was paved?

Whitney Singleton stated it used to go right across the tracks.

Mr. Catizone stated so, that may change the variance requirement, I'll let Rob make that determination but we were unable to determine whether it was a grandfather condition or not and to err on the side of conservative we assume that...

Rob Melillo stated part of the problem Whitney, is when we looked it up under the tax records, they'd been paying tax on vacant land, when I asked Roger the definition of vacant land, he said it's dirt and weeds, so you know, coming to that how do I prove there was no other way for them to prove to me, that was an existing paved, plus there's not site plan on it.

Whitney Singleton stated either the way, the lots are going to be merged, there's no way that you can reduce impervious coverage.

Mr. Catizone stated well we're going to increase the landscaping which will add a little bit, decrease the coverage a little bit. There is an easement to this lot for access on that, so and there were some ambiguity in the wording of it, so we're really not sure how much we can reduce that pavement if any, so we're kind of trying to stay away from....

Whitney Singleton stated do you have a corresponding easement across their lot?

Mr. Catizone stated no.

Whitney Singleton stated how do you get out? It's one way. I know anyone that goes back there, goes around the other side.

Mr. Catizone stated I always come in and out of the same access. I don't think there is a corresponding easement, we could look into that.

Rob Melillo stated I thought we did Pete, I thought you looked on the Brooks Brothers...

Mr. Catizone stated we found this easement to Brooks Brothers but we were unable to find an easement to lot five through Brooks Brothers.

Rob Melillo stated and if you're land banking spots, did you calculate the land banked spots as lot coverage?

Mr. Catizone stated no they are interior, they are originally approved spots.

Robe Melillo stated okay, you used the inside, that's right, you said you were going to take the lifts out.

Jan Johannessen stated Chairman, I think that the plan is in good shape. We met with the applicant last week, there are some fairly minor comments regarding the landscaping. Also there been a lot of landscaping that was done on the property that went above and beyond the original site plan approval, so if you can maybe just document that, that would be great. The only other outstanding question I had was, was there a dumpster on the property, is there an enclosure?

Mr. Catizone stated there's a dumpster in this corner somewhere and there is no enclosure, it's adjacent to the stairs. So, we can either move those, there's not that much garbage generated, so we could either move that activity internal or put an enclosure.

Chairman Cosentino stated work with him, Jan.

Jan Johannessen stated we don't have any major issues.

Whitney Singleton stated well he can't go to the Zoning Board without a SEQRA Determination.

Jan Johannessen stated it's a type II action. So you can go to the ZBA.

Mr. Catizone stated tank you.

Chairman Cosentino stated thank you. Thank you, Chris. All right, Mount Kisco Supply, 369 Lexington Avenue. Identify yourself for the record please.

**7. Mt. Kisco Supply – 369 Lexington Avenue  
PB2015-0300, 80.48-4-17 (SBL)  
Site Plan**

Mr. Anthony Monteleone of Monteleone and Monteleone, Mr. Luigi Demasi of Goewey & Demasi, and Mr. Robert Pasquale, applicant, were present.

Mr. Demasi stated Lou Demasi, architect.

Whitney Singleton stated where do you show the zoning line? For the residential or commercial.

Mr. Demasi stated I did two separate sheets for that. So, we did a zoning analysis for the commercial lot showing the parking that we need 52 parking spaces, we're providing 40 parking spaces with land banking 13 to make...

Whitney Singleton stated I just want to see where your zoning designation is.

Jan Johannessen stated the RT-6, CL the zoning boundary line.

Anthony Oliveri stated what we found actually, was that the zoning boundary line goes through the building, it's not on the property line.

Mr. Demasi stated when we had the updated survey, so you are saying that...

Anthony Oliveri stated yeah, the zoning line itself is going through the building. It's not aligned with that rear property line.

Mr. Demasi stated so what does that mean as far as existing.

Jan Johannessen stated you need a zoning map amendment to bring that zoning line consistent with the residential property.

Whitney Singleton stated your plans are incorrect and it's put you in a very precarious situation because you're asking this Board to approve a commercial use, in a residential district. Tony, your zoning boundary is incorrect on the plans.

Mr. Monteleone stated if that were to be drainage and conservation easement...

Whitney Singleton stated no, your line is incorrect.

Mr. Demasi stated they're saying that the zoning, this blue line coming through there. This is the commercial side, this is the residential side. So, part of the commercial buildings on the residential site.

Mr. Monteleone stated well, it's a preexisting non-conforming use.

Whitney Singleton stated which has been discontinued for more than a year and you're proposing a change in use.

Mr. Monteleone stated it hasn't been discontinued, the building's still there. There has been a tenant in the whole...

Whitney Singleton stated the building has been there, the use hasn't been.

Mr. Monteleone stated are you telling us that we have to knock down that building? We'll see you in court, that's ridiculous!

Whitney Singleton stated nobody said that you have to knock down the building. You're proposing a new use in there, this Board cannot approve it.

Mr. Monteleone stated why not?

Whitney Singleton stated look at 110-34 A and it will answer your question. They cannot approve any modification to the building with a nonconforming use that does not have accompanied with it, the complete elimination of the nonconforming.

Jan Johannessen stated but you could propose to realign that zoning district boundary consistent with present. I think that the only, my only comment anyway was you should petition the Village Board to move that line.

Mr. Monteleone stated okay, move the line and align. Make the line at the end of the...

Anthony Oliveri stated align with wherever your residential property line is going to be.

Mr. Demasi stated and that's something that we want to talk about is that rear lot line, from the building should be 30 feet. So should we propose the...

Jan Johannessen stated you're going to address the residential boundary line anyway.

Mr. Monteleone stated so we might as well take that line back another 30 feet, as long as we have conforming building lots.

Jan Johannessen stated I really think that you should take both lines and move them back to the maximum extend allowable to give you some more coverage, less coverage on commercial lot.

Anthony Oliveri stated right, do you can get closer to conformance with Zoning with the commercial lot.

Jan Johannessen stated right, so you're lot depth in the residential is something like 100, right now you're at 120 or something...

Mr. Monteleone stated right, well we've already proposed that they would be reduce...

Jan Johannessen stated yeah but you're not going back to the 100.

Mr. Monteleone stated we reduce those lots to 100 by 50 and we created...

Anthony Oliveri stated they're not than a 100.

Mr. Monteleone stated they are now, but we're going to reduce them to 100 by 50, we've already done a revised drawing on that doing so and giving me some more real footage, lot coverage.

Mr. Demasi stated from the rear of the building, bringing it back to 30, making this lot 100 foot deep, 55 feet wide and then using this part as part of the coverage for the property. So I ended up coming with a number of 79, under the 80.

Jan Johannessen stated so you would make your zoning district boundary...

Mr. Demasi stated correct.

Jan Johannessen stated that's good.

Mr. Monteleone stated okay, and what about that area we're reserving ownership in, that's going to be in a residential zone. Can we get credit for the lot coverage while it being in the residential zone or should we ask that strip be rezoned?

Whitney Singleton stated you don't want to have that rezoned commercial, all the way to the residential.

Mr. Monteleone stated no, we don't but I mean, can we get lot coverage credit?

Anthony Oliveri stated it can be in another zone and still be part of the...

Jan Johannessen stated its going to be part of this site plan.

Mr. Monteleone stated and that would be a drainage easement and a conservation easement that we give the adjoining residential lot owners.

Jan Johannessen stated with this flag going to down to West Street, would be in the same parcel as the commercial.

Mr. Demasi stated so we take credit for development...

Anthony Oliveri stated and that will solve your problems with reconnecting the stormwater through there and run down to West Street.

Whitney Singleton stated is my math wrong, if you have 10 foot depth and a 55 foot width, doesn't that give you 5,500 square feet and you need a minimum of 6,250. That's the second time he's tried to fool us.

Mr. Demasi stated I'm not trying to fool anyone, just trying to do thing too quickly.

Jan Johannessen stated did this get you into zoning compliance with your coverage?

Mr. Demasi stated it did, it got me down to 79.

Jan Johannessen stated I want to throw out another recommendation that I think will eliminate your coverage issue. Instead of land banking parking spaces which requires us to include that in the coverage requirement, the Board could potentially look at this and double count parking spaces or allow the joint use of parking spaces based on varying tenants and uses of the property. Which will do two things, it will eliminate coverage and it allow this to be basically permanent open space and would take the possibility of

this being developed off the table. I think that's another avenue for you. I think that the 40 parking spaces that you're proposing from my perspective is more than adequate to serve the uses that are there, I think that we could demonstrate that to the Board...

Anthony Oliveri stated will that be based on uses or tenants, in other words when they change the tenant in the future...

Jan Johannessen stated no, it will be based on the uses.

Anthony Oliveri stated its really a decision for them, which is the easier route.

Mr. Demasi stated I thought this way because these people would have the greenspace, so it would actually act as a buffer between the two houses, right. If I did it to one side, then the house...

Anthony Oliveri stated if you did the thing with the double counting of space, you wouldn't need a variance at all. You can do everything with this Board.

Jan Johannessen stated you'll still have a buffer between the properties.

Mr. Demasi stated I actually like that idea better, for the drainage easement to be here.

Jan Johannessen stated and I think buffer is important.

Mr. Hertz stated can we do this in a staff meeting?

Mr. Monteleone stated one final thing, Ferguson has been waiting for this project to be approved to complete their buildout, and what we would ask your Board is to give us permission, or give your Building Inspector permission to grant a building permit to Ferguson, at their own risk, to build out not get a C of O until this is approved.

Chairman Cosentino stated Tony, we can't do that now, we're going to have a staff meeting and we will discuss it there.

Whitney Singleton stated Tony, they can't do it anyway, because it's in a residential spot.

Mr. Monteleone stated no, Ferguson's not in a residential zone. I'm not talking about Two Men and a Truck, I'm just talking about Ferguson, they've been waiting for over a year. We cannot continue to build that out, we are asking you to allow...

Chairman Cosentino stated so, it is going to stay the way it is.

Mr. Monteleone stated no, they've got plan and this was the Building Department...

Rob Melillo stated there are no plans in front of the Building Department for Ferguson. Ferguson pulled their application months ago, like 8 months ago.

Mr. Monteleone stated okay, but if they file a new one and you review it and they want...

Robe Melillo stated I can't issue permit unless the Planning Board....

Mr. Monteleone stated they have to file again, I wasn't aware they pulled their permit.

Chairman Cosentino stated I wasn't aware either, but so just file a new one and look at it, right.

Robe Melillo stated I able to do that, Whitney?

Whitney Singleton stated issue a building permit?

Rob Melillo stated issue basically an illegal building permit.

Chairman Cosentino stated no, you're not allowed to.

Whitney Singleton stated we'll talk about it outside the meeting.

Mr. Monteleone stated yeah but no C of O issued until there's a legal...

Rob Melillo stated but the Code says building permit, not C.O.

Mr. Demasi stated so we'll setup a staff meeting.

Mr. Monteleone stated thank you.

Chairman Cosentino stated all right, 63 Spring Street. Would you identify yourself for the record please?

**8. 63 Spring Street – Two Family Residence  
PB2015-0313, 80.49-1-19 (SBL)  
Site Plan**

Mr. Lou Maldonado of Lothrop Associates was present.

Mr. Maldonado stated yes, good evening, my name is Lou Maldonado of Lothrop Associates Architects and I am here to represent our client, Mr. Barry Akrongold, who has a property on 63 Spring Street. And the intent is to get conceptual review. Our client is not making...

*Off-topic conversation.*

Chairman Cosentino stated Rob, you're familiar with this application, would you give us a little input on it.

Rob Melillo stated 63 Spring Street basically, this came about from the inspection that we found illegal work being done and then there was overcrowding in the apartment. So this property was issued summonses. They tried to legalize it, but obviously as per the Code, I can't issue permit because the Town has adopted a new Code, requiring two-families receive Site Plan approval. So he's here in front for Site Plan approval, so he can correct the violations.

Chairman Cosentino stated as of now he has no site plan.

Rob Melillo stated it's a two family house, it wasn't required when it was built, it wasn't required up until last year.

Chairman Cosentino stated so what do you want us to do here?

Rob Melillo stated it's here for site plan approval, Joe.

Jan Johannessen stated Joe, we prepared a draft resolution for the Board's consideration, site plan approval for the two-family.

Mr. Hertz stated yeah, I was trying to figure out why on a conceptual we have a draft resolution.

Chairman Cosentino stated we have a draft resolution for this 63 Spring Street, which I can't find I thought I had it. I read the draft resolution, Whitney, I'm sure you read it, you find no problems, right?

Whitney Singleton stated no problems.

Chairman Cosentino stated so, so all that we have to do is vote on this draft resolution.

Mr. Sturniolo stated Whitney, are we obligated to approve this?

Whitney Singleton stated are you obligated to approve it? You have a site plan application before you, if there is reason that you feel it shouldn't be approved. You have to have grounds for a denial.

Mr. Sturniolo stated okay, thank you.

Whitney Singleton stated if there's a basis that you find a problem with the application, it's not noncompliant...

Mr. Vigliotti stated would you be able to explain to us two-family house?

Mr. Maldonado stated it's an existing two-family house. It's my understanding that our client was renovating one of the bathrooms, or a couple of the bathrooms and he was told to stop.

Chairman Cosentino stated a stop order.

Mr. Maldonado stated I don't think it was an official stop order, if I remember...

Rob Melillo stated a verbal stop work order, he had to file a building permit.

Mr. Mareschi stated so he was doing work without a building permit.

Mr. Maldonado stated and that's why I'm here.

Chairman Cosentino stated and we have a resolution here.

Mr. Sturniolo stated on the application you used the word emergency renovation. What is emergency?

Mr. Maldonado stated apparently the floor joists of the second floor bathroom, were in a real bad shape and what he was doing was he start sistering the floor joist with new floor joists. That's why we called it an emergency.

Mr. Sturniolo stated thank you.

Chairman Cosentino stated alright, does somebody want to start the resolution?

**Mr. Mareschi stated Mr. Chairman, I'll start the resolution. I make a motion that 63 Spring Street, section 80.49 block 1, lot 19 and the application number is PB2015-0313, August 25, 2015.**

Chairman Cosentino stated we have Mr. Mareschi with the resolution. Do I have a second.

Mr. Hertz stated Mr. Chairman, before you have a second, I'm not convinced, and Whitney, I'll ask you that our rules permit us to vote on resolution during conceptual, there is no formal application.

Jan Johannessen stated I think they submitted a formal application, I think we had a staff meeting and in consultation with staff and the chair, it could go straight to formal, given the limited scope of work. There was no exterior work...

Mr. Hertz stated okay.

**Chairman Cosentino stated are you seconding the motion?**

**Mr. Hertz stated I guess I am now.**

**Chairman Cosentino stated seconded by Mr. Hertz, on the question, will the Secretary poll the Board, please?**

<b>Mr. Mareschi</b>	-	<b>aye</b>
<b>Mr. Hertz</b>	-	<b>aye</b>
<b>Mr. Vigliotti</b>	-	<b>aye</b>
<b>Mr. Sturniolo</b>	-	<b>aye</b>
<b>Chairman Cosentino</b>	-	<b>aye</b>

**The motion carried by a vote of 5 to 0.**

Mr. Maldonado stated thank you.

Chairman Cosentino stated continue, well check with the building department. Okay, Maplewood Assisted Living facility, Morgan Drive. Oh, Timber Ridge, I am sorry. Anybody here for Timber Ridge, identify yourself for the record, please.

**9. Timber Ridge Condominiums – Timber Ridge  
PB2014-0267, 80.73-1-8 (SBL)  
Amended Site Plan**

Mr. Charles Martabano, Esq, Mr. Lou Demasi, Goewy & Demasi, and Mr. Stefan Vasilescu were present.

Mr. Demasi stated Lou Demasi, the architect.

Mr. Vasilescu stated good evening, Stefanita Vasilescu, President of the Board, Timber Ridge Condominiums.

Chairman Cosentino stated gentleman, we had a site visit there and we determined that where we wanted the trees they couldn't go because of the rock on the whole border. We then decided that you'll put a fence, I understand is a cedar lookalike...

Mr. Vasilescu stated yes.

Chairman Cosentino stated and to accommodate the fence you are going to build the walls up where they were under...

Mr. Vasilescu stated yes, for a short portion of the one that really was low, the rest stays natural the way it is.

Chairman Cosentino stated that's where we are now, Jan.

Jan Johannessen stated that is a fine overview, the comments we had really were minimal, I thought that the plan was very consistent with what the Board discussed in the field. We'd like the applicant to provide a little more detail as to how the wall will look, maybe you could provide a brochure for the manufacturer of the wall, color, et cetera. Also the fence is proposed to be stained to match the exterior color of the building, the field, the Board was desiring it to be more of an earth tone color to kind of blend into the woods.

Mr. Vasilescu stated there is no problem with that. The landscape architect that we hired explained to them, we stressed out that we want it to blend in and said if the Board wants blend in, why stain it to the color so, you don't see the difference between the fence and the....

Chairman Cosentino stated I honestly believe that the natural cedar look, this is my opinion, looks nice, I don't know.

Mr. Martabano stated we're willing to do that, so that's fine.

Chairman Cosentino stated and then saving the money of painting it, you put six trees.

Mr. Vasilescu stated absolutely.

Jan Johannessen stated okay, so some additional details on just the construction staging areas and how you are going to be bringing the materials from the staging areas to the individual units, and the application requires a referral to the Westchester County Department of Planning. Michelle will coordinate that, she will facilitate that if it hasn't been done already. I couldn't remember if it went out. That was it, I thought the plan was good shape and was consistent with what the Board wants.

Mr. Vigliotti stated question, Jan, what material was the retaining wall going to be made out?

Jan Johannessen stated it's a block wall, it's not natural stone, it's like a Unilock wall.

Mr. Demasi stated the material is this material and it's going to be like silver or cement color.

Mr. Vigliotti stated the fence is going on top.

Jan Johannessen stated how tall is the wall?

Mr. Demasi stated it varies between 4 to 2 ½ feet, somewhere around there.

Mr. Vigliotti stated now this wall was located very close to 117. When I say it starts at the first unit.

Jan Johannessen stated yes.

Mr. Vigliotti stated is this wall natural to that area wouldn't we want stone and mortar or something else on this face, I don't think that's very natural to the area.

Mr. Demasi stated that's just the detail yeah, you will not just see five courses, you will see here 2 ½ up to about 4 ½ and it is....

Mr. Vasilescu stated there is like a peak where...

Mr. Demasi stated we're creating the wall to level out the backyards a little bit and also for fencing...



Mr. Vigliotti stated how visible is that going to be from 117. What we have is a very natural, natural urban forest there and...

Mr. Martabano stated you're still going to have that, what we presented, probably to the ZBA more than to you...

Mr. Vasilescu stated you're not going to see because Unit 1 and Unit 2, is kind of flat, but Unit 3 starts being a valley those Unit 4, 5 and then comes back on 6, 7 and flattens out. You're not going to see and the Chairman suggested this block that we have on the property...

Chairman Cosentino stated no, no, I didn't suggest the block, you suggested the block.

Mr. Vigliotti stated you've done a nice job with the stone you've done in front of the driveway and now within 30 yards or whatever it may be, you're putting this type of block, doesn't match.

Mr. Vasilescu stated it's in the back and was approved two years ago, like six, seven years ago. I am not sure I wasn't part of that project, but between in the back of Units 13 and 17 was required to have those [inaudible] block, it is actually the manufacturer of the stones. So, we have this, so we are following the same concepts of the backyards are in this [inaudible] block, 10 years ago same, same block used in the...

Mr. Vigliotti stated out of sight, out of mind, if this is visible from 117, and now it was part of that urban forest and in the short distance you have a beautiful stone walls that you erected, it just doesn't jive.

Mr. Martabano stated we were just looking for, did we have some pictures that can show you that you are not going to see this. We didn't bring them tonight, at the next meeting, I think we'll bring some pictures of that area so you get will get an idea it is really not going to be visible.

Mr. Vigliotti stated okay, because I think you're doing a disservice to all of the work that you did to enhance.

Mr. Vasilescu stated Jan, should I mention the idea with the riprap or was there an issue with that?

Jan Johannessen stated there was a plan following our site visit that was submitted and was going to use riprap.

Mr. Vasilescu stated if I may, what's happened we looked the picture and to blend in...

Jan Johannessen stated the riprap was not something this Board ever considered or find as a potential option. So, it was completely inconsistent with our site walk, so I don't think that should be.

Mr. Vigliotti stated Jan, you're comfortable with this?

Jan Johannessen stated no, I am not saying that I am or I'm not. I've identified the, I've asked for some...

Mr. Demasi stated we're matching an existing condition that we have with this [inaudible] block.

Mr. Martabano stated which I think you will see when we give you the pictures.

Jan Johannessen stated we've also asked for some additional detail on what its going to look like, so I don't think we can make a fair assessment right now and I think we should wait to get the pictures back. I'm sure there's other options.

Mr. Vigliotti stated if it's a falling at some point, I'm sure the residents of the Timber Ridge community, are going to say something.

Jan Johannessen stated there's probably more aesthetically pleasing types of block that would be of similar type and cost that might...

Mr. Vasilescu stated we have this block that we presented, here through the truck. Its in the backyards of, its not existing, there are close by all this block, 13 to 17, the pool, the tennis court...

Jan Johannessen stated its consistent with other, okay...

Anthony Oliveri stated maybe pictures of where you have it elsewhere.

Mr. Vasilescu stated we're open to suggestion about the color, its coming in different colors.

Anthony Oliveri stated the other thing we identified, I think you're over the threshold for a steep slope permit with the walls. It looked like you were more than 500 square feet disturbance and steep slopes. So coming back to next meeting whatever application needs to be filled out for the steep slopes and environmental area application that needs to happen.

Jan Johannessen stated the importance of that is also that it requires a public hearing.

Mr. Martabano stated on the steep slopes permit.

Anthony Oliveri stated unless you change this so you avoid that level of disturbance.

Mr. Martabano stated this is what probably start look at the possibility doing.

Anthony Oliveri stated because now the disturbance area is large and because you are filling in the backyards and you're at 20-25% slopes there.

Mr. Vasilescu stated we did all this and we spent all this money just to put a fence that to be honest with you, we didn't have any desire on filling anything but if we need to do it, we need to do it.

Anthony Oliveri stated yeah, the original plan didn't trigger steep slopes. You came back with the walls, it triggers steep slopes.

Mr. Vigliotti stated the other option obviously is getting the Village Board to allow you to put Hemlocks, very close together across the whole scape and no fence.

Mr. Demasi stated they'd never grow there.

Mr. Vigliotti stated not necessarily right there, they may grow two feet away, I don't know.

Chairman Cosentino stated they had a tree guy up there, the other trees will kill it.

Mr. Sturniolo stated Jan, I have a question, were any trees removed on any property other than Timber Ridges?

Jan Johannessen stated when we were out there, there was some trees that looked like they had fallen on the Village property.

Mr. Sturniolo stated you mean naturally fallen?

Jan Johannessen stated from what I observed, yes. There is also some, there are some trees that need to be removed that are either dead or fallen down there, they're hazards. We did have some discussions about maybe having the Highway Department go up and take a look at it to see if some of those could be cleaned up.

Mr. Sturniolo stated I have a question and if it's not business, tell me, who is paying for the cost of this individual deck renovations?

Mr. Vasilescu stated the community.

Mr. Sturniolo stated the community is paying for it, not the individual. And does everybody in the community know the cost of the deck renovations?

Mr. Vasilescu stated the exact cost, not.

Mr. Martabano stated I don't think we don't know yet.

Mr. Vasilescu stated for example, we didn't plan on this and there are some numbers here that we'll need to get in order to build it, which will be on top of cost of the decks.

Mr. Sturniolo stated you have to put it out to bid.

Mr. Vasilescu stated absolutely, and we need to bring out to the community and we'll probably need to borrow some money. So, we are trying to get to the bottom of this to see what's our bid, what are we asking the vendors, and what will be the price that we can go back to the community, and we are hoping to get all this information soon.

Mr. Sturniolo stated and the cost that the homeowners association would bear for this, comes out of your reserve fund?

Mr. Vasilescu stated yes.

Mr. Martabano stated may I follow up on an issue that Ralph raised. If we were able to go to the Village Board and say that there is a spot on Village property where we planted, and took responsibility for planting hemlocks, provide a natural buffer, we could possibly eliminate the fence, the retaining walls and all that, because that certainly is something probably worth investigating.

Mr. Vigliotti stated well it would eliminate steep slopes.

Mr. Martabano stated it would eliminate steep slopes, the wall...

Mr. Vigliotti stated its much more natural to that environment.

Mr. Martabano stated I'm certainly will to make that application.

Jan Johannessen stated understand the purpose of the screening, whether it be trees or a fence, the Board was concerned initially about seeing underneath the decks, so just going off recollection, in the possible areas of planting, I think are very close to that lawn area that goes down towards 117 and Armonk Road, which slopes down, so there would be, you know what I'm saying.

Mr. Martabano stated understood.

Mr. Vigliotti stated well they need to be 6-8 feet to start.

Jan Johannessen stated no, no.

Whitney Singleton stated as you go into the property, and there is a greater separation, there's less need for them.

Mr. Martabano stated but I still think it merits a little investigation on our part, we can eliminate steep slopes, retaining walls, the fence...

Anthony Oliveri stated yeah but Charlie, remember the retaining walls weren't a requirement of this Board.

Mr. Martabano stated understood, I'm just trying to look at it from a cost benefit analysis and picking up on Ralph's point, a little bit more natural.

Jan Johannessen stated yeah, the walls when they're talking about putting in the fence, if you put in the fence without the walls, you're going to look right over the fence and see the underside of the deck.

Rob Melillo stated guys, before you get too crazy with what you're doing, if you look at my memo, he's also going to be required to get a variance on the wall...

Mr. Martabano stated actually, we were going to talk you about that, because I don't understand the need for the variance but perhaps you can tell us.

Rob Melillo stated because in the Code retaining walls are not exempt from side yard setbacks. So they are required to meet side yard setbacks.

Mr. Martabano stated I thought that if they're a certain height...

Rob Melillo stated no.

Mr. Martabano stated okay, we'll discuss that with you and that's another reason we're getting right of the walls.

Rob Melillo stated and also, for this site, since we've had major issues with tree cutting on the site over the years, the Code also, I believe, requires a tree preservation plan done by the applicant and that's brought up through the Planning Board, they have to approve that plan. So that bring into this whole play of your talk of hemlocks.

Jan Johannessen stated I don't think there is any tree removal as part of the project.

Rob Melillo stated no, but they keep applying to the Building Department for taking down the trees on a regular basis. So, since they're here they need to apply for a tree preservation plan so that something goes along with the site, the Code requires it.

Jan Johannessen stated do you have any intentions of taking any trees down in this area?

Robe Melillo stated they applications currently for the site, to take down trees and I don't know if this area but throughout the site, I know the past 2 years, they've been taking down trees on a regular basis, the Code requires tree preservation plan which only can be approved by the Planning Board.

Mr. Vasilescu stated the reason that we did this just to clarify, because we haven't transitioned here with Building Inspectors. The previous Building Inspector said that the dead tree in the Code of Mount Kisco doesn't require a building permit. There were some other voices there saying no, you need a building permit. So it was my decision, and I'm actually waiting for Rob to come out to close two building permits. I said even the trees were dead and identified as dead and I can go there and hack them and take them down, I like to pay the, I think I paid \$10.00 to have a building permit. So, we can close those conversations about how we took the trees down in the middle of the night maybe, no we took it with paperwork. That's why we have those permits, if the trees are not dead, we are not interested in taking them out.

Mr. Martabano stated I don't think we need a tree preservation plan on that basis.

Mr. Vasilescu stated to be honest if you put me to swear now, I do not know if it is true that we need permits for dead trees or not, but I thought that it is safer to apply for the [inaudible].

Chairman Cosentino stated that's the Building Inspector's...

Rob Melillo stated you need a permit to cut any tree in Town, or trim a tree, anything over 2 inches trimming, you need a permit. And the Code, following the Code for...

Mr. Vasilescu stated John sent me down the Code, and who was present from your office and show me there is no reason, and I insisted on the permits that I'm asking you now to be closed that there is no reason for a building permit.

Mr. Martabano stated Rob, we'll take up with you separately, the issue as to whether a variance is required, providing that we don't go the route that Ralph and Whitney have suggested of going to the Village Board, which I think might be the best way to put a natural buffer in there and to eliminate all this. We'll make an application right away. Possibly get a little recommendation from the Board in that regard, it will probably help the Village Board make a decision.

Chairman Cosentino stated well, we're going to have staff meeting, we're going to bring it up.

Mr. Martabano stated okay, thank you.

Chairman Cosentino stated next is Maplewood Assisted Living. Identify yourself for the record, please.

**10. Maplewood Assisted Living Facility – Morgan Drive  
PB2013-0247, 80.55-1-2.1/4 (SBL)  
Site Plan**

Mr. Scott Blakely of Insite Engineering, Mr. Charles Martabano, Esq and Mr. Chris Cocotas of Maplewood Senior Living

Mr. Blakely stated Scott Blakely, with Insite Engineering.

Mr. Cocotas stated Chris Cocotas with Maplewood Senior Living

Mr. Martabano stated Charles Martabano for the attorney for the applicant. Gentleman, I know it's late we'll try to move this along quickly. We're here for two specific purposes; one, we filed an application for conceptual review of our proposed site plan, and Scott is going to take you through that. Secondly, we have had an application that has been pending before the Village Board since January of 2014 for a text change to allow this facility, in this district, on this site. It was referred to your Board, I think in March 2014, you gave us very favorable recommendations September 30, 2014. But since that time we haven't been able to make a lot of progress with the Village Board. We now had moved it forward to give you an idea of exactly what we would to put on this site and we're hopeful that the Board then because your, I am

not going to say recommendations stale, but it's going to be a year old in September. We'd like you to get another recommendation back to the Village Board, because we are going to back to the Village Board in September, try to move our petition along. So we want to put some flesh on the bones of our prior application, review this with you, and now let Scott take you through the proposed site plan.

Mr. Blakely stated good evening, as you know the property is located on Morgan Drive, frontage on Morgan Drive, 5.7 acres. It does have an access strip that runs out to Lexington Avenue, so it's got....

Mr. Sturniolo stated where on Morgan Drive this is, near what?

Mr. Blakely stated this is the location of the old sewage treatment plant.

Mr. Sturniolo stated oh, okay, across from the post office.

Mr. Martabano stated Buckingham Management had, I believe two different applications; one for flex building, one for an office building on this particular site, same site.

Jan Johannessen stated Radio Circle is?

Mr. Martabano stated Radio Circle is down here.

Mr. Blakely stated Radio Circle is down here, that one story green, almost looks like a school, is located here.

Mr. Vigliotti stated you had said frontage on Morgan Drive, technically it has two fronts.

Mr. Blakely stated it does, it has frontage on Morgan Drive, and then it has 50 feet of frontage on Lexington Avenue.

Jan Johannessen stated and Radio Circle.

Mr. Blakely stated well, there is a small little section here, where the right way comes in. I don't know where the tangent point of radius is...

Chairman Cosentino stated Ed, can you see if you locate a copy of that letter maybe in the file or some thing?

Mr. Vigliotti stated this is Radio Circle Drive...

Mr. Blakely stated Radio Circle comes in like this.

Mr. Vigliotti stated so what's here in then?

Mr. Martabano stated that's The Karafin School, [inaudible] Health Club.

Jan Johannessen stated it's going to be behind The Karafin School.

Mr. Blakely stated it's right on the corner of Radio Circle and William Drive.

Mr. Martabano stated they are contiguous, but its not exactly behind, yeah.

Mr. Blakely stated frontage on Morgan Drive, the building is proposed to be three stories, 94 units, footprint of 29,000 plus or minus square feet, three stories total about 89,000 square feet in the building. Access is proposed off with Morgan Drive to a circular turn around with a portico sheer at the entry, parking continues in this direction. We have a looped turn around in the rear, loading dock proposed on the north end. We're proposing 71 parking spaces, the proposed text amendment is looking at 0.75 parking spaces per unit to accept the 70 point something, so the 71 parking spaces total proposed for the site.

Jan Johannessen stated you're zoning only petition request of the modifications to the parking standard?

Mr. Martabano stated well, again this is creation of parking standards, because this is a petition to have senior living, which includes senior enhanced and senior assisted. And senior assisted is the category we're looking for here. We proposed zoning standard as a part of text change at 0.75. Which we presented information to the Village Board to show that with the existing Maplewood facilities, the actual parking if you took a look at the usage, came about 0.53, but went to 0.75 at the Village Board's suggestion.

Mr. Blakely stated stormwater controls, proposed stormwater, there is an onsite Village wetland, which is this existing basin located in this location, 100 foot buffer is here. We're looking to stay outside of the wetland, but we will be encroaching into the wetland buffer, eventually we'll need a wetland permit to be issued by your Board. Again, this is a previously disturbed site. We're providing stormwater treatment in two locations. We are going to look to utilize this existing pond for quantity treatment and our quality treatment will be taken care of in these two basis. Water exists on Morgan drive, there's sewer easement that exists along this northern property line, so our sewer connections will come into this, water we'll tap off of Morgan Drive. As part of the overall design also looking provide an emergency access behind the buildings. We have vehicular access around the entire building. We're looking at connection here back to Morgan Drive. The surface of that we haven't developed that. We're going to be looking at some type of grass pave or some type of pavement that will support the emergency vehicles.

Mr. Vigliotti stated I'm trying to grab hold of all this. When you come down Radio Circle Drive, are you saying, okay, so it comes through here. This is the piece through here. So, there is more than just a small, little piece here, how many feet would you say this is, that's on Radio Circle Drive?

Mr. Blakely stated this gold line with Radio Circle. So, there is a point where this right of way ties into this property line. I mean if we have 10 feet of frontage in this location, but we will have to verify that.

Mr. Vigliotti stated part of the point I am trying to make is, although this is the back, when you travel down Radio Circle Drive, you're going to see the back of the buildings, so, it's important that the back of the building ascetically is pleasing...

Jan Johannessen stated and the side of it.

Mr. Vigliotti stated everything that you are saying about the front is fine and dandy, but it is what you see on Morgan Drive and Radio Circle Drive, you see more than this plan actually shows. There's a lot, I mean it's not your frontage, I understand that on, but you will see.

Mr. Blakely stated the building will be visible from Radio Circle and from Morgan Drive.

Mr. Vigliotti stated absolutely.

Mr. Martabano stated and we will address that tangentially tonight, Chris is here for that specific purpose and of course obviously, we move to the site plan approval process. I think Maplewood's shows and I think we're going to give you an idea that shortly, that they're able to integrate aesthetics into each and every one of the designs even one where the reconstructed preexisting buildings.

Chairman Cosentino stated I think we saw it the last time...

Mr. Martabano stated you saw it at Darien, some of you visited. I think Ralph, you were there, I think Joe, you were there and you got an idea of what they did with the preexisting building. Now, take a look at their newest facility we want you to come and visit over in Bethel and you will get an idea of perhaps, Chris you could interrupt Scott for a moment and give you some background on how that's been designed.

Mr. Cocotas stated so, the newest Bethel product, it's the new Connecticut property for Maplewood, we have properties in Ohio, Massachusetts. This is our newest product in Connecticut. It's an 84-unit building, it's a three-story structure. It's very similar we're proposing a three-story structure on this property. This a lot effort was made in this building, the Town of Bethel as well, we have 360 degrees views around the property. There is Route 6, a major route, actually a couple hundred feet away from the entrance of this building, but clear visibility. So, a lot effort was made into breaking up the massing of the building. So, you know we brought the roofline down although it's three stories, it has that gabled roof at the top to kind of bring the roofline down. We are worked with town planners and the architecture review boards designing the aesthetic of it, the back of this thing looks just as good as the front. We are very big in our product as far as sense of arrival. You won't drive into any one of our buildings whether the entrance is at the side, back and front and not feel like coming into a newer community. We want you to know, hey you're at our building. So a lot of effort is put in as we like to call, on the sense of arrival and we don't have any intention to not preforming the same duties here.

Mr. Vigliotti stated so, what are you considering your sense of arrival?

Mr. Cocotas stated like you mentioned, you don't ever want to see the back of the building. We don't take any architectural liberties at the back, use different materials. You see we have stone facades here, this continues right around the back to a loading dock in this building.

Mr. Vigliotti stated because the sense of arrival is really the key, coming down Radio Circle, that's the sense of arrival. You're making your right on Morgan, that's your sense of arrival. That's what people seeing when they go to the post office. They're not going to see the front of that building until they come back out of the post office.

Mr. Martabano stated I think Ralph you're raising some great arguments for why...

Mr. Vigliotti stated they're not arguments, just...

Mr. Martabano stated no, great points for why we believe this use is going to really be an upgrade for Radio Circle, a very necessary upgrade.

Mr. Vigliotti stated I just want you to be cognizant of the fact that if you're putting dormers and all sorts of cool things, where you consider your front, you have to design some of that for the roof system and what is visible as you're driving in.

Mr. Martabano stated and this again is why we'd love to have members of your Board come up and see the Bethel facility.

Mr. Hertz stated Charlie, before we get there, can I make a comment that's going to change to this discussion a little bit. I don't know, may be everyone has forgotten but we went pretty far down the road with the earlier developers on property and we clearly identified...

Mr. Martabano stated are you talking about Buckingham?

Mr. Hertz stated Buckingham, at various points. We clearly identify pine forest through here that we had all agreed was not to be touched and that there is going to be no development on all the previous projects anywhere near this property line. That all project development had been pushed pretty significantly off of the property line, so that we could preserve a significant pine stand throughout there and to preserve views. So, I don't know if things are, if all that stuff was dead or gone or whatever, but we spend a lot of time making sure that there would be no development in this section, because there's both some stuff on this property as well as on this property. So, if we're changing our position on that, we're changing our position on that but that was an awful lot of work that was done, to make sure specifically.

Chairman Cosentino stated well the property is big enough where you can do something like that.

Mr. Vigliotti stated we spent a lot of time on the Buckingham piece. You may want to pull that up to get a sense.

Mr. Martabano stated I think we can do that, there was one of them was a big building, 65,000 square feet on a single level, if I remember correctly, but we will obviously take that into consideration.

Chairman Cosentino stated but the parcel is but and if they needed something in the front, it could be pushed back.

Mr. Martabano stated I don't really think we're into that area there but I don't want to say until we do an overlay.

Mr. Hertz stated you have a loop road around there, you are absolutely into that area.

Mr. Martabano stated I don't think quite as far into the forest as you think because I think a lot of that's on The Karafin piece, is what I think but we'll check into it though.

Jan Johannessen stated how much was the wetland buffer driving the layout of the site plan?

Mr. Blakely stated it's really not. We've got the access road within 20 feet of the edge of that wetland, we're proposing a retaining structure here, just so we can terrace this thing.

Jan Johannessen stated the building is somewhat uniquely laid out, I didn't know if there was any reason for that.

Mr. Mareschi stated how many Maplewood's are there.

Mr. Cocotas stated we're up to six in Connecticut, three operating in Massachusetts, two under construction in Massachusetts. We have two under construction in Ohio, one operating in Ohio, one under development in New York City and a couple permitting in North Jersey.

Chairman Cosentino stated so how many total units you have?

Mr. Cocotas stated total units we are over a total of probably around 600 units.

Mr. Martabano stated as we said from the beginning....

Mr. Mareschi stated you have any in Westchester?

Mr. Martabano stated not yet, we're looking to have this be the flag ship.

Mr. Hertz stated, I should say that I'm all the concept, I'm just concerned about the site. Let ask you, sorry but don't we have all those old retention basis, on this site?

Anthony Oliveri stated the old concrete settling basis.

Mr. Martabano stated we work within that limitation, that's what this designed around.

Mr. Hertz stated what I was going to say is we've gone on over and over on this with regards to the remediation that would be required to use that, how are you...

Mr. Martabano stated no, actually we've gone into that in great detail, utilizing people, I think this is Sterling Environmental.

Mr. Blakely stated Sterling Environmental is involved in the project and you know we've had discussions with Sterling and we have designed the site and the building around limitations that the site has.

Mr. Martabano stated I mean that's one of our driving forces, is that issue with the preexisting site. And it goes also into the point, the Village bought this property back in 1985, I actually handled the transaction. We bought a 135 acres from the City of New York. Of that we took a very small amount of property and decided to sell it for development. This is one of those original parcels and for 30 years it hasn't been remediated, 30 years, it hasn't been put back. So, the bottom line is that we're trying to put this back into a great use that the Village needs. And a great use for this zone and we've done that homework, part of what took so long to design the site plan is exactly the point you just brought, Doug, and that's why we did the work with Sterling environmental to ensure that this fits in with that situation on this property. Therefore, we think is the ideal way to return this property into a great use in Mount Kisco, a great tax ratable in Mount Kisco, that's what we are trying to do.

Mr. Sturniolo stated does it address the point that Doug brought out before?

Anthony Oliveri stated so is the building being built around the underground tanks? To allow them to be remediated and left in place.

Mr. Blakely stated it is. It doesn't really show up on this version but you can see that the structures are here.

Mr. Martabano stated I don't know if Doug wanted to use it to illustrate a point or just to return it.

Mr. Hertz stated no, I was going to point out that every one of those trees on your property. None on the Karafin property, the Karafin property is complete separate.

Mr. Sturniolo stated Doug brought out a point before about the entrance way on the side of the road, and the main entrance on Morgan Drive facing by the hospital, because your first impression is you are driving this way is basically the side of the building. Now you also said that it's going to be emergency access road, that's going to go between the road and the building.

Mr. Blakely stated it's going to go between the southern property line and the building.

Mr. Sturniolo stated how do you intend to preserve the greenery in that area? So, one, it looks natural and two, it doesn't totally mask the building because what you want the building to do is sell impression that this is the front entrance when in reality it's not the front entrance which is a located opposite to the Post Office. That ties into your first example there when you said we're going to be lowering the height of the roof and changing gables et cetera, et cetera. How do you take that design philosophy and apply it to here?

Mr. Cocotas stated well, if I can actually speak to that. Another project they were actually constructing in Yarmouth on Cape Cod, I don't know if you're familiar with Route 28 down the Cape, that's the main



corridor there. We actually took, it was the old Mill Hill Club, it was an institution in West Yarmouth. We purchased that site and the town was very concerned about what the impression is because the actual entrance for that is off of 28, yet everyone who comes to the Cape or visit the Cape, you associate 28 as the main route of traffic. We put a lot of emphasis, we actually created its almost a false front façade on that side of the property in order to let people know hey, this is the front of the building. Although we side load it, just programmatically for us it loo it's a lot better when we enter to center of the building not on the end. We were able to do that successfully, and the town is very excited for it. We had a lot emphasis put on that and we are able to design to it and where we have a product soon to be under construction rather than really happy with the town and Maplewood as the owner/operator. So, I think it's something we can definitely achieve here and present to you guys.

Mr. Vigliotti stated how far were you on that project, is it completed?

Mr. Cococtas stated no, no, we just received our final zoning approvals. We purchased from the developer as well as the Mayflower Place Community which is in my neighborhood over there. So that is one of our first Maplewood Communities on the Cape.

Mr. Martabano stated Bethel is open and if you'd like to come and see that, especially what we are liking about it as you said, it gives us a 360 view.

Mr. Vigliotti stated I'm not opposed to the concept of assisted living on Radio Circle, for me its down to how this site on the property.

Mr. Martabano stated absolutely.

Mr. Vigliotti stated where retention takes are and it's unfortunate that whole buffer is where no one can really enjoy that open space. I would prefer that those retention ponds as nice as they could look would be against either Morgan Drive or Radio Circle Drive from some configuration. You have a whole set of pictures there, do you have one that you're thinking might look there that we have sense.

Mr. Cocotas stated I think that the newest one Bethel is by far. A few of these were existing buildings we purchased. We gave them facelifts but we were stuck with the original bones of the building. This was a ground up, much like we want to ground up here, we had a chance to really put our architecture into it. Darien, which some of you guys have seen, beautiful building. This was an existing nursing home. We gutted it, we added the relief to the side of Post Road, it's sitting right on the Post Road in Darien, Connecticut. But here we had the opportunity to start from scratch and this is what we like to do. We don't want to do something that is a box, we don't want to do something that doesn't have to relief and provide a little character as you approach it. So, we put a lot of emphasis and focus on that with the new buildings and the new construction affords it.

Mr. Martabano stated one thing that's been great about these discussions and I appreciate it, is we're getting into actual specific site plan issues which we would love to be in the position to get into with your Board. We can't until we get passed first base, and first base is I've got to get the zoning text change approved. Therefore, I need again to ask you to send a further recommendation in the Village Board. We've now put some flesh on the bones as I mentioned to you, showed you what type of facility we are planning to do. A conceptual site plan, and it is conceptual we've addressed Doug's points and Ralph's points, which in the site plan review process we're going to be able to do, okay. But until I can get there, at this point in time, somewhat [inaudible]. So, I want to be before the Village Board in September, I'd love to get you to re-send or augment your letter to them so that we can get this hopefully, to the point coming back to you and really looking at some real specific site plan issues because I think and I'm hopeful that you all agree, it's a great use for this part of the Village. It's a great transitional use which is the actual language that's in this RD zoning district. It talked about a transition between residential and commercial. This, in my mind is appropriate transition and it's a great site put back into this Village.

Mr. Vigliotti stated I agree you with, I believe the footprint that you showing might be too large for the site before holding ponds, now why are there so many holding ponds, retention ponds?

Mr. Blakely stated well they were part of the original sewage treatment facility and there are certain limitations of what we can do, in and around those different facilities.

Mr. Vigliotti stated is it because you don't want to go near them, you don't want to expose them, you don't want to open up a can of worms, why?

Mr. Blakely stated we can't put any portion of the building on top of those facilities. We can utilize them, we can put the parking on top. We have some flexibility with stormwater. But the building itself has to stay off of those structures.

Whitney Singleton stated is that because its residential or because it has to stay that way because one of the prior proposals was to build on top of them and use them as part of the foundation.

Mr. Cocotas stated well it's part of what I understand, I'm not totally in tune with the remediation plan as that's been put forth by Sterling, but the indication that we were given while putting the site plan together was roadway definitely, we can go over structures with the roadway. It is undetermined, if not allowed for us to put the foundation on at this time, whether that changes or not, we don't know. We actually are already approaching the structures...

Mr. Vigliotti stated where you're putting the parking, which will be visible from Radio Circle Drive. It's probably a stand of trees there that will have to come down for that parking and I think that's part of what Doug was trying to bring forward.

Mr. Blakely stated and again, we can look at alternatives to the parking if the Board is looking for us to try to minimize disturbance in this area, we may have the ability to expand some of this parking over into here and maybe minimize this. And the loading area is here, is on this end. So, we will have to have some type of circulation back there, but maybe we can minimize the amount of parking here, maybe we grab this bay and we have the ability to put that here.

Mr. Vigliotti stated what is the current setback from Morgan to the corner of the building, and so what is this setback?

Mr. Blakely stated 35 feet.

Mr. Vigliotti stated what is this setback?

Mr. Blakely stated that setback is 45.

Mr. Sturniolo stated Joe, am I correct to admit the previous presentation for the office building, that they were required to set the building on some type of a sealant fabric membrane to prevent anything in the surface coming up?

Anthony Oliveri stated that may be Crème De La Crème.

Mr. Martabano stated that's the adjacent site.

Mr. Blakely stated the idea as Sterling has explained to us, the ideas of the structures that are there is to really, is to take walls of the structures down, leave the slabs in place and then fill on top of those.

Jan Johannessen stated you're going to be responsible for the remediation of the site that's going to take place as part of your site plan.

Mr. Martabano stated I think that's correct, yes, we have to do that. Again, another benefit of having this as part of the Village.

Jan Johannessen stated and that remediation plan is kind of...

Mr. Martabano stated let me get you and Whitney specifics on that, that's done by our environmental counsel who has experienced this. I'll get you that information, that and from Sterling. As opposed to committing anything I don't want to make a mistake in anything that I'm saying.

Mr. Hertz stated I also think that you might save a lot of time and energy if you look at some Buckingham stuff.

Mr. Martabano stated we'll look at it.

Mr. Hertz stated I'm trying to remember, was there parking underneath? In one of the iterations, the building was raised and the parking was underneath, they were covering some of that stuff with parking.

Mr. Martabano stated that's correct. But like I said we have someone who specializes in this, who does the environmental plan and we'll get you the specifics on that.

Anthony Oliveri stated the other thing, which I'm sure you're looking at is the stormwater and the limitations like you said with the types of practices you can use, I'm not sure if DEP would also get triggered, you're close to watercourse also, I forget the criteria for DEP, it could but even with DEC just

satisfying the current regulations with DEC with the runoff reduction and all that, that could be a limiting factor too, on the size of the building.

Mr. Blakely stated this will trigger DEP. We're going to have over two acres of disturbance/

Anthony Oliveri stated they're going to be more stringent than DEC and that's got to be looked at.

Mr. Martabano stated they have a personal interest in making this work too though, I can assure you, but we'll get into that later.

Chairman Cosentino stated this is a conceptual, it seems like the Board seems to somewhat like it, and to go a step further, I didn't hear anyone say they didn't like it.

Mr. Vigliotti stated I just want to be very clear as one member of the Board, I don't have a problem with assisted living in Radio Circle Drive or on this site. I'm not married to anything beyond that, this could work. I still don't see a rendering, I don't know what it's going to look like, I don't know what really, as one member, I don't want to say yes early on "I love it".

Mr. Blakely stated and we're showing you a two dimensional plan without grades and...

Mr. Martabano stated we want to get to the point where we give you all that information, until I get through the Village Board, I can't..

Chairman Cosentino stated what we need fellas, is we need a letter sent to the Village Board, Whitney.

Whitney Singleton stated can I just recirculate that was previously done with an update?

Chairman Cosentino stated yes.

Jan Johannessen stated you talked about getting Village Board approval and then coming back to the Planning Board for the site plan, I think we envisioned the SEQRA action to include the zoning and the site plan.

Mr. Martabano stated exactly, so for the next meeting of the Planning Board, we're going to submit a revised EAF, you have the full EAF, that's related to the text change. We want to submit a revised EAF, to bring into it the site plan and then hopefully at one of your meetings, hopefully in September we'd like you to hopefully declare yourselves intent to be the agency because I think this Board is appropriate Board for lead agent status.

Jan Johannessen stated the Village Board isn't going to be able to act until we issue...

Mr. Martabano stated yeah, but I want to get them to act them just out of consideration, I'll worry about the SEQRA action later.

Whitney Singleton stated Charlie, you triggered something in my memory. A reason why your application, I recall Jerry Faiella, he kept asking you for an EAF, when the EAF submitted.

Mr. Martabano stated March of 2015, that was given to the Village Board but since then again there's been no action since that time.

Whitney Singleton stated but there was a delay in getting it to them. Just to be fair to them.

Chairman Cosentino stated so the understanding is that you will send it to the Village Board as it is a whole report. We have one more here, but I'm not going to hear it tonight because it's too late. Luppino, there's nobody here for Luppino anyway.

The Secretary stated it was just to discuss the site walk that didn't happen.

**Chairman Cosentino stated put it on the next agenda and we'll just talk about. Motion was made by Mr. Vigliotti, seconded by Mr. Mareschi to adjourn.**

**The meeting adjourned at 11:38 p.m.**