

Minutes of Meeting of the Planning Board  
Village/Town of Mount Kisco  
Wednesday, February 10, 2015

Chairman Cosentino called the meeting to order at 7:52 pm in the Municipal Building.

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

**Members Absent:** Sol Gibbons  
Doug Hertz  
Stanley Bernstein

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

Michelle K. Lailer was the Secretary and transcribed the following minutes.

Chairman Cosentino led the Pledge of Allegiance.

Chairman Cosentino stated alright this is Tuesday, February 10<sup>th</sup>, this is a Mount Kisco Planning Board meeting. There are no minutes at the present and the first application, well under correspondence, Mark you want to come up and give us an...

Chairman Cosentino stated on The Hearth.

Mr. Miller stated sure, for the record Mark Miller from Veneziano and Associates, here tonight representing The Hearth of Mount Kisco. I'd like to thank the Board for taking us out of order, I will be brief. We are just here tonight really to give you an update on where things stand, when we last appeared before you several months ago, we had pretty much resolved all of the issues, the big critical path item was DEP. So we've spent the last few months working on our variance application which has now been submitted to DEP. We're working on getting a meeting scheduled with them in the two weeks to move that forward. From your perspective on February 3<sup>rd</sup>, we submitted to your staff a complete revised set of site plans and some explanatory material to address all of the issues that had been raised by your planner, by your engineer, by your attorney in the earlier communications. So we wanted to meet the three week deadline for the meeting on the 24<sup>th</sup> that's why we're not here to talk about anything really substantive tonight but we're looking forward to meeting with you on the 24<sup>th</sup>. At which point your staff, hopefully we have had an opportunity to go over our comments and we can start hopefully significantly narrowing down the remaining open items. So we're hopeful of securing DEP approval as soon as possible and then proceeding with your Board for the finalization of the site plan and special permit approval. So we have sort of, just so you're aware, if you're not, a contractual obligation essentially with the Village, to appear before you, at all your meetings to continue to give you updates, and so some of those updates will be brief as was this one, some will be significantly more substantive. Hopefully at the next meeting when your staff has had an opportunity to review the materials.

Mr. Sturniolo stated Mark, a moment ago you had mentioned that you had met with the Village Consultants and went over everything. That also includes DEP as well, because you highlighted certain individual names but not DEP or that was a separate meeting I take it.

Mr. Miller stated well no, we have worked, the Village is a co-applicant with us...

Mr. Sturniolo stated right.

Mr. Miller stated on the DEP application and so during that process we worked with Whitney and I believe, I'm not positive that Chuck may have had communications with the Village Engineer. And we provided, I know at least Whitney with a full copy of the application for the variance.

Mr. Sturniolo stated thank you.

Mr. Miller stated okay, if nobody has any questions, we'll see you in two weeks.

Chairman Cosentino stated I know, I appreciate you coming tonight.

Mr. Miller stated thank you for accommodating us.

Mr. Mareschi stated thank you.

Chairman Cosentino stated alright the next thing on our agenda is Towne Bus, 343 North Bedford Road. Would you come up identify yourselves for the record, please.

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

Mr. Diego Villareale of John Meyer Consultants, Mr. Charles Martbano, Esq., Mr. Brian Markson and Mr. Jerry Markson of Towne Bus Corp. were present

Mr. Markson stated Brian Markson, Towne Bus

Mr. Markson stated Jerry Markson, Towne Bus

Mr. Martabano stated Charles Martabano.

Mr. Villareale stated Diego Villareale, John Meyer Consulting.

Chairman Cosentino stated Charlie, why don't you go through the...

Mr. Martabano stated the thumbnail sketch, okay, fine. Very basically we've received memorandums from all your consultants, engineering, from the planning consultant, the traffic consultant and from DEP and we've revised our site plan to conform to all of the common issues that were raised. Diego can take you through them if you want to look at any of them.

Chairman Cosentino stated yeah, I'd like him to take us through them.

Mr. Martabano stated not a problem, we'll do that.

Chairman Cosentino stated from the original comments that this Board made to you.

Mr. Villareale stated well going back. Really, it's from the November time that we were last before this Board. That's the last set correspondence that we received from Anthony, from Jan. There was a couple of other memorandums, especially DEP. From a site layout standpoint, there were very little changes that were made to big picture items. Parking spaces are still located in the rear of the property. We still have 14 parking spaces that are being utilized to serve the facility, two handicapped parking spaces and an additional parking space is located on the northern side of the property. Circulation generally remained the same. We made some minor modifications to the curb cuts in the turning radii's per the traffic consultant's memorandums.

Chairman Cosentino stated why don't you explain those.

Mr. Villareale stated certainly, so on the southern side of the property...

Mr. Martabano stated let me move back so you can...

Mr. Villareale stated so, the way the circulation works on the property, similar to what was originally proposed. The southern driveway serves as a one-way entrance and it circulate around the back of the property and then the northern side of the property as the one-way entrance out.

Chairman Cosentino stated so in other words when you're coming north, to the south, you enter on that driveway furthest to the south.

Mr. Villareale stated everybody enters on that location. So, if you're travelling northbound, you would make that left-hand turn and then if you're travelling southbound you would make the right-hand turn into the property. What you will see is the turning radii's for this driveway specifically here for the southbound traffic that needs to make a right turn in especially because we are dealing with the buses on a regular basis. We made sure that this turning radius was sufficient to accommodate that bus turning into the property without having to maneuver into the center of the turning lane or anything else in this area. They would just be able sweep. That's why you see such a large radius when you are travelling northbound, you're making the left turn across the southbound lane of traffic. So, that's why you see the smaller radius in this

location here, because the turning template allows the bus to make that turn in, doesn't need as large a radius because it's coming across that southbound driveway. Similar to the exit driveway, so as the bus makes its way around, either gets fueled or service. The turning radius for the vehicle going out wishing to travel southbound on North Bedford Road, we have a large turning radius there. Again, that's to accommodate the bus, so it doesn't have to veer into in anyway the northbound travel lane on North Bedford Road. Everything is intended to work within the travel lanes that are there. And then again, if you're coming southbound on North Bedford Road, there's nobody making an entrance into this location, so that's why you'll see the smaller turning radius in this location here. So, its one-way circulation, is the way it's intended to operate. So, we reworked this area, we massaged the planter, which is a stormwater measure the DEP requires as part of the green practices that have been implemented on the project. So we revised this to allow us to make that larger turning radius for the buses coming into the property itself.

Mr. Martabano stated and those revisions that Diego is referring to, he had referred to in the November memorandum. But we also we had a December memorandum from the Village's traffic consultant and that is the basis for some of the changes including the planter, the widening of the access points. That was done in accordance with his recommendations.

Mr. Villareale stated correct. We did submit this as part of the package, we did provide turning radius and bus turning plans which show all of these maneuvers occurring with the turning radius for your typical school bus which is about 40-foot long. We also showed them maneuvering in the back of the property to ensure that they are able to get into each of these loading bays, and how they would be able to do that in maneuvering in this area. So, all that was included in the resubmission, I have those plans here as well. I can bring those up, I had those mounted on a board tonight if you would like to see them right now. So, those were the changes that were made to the turning radii's and the curb islands. Again, just to ensure that we're addressing all the traffic engineer's comments and making sure that we have proper turning radii's.

Chairman Cosentino stated and fueling, where are we with fueling?

Mr. Villareale stated fueling is in the same location. The island is located on the northern side of the property; buses would still take that same route, anybody coming southbound on North Bedford Road would continue at southern driveway. They would make their way around and the truck turning plan that was submitted as well shows the bus maneuvering its way on either side. There are certain buses that have fueling on the passenger side or on the driver's side so you have to be able to accommodate both sides of the bus. That's the position of this filling island here specifically for that reason. We wanted to make sure we're able to get a bus that can maneuver its way around either location without hitting either the fuel islands or any of the parked vehicles or any of the curbs. That's why you will see a little bit more open space and you will see much bigger drive aisle back here. Again, that's just to accommodate all the bus maneuvers on the site.

Chairman Cosentino stated what about the time of the fueling now?

Mr. Martabano stated on that point, on August 5<sup>th</sup>, we submitted to you a proposal that was acceptable to the Board. It talks about the fueling of the full-size school buses that would only take place between the hours of 11:00 pm and 7:30 am to avoid any peak time. The full-size school buses will be done at those off-peak hours. Vans, which are about the size of a conventional SUV, not much bigger, will be filled between hours of 9:00 am and 1:00 pm. And we also fuel deliveries to the site we're going to schedule that between 7:00 pm and 6:00 am, so everything gets off peak.

Mr. Mareschi stated is that only for the Bedford School District?

Mr. Martabano stated I think that's the only contract we have, yes.

Mr. Vigliotti stated that's the only contract you can have, correct?

Mr. Martabano stated how do you mean?

Mr. Vigliotti stated when this was presented to the Board, well over a year ago, we saw a beautiful rendering and I think we fell in love with the physical building itself and we talked about some conditions and it was proposed to us that it would be used exclusively for the Bedford Central Schools. I have it somewhere in here and there were lots of conditions that we worked out to make this work. And then we moved as a Board to a negative declaration because of everything that was put into place.

Mr. Martabano stated and the conditions are in there, right?

Mr. Vigliotti stated right but I just want to get this on record, again and I have voiced my opinion a number of times on this. That when we moved on a negative declaration, it was about the physical building, it was

about the use and the conditions for that use to not impact North Bedford Road. And we talked about a number of conditions and I want to go over the conditions to make sure we're all at the same base here. And then I have a couple of other questions. Let me go over, so the conditions I had, is maximum number of two fuel deliveries to the site per week, that has not changed, correct?

Mr. B. Markson stated no.

Mr. J. Markson stated just to clarify...

Mr. Martabano stated what's in the neg. dec. is one to three. One to three, it's in the neg. dec.

Mr. Vigliotti stated alright, I'll take a look then. Onsite fuel deliveries will be conducted via single axel fuel delivery truck. Onsite fueling of vehicles shall be conducted between the hours, it seems like they changed a little, but I think they're very close, 9:00 pm and 5:00 am that might be 6:00 am, I'm not sure.

Mr. Martabano stated yeah, hold on one second. We have 7:00 pm and 6:00 am is in the August 5<sup>th</sup> letter.

Mr. Vigliotti stated okay, so, unfortunately, I was not at that meeting, but originally I think we had 9:00 pm and 5:00 am. So that's something we need to check the minutes on that. No more than 20 vehicles shall be fueled onsite per day. That is not changed, correct?

Mr. Villareale stated to be consistent with the neg. dec., it was between 15 and 20 vehicles on average.

Mr. Vigliotti stated per day?

Mr. Villareale stated correct.

Mr. Vigliotti stated okay. Outside overnight parking or storage of vehicles, trailers should be prohibited. No left-hand turn onsite from North Bedford Road between the hours of 6:00 AM and 7:00 PM, appropriate signage to be provided. That was a key condition that this Board, we have no left-hand turn at some point going up on the north end..

Mr. Martabano stated here's the conditions and here is your negative dec., and they are not in there.

Mr. Vigliotti stated okay, I want to talk about that then. I have it here. We'll go back to that, let's do the easier ones, no more than six vehicles shall be brought to the site for service/inspection per day.

Mr. Martabano stated I'm just, Ralph, since we're going in order, you're going a little bit fast for me. The negative dec. and the condition is no more than two vehicles shall be parked or stored outdoors overnight.

Mr. Vigliotti stated that's outdoors as opposed to four indoor, so it's a total of six.

Mr. Martabano stated I think you said no overnight parking.

Mr. Vigliotti stated well, it says no more than six vehicles shall be brought to the site serviced/inspection per day, we didn't get to the overnight.

Mr. Martabano stated oh, I thought you did say that, I'm sorry.

Mr. Vigliotti stated the site shall be restricted to repair vehicles within the Bedford Central School District. Very early on that's what we discussed.

Mr. Martabano stated again that's not what we and it was very early on, and we had many, many meetings and we proposed these things and this is what's embodied in the negative dec.

Mr. Vigliotti stated at some point, I just want to ask Whitney to bring us up to speed. But again some things have changed along the way and I want to make sure we're all, you know, when this comes before us for a final approval that we have everything in place, at this point. Things have changed over the last 18 months. Now, I've heard something, so that's that, a couple of questions on whether the buses will be washed onsite and/or....

Mr. Martabano stated no, they're not, no, they are not going to be washed onsite, absolutely not.

Mr. Vigliotti stated okay, so, that's good to hear that, okay.

Mr. Martabano stated I'm sorry, I jumped the gun but I'm correct.

Mr. Vigliotti stated that's okay. Site coverage, are we in compliance with site coverage?

Mr. Villareale stated yeah, the maximum development coverage in this district is 80% and we are at 62%.

Mr. Vigliotti stated I'm looking at the plans, they were done very, very well from what I can see. I didn't see anything in here with regard to the detail design of the gate systems for the south and north end. I just don't want to assume there's going to be a gate going in, I think we need to see detailed drawings.

Mr. Villareale stated the gate was shown; there were two gates on the property that were in line with the back side of the building.

Mr. Vigliotti stated I think we'd like to see the detail of how the gates are going to be constructed and what type of materials and so on.

Mr. Villareale stated certainly. What we did provide was a detail of the chain link fence detail, which would be consistent with what goes around the portion of the property in the back and the comment that came from the Planner at one point is that that fence be vinyl coated, black clad vinyl coated chain link fence. The gate would be consistent of the same material, but I think....

Mr. Martabano stated yeah, but to be honest with you Ralph, saying that we had some discussions with the client and I am not so sure we're going to go with gates at all. In other words, the site may look better without them so, I don't want to speak for them but I think we might eliminate the gates, which I think will be....

Mr. Vigliotti stated well, this is the first we hearing of it so...

Mr. Martabano stated yeah, I understand but because you brought the question up and we're thinking maybe we shouldn't even go with the gates. Which we can do that change in two seconds but what's your preference, let me see where you're coming from.

Mr. Vigliotti stated I don't know, you know we talked about gates and I just wanted to see what the detail of the gates look like.

Mr. Martabano stated if you, assuming the client really didn't care, would you prefer there be no gates because I think we can do that. I'm not saying from a safety, we'll not hold you responsible.

Mr. Vigliotti stated one member, it's something that we need to discuss maybe it's an ARB. I don't know what is going to look nicer for that site. Do we want to look more industrial and do we want to soften it, so no one has any idea really what it is. I am not sure.

Chairman Cosentino stated personally, I think with the landscaping plan that they have, I think the gates are going to cover it.

Mr. Vigliotti stated cover what?

Chairman Cosentino stated the landscaping that's in the rear. I think they have a nice landscaping plan and if they put the gates, this about it Ralph.

Mr. Vigliotti stated I think the Board should have, we're not going to know what the plan look like until after everything is built and it's built out with all the landscaping, maybe a condition can be made later on.

Mr. Martabano stated yeah, listen, I think the easiest way to do that. I like your idea and I think we just say now we're going to eliminate the gates now, and if at a later time you want us to possibly install gates, then we talk about it at that time.

Mr. Vigliotti stated that would have to be a condition. I don't know about vandalism of school buses and fuel tanks back there and all of that good stuff, I don't know if you're trying to protect or not.

Mr. Martabano stated thankfully, it's a street level site, it's not down below. Okay, incidents like that happening, I am sure are very rare, I'm sure it never really happened to DaSilva. So, I think that we're probably going to go with the no gates and then we'll just see how that works out.

Chairman Cosentino stated Ralph, if you want you can make it a condition.

Mr. Vigliotti stated well it's not what I want, I think we should make that a condition. A condition that if it's something in the future that you feel needs to be in place, then that's something we'll do.

Mr. Martabano stated you have conditioning over site plans, you can do that. I don't have a problem with that. So, at this point, we will leave it at there will be no gates and then we don't have to worry about that.

Mr. Vigliotti stated I can appreciate not having gates, you don't have anybody to unlock it, to open it, to get buses in and out. I mean it becomes a manpower issue and I understand that.

Mr. Martabano stated I think the place will look better without the gates. It's aesthetic from our point of view and you know to have a bus storage yard, so it's not. So, I think that we're better off now, we'll eliminate the gates. If you want to put a condition and say that you feel that we should come back and discuss it but we're going to eliminate then now, make it easy.

Mr. Vigliotti stated you're talking about the chain link with the fence with the vinyl weaved in between, this Board has not been very keen on vinyl weaved chain linked fences.

Mr. Villareale stated it's not weaved in, it's just vinyl coated, it's not the steel itself, its coated in the black material.

Mr. Vigliotti stated in trying to protect the restaurant next door perhaps, is there a restaurant next door?

Mr. Villareale stated correct.

Mr. Vigliotti stated maybe in their best interest that they're not looking into this lot that's storing buses and those kinds of things. That maybe there'd be an opaque fence, I think that may work out.

Mr. Villareale stated along this entire corridor, we have the landscaping as well, along that entire frontage of the property.

Mr. Martabano stated remember, disregard what they used to look at.

Mr. Martabano stated we can't go by what they used to look at because we're trying to get them to look at something that's better, we're trying to enhance this. Let's not forget this is an industrial use and we're trying to soften that use for North Bedford Road as we trying to soften every use in Town.

Mr. Martabano stated which is why I think we went to the extent that we did with the architectural design and with the landscaping.

Mr. Vigliotti stated absolutely, so bus washing, gate systems, fencing. We just talked about, so what are we doing with that fence then on the right-hand side, what does the Board feel? Do you want just chain link and that's it?

Mr. Martabano stated vinyl-coated chain link.

Chairman Cosentino stated vinyl chain link, how high?

Mr. Villareale stated its 6 foot high.

Chairman Cosentino stated 6 foot, you don't want one more than that. And we want it to be the black to match everything else.

Mr. Villareale stated the black works well with landscaping, so you do have that buffer with the planted. At planting height is 3 or 4 feet height and it's a variety of evergreen plantings. You do get that low screening and then you get the backdrop of the fence.

Chairman Cosentino stated I think that the black link fence with the landscaping, I think would look nice, that's my opinion, because it's going to match the other.

Mr. Vigliotti stated does fencing of this type usually go before the ARB in any shape or form? Stays right here. Personally, I'm only one member of the Board, I think an opaque fence protects, would be white vinyl, 6 feet high, and we've done that in the Village. I think even the diner has white opaque fencing too.

Chairman Cosentino stated well they don't care if it's white opaque against the other, if you want it white opaque...

Mr. Vigliotti stated you know what, you have a business next door.

Chairman Cosentino stated that's nice, it's not that much more expensive, it's probably cheaper. Is that what you'd rather have, Ralph?

Mr. Vigliotti stated well I think the point is and excuse me for taking over half of this meeting. The point is we're trying and I think you've been doing a nice job of trying to soften this industrial, no matter what you say it's an industrial site. And there was concern early on as far as variance and special use being next door to a restaurant and so on. I think just that may help keep a little bit of the noise down, it would keep the visual piece down for customers who are parking at a site and say "look, I'm parked in front of the bus we're going in to have dinner."

Chairman Cosentino stated I think that opaque fence is going to look nice. I think you're right. Let's go with the opaque fence.

Mr. Vigliotti stated it's just offers privacy. It keeps nosy people from looking at your site and complaining that oh, my God, the bus is parked crooked and it keeps people next door and down the road a little happier.

Mr. Villareale stated so, we're talking about an opaque fence along the northern property line between the restaurant and this property and changing over...

Chairman Cosentino stated but I think what Ralph is talking about, not just the straight opaque, they have them with the poles, you need some street appeal to it.

Mr. Villareale stated it's a solid board on board kind of, it would be vinyl or PVC but that would essentially eliminate the need for landscaping along this entire frontage here.

Chairman Cosentino stated before we put the fence in, we know what we want. Bring a picture of it to the Building Department.

Mr. Vigliotti stated was your landscaping going on the inside of the fence or the outside?

Mr. Villareale stated it was going on the inside of the fence. The fence was running along the property line, or essentially, 6 inches off of the property line, so you can install it. So you would have the fence and then there was landscaping directly behind it.

John Landi stated Mr. Chairman, the fence cannot be any higher than 4 feet in the front yard.

Mr. Villareale stated this is the side.

John Landi stated well if it's in the front, it can't be any higher than 4 feet.

Chairman Cosentino stated so that's what we are taking about...

Mr. Villareale stated it doesn't extend beyond the front of the building. The fence would stop...

Chairman Cosentino stated if it's going to be on the side, you can 6 foot but what the Building Inspector was, is that he doesn't want...

Mr. Vigliotti stated and that's not to preclude the landscape and make the inside of your property look nice.

Mr. B. Markson stated look nice for who, for us?

Mr. Vigliotti stated yes.

Mr. B. Markson stated you're spending a ton of money on landscaping and now you're going to cover it up.

Mr. Martabano stated the fence is going to block it.

Chairman Cosentino stated the landscaping is going on the front of the fence.

Mr. B. Markson stated no, it's going on the inside.

Mr. Villareale stated it's blocking it from everybody else, they would be the beneficiary of the landscaping and I think the point is the landscaping was trying to be installed to do exactly what you were trying to accomplish...

Mr. Martabano stated we were trying to make it look nice for the property next door.

Mr. Villareale stated it was intended to try to soften the view from this parking lot into this property, so by creating that opaque fence as opposed to the chain link...

Mr. Vigliotti stated you could be magnanimous and put the fence in 4 feet with the landscaping on the other side. Go back to chain link with the shrubbery.

Mr. Vigliotti stated the last thing I have is and we've discussed this as a Board, and individually. It's been discussed with officials in the Village. That the buses, any traffic heading north or south on North Bedford Road is a problem and in any way that we can to diminish that problem is what we need to do as planners, as a Planning Board. So you have right now as it stands and if you're familiar with the site, if a bus was standing, waiting in a non-holding lane to make the left-hand turn and I don't want to hear that everybody is nice and just going to let them through, that's not what I want to hear. And another bus wants to get by that bus or another tractor-trailer filled with cars or a pickup truck cannot get past that bus until that bus makes the left into your property. That's an issue. It will back up traffic; as a matter of fact, I sat there making the left, nobody let me through, I sat there trying to make a left and traffic slowed down as a precaution so they can get past me. So, that slowed traffic down on North Bedford Road. Now, there's two ways to go. One, to eliminate the left; there is another way to go, perhaps working with the State and it's possibly moving the center line 18 to 24 inches, I guess to the west. Which would create then not a holding lane but certainly enough room for another bus or tractor-trailer or something of that size to past. Gentlemen, you have to keep in mind, you want a successful business and whether a left-hand turn works or not, they are going to get in there hook or crook. Our concern is, as a Village, if this lessens traffic by 2%, then we're 2% ahead of the game. We have to do what we can to make every new site work, and you know if you've driven up and down Bedford Road, everyone keeps saying and have said it for the last 25 years what are we going to do. When you have new sites come before you there's some opportunities to change things.

Chairman Cosentino stated I agree with Mr. Vigliotti. 110%, but I also discussed with him that if they don't make a left-hand turn there, they've only other alternative to go down the road and hold up traffic again and make a left-hand turn. If you get down to the light, you're going to be coming through Kohl's.

Mr. Vigliotti stated that's not true, some could take that shortcut, there will be bus drivers, if they're allowed to by the bus company to do that. Or the bus company could say, you find a route through northern Westchester, through Bedford, through Katonah, through whatever and you come down, you make a right-hand turn lane in. There are buses that will be routed to make that happen and that's not our concern how you do that. But if a bus starts at one end and finishes in Mount Kisco and has to come up with left-hand turn that causes issues for us.

Mr. J. Markson stated so, you are looking to eliminate left-hand turns north and south?

Mr. Martabano stated no that's not what he said.

Mr. Vigliotti stated no, just coming south is not a problem.

Chairman Cosentino stated just coming north making a left-hand turn into the plant.

Mr. Vigliotti stated see, making a left-hand turn out, your bus driver could sit there 30 seconds or 5 minutes to get out, it doesn't affect what's on the road. It affects the waiting time for the bus driver, but the bus driver who is trying to get in and nobody wants to let him in and then the dealership up the road has a delivery and can't get by that bus, it backs up.

Chairman Cosentino stated would you say that 80% of traffic comes south anyway?

Mr. Villareale stated there was another way that this was being addressed as well. One of the commitments that was made per Charlie's August 5<sup>th</sup> letter, which I think deals with this point specifically is that fueling of buses would only occur during certain hours. And it was being limited to a very specific period from 11:00 pm to 7:30 am, where you see the least amount of traffic on this roadway, hence allowing them to much earlier make that left-hand turn for fueling of vehicles.

Mr. Martabano stated that's one of the primary reasons. You've got to remember, this is not the bus storage lot, that's up on Norm Avenue. So the traffic into the site is limited to fueling and repairs. We



have significant limitations on when they can be fueled. We have significant limitations on how many vehicles can be on the site. So, in terms of turning movements into this site, they're minimal.

Mr. Vigliotti stated now are you going to monitor that? See, what I know was the Town is not going to monitor any of this. They are not. They're not going to go up there and give a ticket to somebody who makes a left-hand turn illegally or not. Either we create a place for them to make a left that's safe for those vehicles that want to go past them or we are eliminate it totally. Because monitoring it and you guys have been around a long time, you know what it's like to monitor anything.

Mr. Martabano stated Ralph, I think the key issue here is, they are in charge of when a bus goes on to that site. It's either going there to be fueled, inspected or minor repairs. That's the only reason you got to be there.

Mr. Vigliotti stated its minor repairs, it's the fueling, whatever time it is 9:00 pm to 6:00 am or 11:00 pm to 6:00 am. That's certainly isn't a big issue, making a left there. Any time during the day.

Mr. Martabano stated stop one minute, that's most of the traffic onto the site.

Mr. Vigliotti stated if you have 10 buses during the day trying to make a left in there or 5 or 14 or 20, it says up to 20 trying to make a left. Just add up the amount of lost time for those trying to travel north.

Mr. Martabano stated except those 15 to 20 you just mentioned are only going to be between 11:00 pm and 7:30 am. There is no traffic between 11:00 pm and 7:30 am.

Mr. Vigliotti stated so you're saying during the day between 6:00 am and 11:00 pm, no buses will be going into that site, making a left...

Mr. Martabano stated what we're saying is the 15 to 20 vehicles going on to that site for fueling will be going on...

Mr. Vigliotti stated that's at night, I understand that.

Mr. Mareschi stated but during the day, Charlie.

Mr. Martabano stated in terms of the full-sized buses, what would they be going there for?

Mr. B. Markson stated it's the services, it's the 4 to 6...

Mr. Mareschi stated are the repairs at night too?

Mr. J. Markson stated mind you, very minor repairs wouldn't even occur there, light bulbs and things like that. So, when we say minor repairs, the vehicles is going to be out of service for three or four hours or a day or two. So, it's not like we have constant vehicles in and vehicles out for service.

Mr. Vigliotti stated if it's not an issue, you're convinced that it's not an issue then make it a no left-hand turn for your buses. Put a sign up if it's not an issue.

Mr. Martabano stated again, I think that the traffic consultant...

Mr. Vigliotti stated this isn't the only time, Charlie, we can protect us, we don't know this is going to be five years from now.

Mr. Martabano stated this is perfect, I kept telling you that these restrictions were taken into account. That's exactly what your traffic consultant said, the minor amount of traffic in and out of the site, that's why he didn't recommend and he could have recommended, he didn't.

John Landi stated Mr. Chair, if I may make recommendation, what if you say no left-hand turn from 6:00 am to 7:00 pm.

Whitney Singleton stated that's what the recommendation is.

Mr. Vigliotti stated I mean if your business plan is, it's not going to be an issue and let's put it in writing on a sign.

Mr. Martabano stated but again, why should. If the traffic consultant looked at everything and doesn't make that recommendation and why should we even post?

Mr. Vigliotti stated are we trying to establish a precedent so to speak perhaps. We have lots more applications that had come before us and this is the time. With the same problem and we had to be able to say what we did for John, we're doing for Bob and we're doing for...

Mr. Martabano stated if John and Bob agree to the same restrictions we did in the movement of it, then go ahead, but you're not going to see that. We have agreed to all these traffic mitigation measures and on top of that we want to put another one that is not recommended by the traffic consultant.

Mr. Vigliotti stated with all due respect, we went with a negative declaration based on what we thought was going to happen.

Mr. Martabano stated and it's in there, it is going to happen, it's right here, Ralph.

Mr. Vigliotti stated we talked about here many times about no left-hand turns and it's...

Mr. Martabano stated it's not there and it's not in the traffic consultant's report so, talking about...

Whitney Singleton stated can we short circuit some of this stuff. Charlie and I discussed this earlier today and whatever the traffic consultant's recommendation was, you know whatever it is and I told you that I didn't necessarily agree with this, with your position. Michelle apparently received an email today stating, where are the restriction relative to the no left-hand turn?. I thought that was a concern of your Board, that was the...

Mr. Martabano stated from whom?

Whitney Singleton stated from our traffic consultant. When he looked at your latest plans and he said, "Where are the restrictions?" I can read you the e-mail verbatim but...

Anthony Oliveri stated I have it here. He asked in the e-mail "Is there a ban of northbound left turning vehicles being proposed? This turning movement was a concern of the Planning Board."

Mr. Martabano stated there's a concern of the Planning Board that he is inquiring, he didn't recommend it himself. I mean no offense, it's a little unusual that coming across this way.

Whitney Singleton stated well, it's also unusual to allow a lot of left hand, almost every use that goes on North Bedford Road right now, if it's not signalized, there's a restriction on left-hand turns.

Anthony Oliveri stated I think he was questioning it because on the current plan, he says the applicant does not show vehicles making northbound left turn movements of buses into the site on Route 117. So, you are not showing that turning movement on the plan so he was asking the question are you proposing no left turns on the northbound...

Mr. Martabano stated maybe that's why he asked?

Anthony Oliveri stated but he did mention that it was a concern of Planning Board. So, he's not precluding it

Mr. Villareale stated it was just the truck turning template was not shown for, because that maneuver was free that was slightly different one.

Anthony Oliveri stated I think when he say it wasn't there, he knows it was under discussion, no left-hand turns and he was questioning are we proposing and the Board is concerned with it.

Mr. Villareale stated understood, I think we can move this with the suggestion that was there before about...

Anthony Oliveri stated the other thing he does mention in the email, which I think he had in his memo, how are the sidewalks pedestrian ramps being built, I think he had some comments on that, I am not sure...

Mr. Villareale stated which we've addressed. We did not revise the sidewalk ramps because they're consistent with the sidewalk ramps that are to the north and to the south with this location. There's only a limited amount of right of way along the frontage of the property and is consistent with all the other sidewalks.

Anthony Oliveri stated I think his concern was that long radius the ramp being at such an acute angle.

Mr. Villareale stated of course and we tried to be consistent again with the other sidewalks. If it is that much of a concern we can extend the sidewalk a little further up and bring them to a narrow portion.

Anthony Oliveri stated I think he was thinking of something more like an island type going on, you know...

Mr. Villareale stated we can address that but going back to the left-hand turn lanes, there was the suggestion of possibly modifying that center.

Mr. Vigliotti stated we're just trying to make it work.

Mr. Villareale stated and I think its possible to reach out to the DOT.

Mr. Vigliotti stated it's all about traffic movement on North Bedford Road. I know your concern and your thrust is your site and your business plan and we understand that. We're concerned about the traffic patterns along Bedford Road.

Mr. Martabano stated maybe your alternate suggestion is the way to go.

Mr. Vigliotti stated Charlie, you had me convinced two seconds ago that there wouldn't be any left-hand turns anyway because you're not operating really during the day. So if that's the case just put a sign, no left-hand turns because the buses will find a way to get there without going into Target, without, they will work their way around through Bedford Hills and come back around and do the right thing. They might even adjust their routes a little bit to make it work. They can make it work. So they never have to make a left-hand turn. So, they never have to impact the residents and those that come into Mount Kisco to be stuck a traffic jam.

Mr. Villareale stated we're going to go to DOT.

Mr. Martabano stated we'll try your idea around the pavement marking change, that will probably be the best way.

Mr. Vigliotti stated and if that doesn't work then my suggestion, I think the Board should speak on it right now, is you can convinced us that there really isn't a left-hand turns there because most of the fueling is done at night and very little is done during the day. That put a sign up and tell your employees that drive buses that they make no left.

Chairman Cosentino stated who's going to police it? Nobody.

Mr. Martabano stated but nobody on any sort of violation situation.

Mr. Vigliotti stated if as a bus company owner, you tell your bus drivers don't make a left-hand lane, don't make a left into our property. I hope they're going to abide by what the Board tells them to do. A sign just reminds them of that.

Mr. J. Markson stated we can predict how many fuelings we have. I don't know if I could predict right here the number of vehicles that come from the north or from the south.

Mr. Vigliotti stated absolutely.

Mr. Martabano stated his concern is with the large buses, you're not talking about a concern about a van because if that's the case, then you'll have to shut down all of North Bedford Road.

Mr. Vigliotti stated it's the large buses.

Mr. Martabano stated so most of the large buses are being fueled at off-peak house, whether they're making a left or a right.

Mr. Vigliotti stated it's the inspections and the servicing.

Mr. Martabano stated Ralph, there's only like 5 or 6 of them a day.

Mr. Vigliotti stated but we can't go by that 5 or 6, becomes 8 or 10 and then you become successful and it becomes 15 to 20 becomes 30.

Mr. Martabano stated what I don't want to do, is I don't want to get in a position where they're going to violate it and they're going to be talking about violating it. He's talking about the large buses, okay.

Mr. Vigliotti stated you know it's funny, this Board has been very, very good to this application, very good.

Mr. B. Markson stated really?

Mr. Vigliotti stated we went with negative declaration, we could have went with positive. We've been very, very good to help make this business work. And we have this one sticking point and you still on it. I mean, we have a job to do here, you have a job to do, we can butt heads and this can go on for another couple of months.

Mr. Martabano stated and, Ralph, we've taken a very ugly, distressed property and turned into something that's really, really good, okay. They've gone the extra measure all the way across the Board. They're taking a site that had gravel in the back, no draining system, draining into another property, now DEP, landscaping, we are making this really nice, so it's been a two-way street.

Mr. Vigliotti stated it has been and at this end, okay, from day one...

Mr. J. Markson stated not to mention the fact that the building was designed with a minimum impact from the road.

Mr. Vigliotti stated well, those are the reasons why we went with the negative declaration and wanted to move on this.

Mr. J. Markson stated at quite a bit of expense.

Mr. Vigliotti stated we understand that.

Mr. Vigliotti stated I think the suggestion about seeing what we can do on the pavement marking, is the first way...

Mr. Vigliotti stated I mean, the 40-foot bus is an issue, it's not the vans, it's not the worker that's taking his little minivan and to get to work at 9:00 am in the morning. It's is the 40-foot bused that's going to back up and whether it's five times a day they back it up or 20 times a day. We have a job to do to make sure that doesn't have...

Mr. Villareale stated we'll review this.

Mr. Vigliotti stated and as the Chair said, every other from Boston Market to Dunkin Donuts all the way up you can't make left-hand turns. Now, do people do it legally, I know people who have gotten tickets and I know people who've gotten away with it 20 years.

Mr. Martabano stated we'll come back on this issue but everything else, I think that we've got ironed out, I hope.

Chairman Cosentino stated that pavement work, I think that's.

Mr. Martabano stated well we're going to check that out. We didn't have a chance to talk to DOT yet.

Chairman Cosentino stated there are other ones down the road, I can't see why they would turn you down on it.

Mr. Martabano stated you never know, we'll look at it.

Anthony Oliveri stated one last thing that I had in my previous memo on the stormwater, I suggested adding another drain inlet, you have the one drain inlet for the property and its kind of a long distance from that northern driveway. I'm sure you're going to put piping the perimeter of the building to pick up roof leaders and so forth, I would suggest putting another drain inlet somewhere at the bottom of that driveway. The north driveway, to pick up some of that area.

Mr. Villareale stated we can try to incorporate that, we try to limit the drainage for that, and it's the western portion of the property in that location. It's really only about half an acre of pavement area that's draining to that catch basin, so the catch basin is more than sufficient to accommodate it. But I think we can look at that, but we were trying to limit it to that.

Chairman Cosentino stated alright, we need to set this up for a public hearing.

Mr. Martabano stated yes, we'd like to set it up for a public hearing.

Chairman Cosentino stated All right. We need to set this up for a public hearing.

The Secretary stated absolutely. You still have the public hearing for Enterprise open. When would you like to schedule this?

Chairman Cosentino stated as soon as possible.

Mr. Martabano stated the next meeting.

The Secretary stated I don't know if you have enough time to make it for the 24th and may have to be for the 10<sup>th</sup> because you have to publish and send out mailings. We're two weeks from the next meeting, you need 15 days. So you have to make it from March 10th.

Chairman Cosentino stated well then make it on the 10th. I don't want to go beyond that.

The Secretary stated okay.

Mr. Villareale stated we'll reach out to DOT and try to report back on the 10<sup>th</sup> about that.

Mr. Vigliotti stated gentlemen, the site is, it's going to be a wonderful business, and we have to protect the interest, it's a balancing act here.

Mr. Martabano stated given that, we're open to that next meeting. Do you think it would be possible to perhaps a resolution, we might be able to draft it, talking about some of the conditions for the negative dec.

Chairman Cosentino stated no, let's get this other straightened.

Mr. Martabano stated well I don't know that we'll have it straightened out, but that can be a condition either way, Joe.

Chairman Cosentino stated I think we need to wait. It's not going to, even if you have the public hearing on the 10th, it's not going to fly then. I'm not going to roll on a resolution right after the public hearing. I can't.

Mr. Martabano stated if nobody said anything during the public hearing, it will be possible?

Chairman Cosentino stated you can wait one more meeting.

Mr. Sturniolo stated Charlie, we normally close the public hearing but leave it open for written comments, X amount of days beyond the public hearing, so.

Mr. Martabano stated right but if there was no comment at the public hearing, usually that's when there's comments at a public hearing.

Chairman Cosentino stated well there could be comment at the public hearing, I don't know.

Mr. Mareschi stated alright, guys, thank you.

Mr. Martabano stated thank you.

Chairman Cosentino stated okay, the next thing is conceptual application Adventure Park, Wetland Preserve, Diamond Properties.

**B. Adventure Park and Wetland Preserve (Diamond Property) – Between Target & 333 N. Bedford Road  
PB2014-0281, 69.50-2-12 (SBL)  
Site Plan Approval**

Mr. Jim Diamond, Owner, Ms. Beth Evans of Evans Associates, and Mr. Michael Gallin, AIA were present.

Chairman Cosentino stated identify yourselves for the record, please.

Mr. Gallin stated my name is Michael Gallin, I'm the architect working with Diamond Properties on the application.

Ms. Evans stated Beth Evans, Evans Associates we're the Wetland Consultants.

Mr. Diamond stated and Jim Diamond, Diamond Properties.

Mr. Gallin stated All right. This is conceptual application, so the first guys are seeing it in terms of us being able to present it to you. If I can just briefly walk you through two components of it, one, the context of where this is being proposed, and then two, walk you through what the proposed use is. The context is the five-acre site to the south of 333 North Bedford Road. So this is the North Bedford Road property here, this is the Target and A&P this is the back of that building here, and this is a five-acre site that exists in between those two parcels. It has a thin piece of property that extends out to Bedford Road, and then it comes all the way back towards the railroad tracks in the wetlands, the west side of the property. We had Beth Evans go out and survey the existing wetlands. This line here marks the delineation of that survey, and I think I'll let Beth speak briefly about what she found when she visited this site in terms of the wetlands.

Ms. Evans stated sure. The majority of this site, I am sure the Board knows is wetland or altered wetland. The wetland is vegetated primarily there is a large area of Phragmites in the middle of it common reed, and other invasive species around it. It has been impacted. It's clear if you are on the site that the wetlands hydrology has changed over the years. There is a stream that comes into the site and that has clearly been rerouted if you will, to the northern edge of the site and there is a berm that runs through the site as well making this upper area upland now. But the difference in elevations is really quite minor compared to the overall site really is relatively flat and drains in an orderly direction.

Mr. Gallin stated and would speak a little about the invasive species you found when you were there.

Ms. Evans stated well the invasive species, as I said, the middle is dominated by Phragmites, there is also some other invasive non-native plants that have pretty much taken over. It's virtually clipper material to get through this site most of it. There is some unauthorized use of the site, there are cleared out little pockets. But it is virtually I would say, 90% non-native invasive species in the middle of this site. So it's really quite a degraded site in terms of wetlands functions and when I heard about this potential use of the site, it seemed to me and I've talked to Jim about it, sort of a great potential to try to get some control over some of the invasives, clean it up, and make it more functional wetland system without too much effort to get the adventure park and restore some of the functions, biological functions, habitat functions of this wetland.

Chairman Cosentino stated if this project wasn't going to go there, what would you do to clean it up?

Ms. Evans stated I wouldn't. If there were no project that was going to be sponsoring a project...

Chairman Cosentino stated you'd just leave it, right?

Ms. Evans stated yup.

Mr. Gallin stated so Beth mentioned unauthorized use. Historically, there have been issues where there have been squatters on this property. I don't know if they are homeless, I presume they're homeless, and I know the police had been called on numerous occasions so that's been historical problem as well. As you're aware, the south side of 333 North Bedford Road has been redeveloped over the last several years to improve the municipal soccer field and a serious other physical training uses, the athletic club, and MMA-Fit, Rockin' Jump, Grand Prix New York, and the like.

John Landi stated excuse me, Mr. Chairman.

Chairman Cosentino stated yes.

John Landi stated what does that have to do with this project, since this project is connected to the Target property and not 333?

Chairman Cosentino stated yea, we're just going to get to that as far as parking. Anyway, I am going to get to that. Thank you for bringing that up.

John Landi stated no problem.

Mr. Gallin stated the reason why I bring it up, it has to do with synergy. I think because the proposed adventure park would be accessed via the 333 site and we believe and the intention would be there'd be a synergy among those uses that it would be appropriate. Let me just walk you through what an adventure park is. I am not sure that entirely familiar to everybody on the Board.

Mr. Sturniolo stated Michael, excuse me, before you do that, you go back again. In the upper part of the corner when you were talking about illegal use of the site there. There is another illegal use of the site and that is the berm and that another party created on property that they do not own, that berm, and that was an illegal...

Mr. Gallin stated the berm you say?

Mr. Sturniolo stated I am mentioning that because it's not related to people living at the other end of the property, but it's related to the term illegal uses.

Mr. Gallin stated there is a variety of history that occurred on this site prior to Diamond Properties taking ownership of this particular piece.

Mr. Vigliotti stated I was on the Board when the A&P/Target site was being developed, seems like a million years ago. The owners of the A&P/Target site at that time, trying to put parking on this wetland, and at that time this Planning Board was opposed to that and it didn't move at all. So there is some history here that you should take a look at. Just one question, and then I'll have a few more, the east side of this wetland, is that the wet or is that dry?

Ms. Evans stated this portion is dry. The entire, rest of the portion is wet.

Mr. Gallin stated this black line you're seeing here, with little X's, that represents the edge of the delineation. The X's were actually the flag.

Mr. Vigliotti stated I throw this out just for the sake of throwing it out; would be interesting to work in partnership with Target and the A&P properties to put a roadway from 333 to their roadway, which goes to the traffic light as opposed to trying to put in this type of play park, something to think about. We're always trying to look ways to get in and out of 333, and I think we have a very natural way, if we could bridge the gap of the stream and then work our way to that roadway that brings you to the traffic light, could be a very, very interesting partnership. I just for whatever it's worth, just planting a seed.

Mr. Diamond stated right and we have looked at that over the years and we've asked Michael to try drawing up an alternative. I think that if the Target/A&P site had been developed a little bit differently. With that in mind, it would have been possible a lot more easily. The challenge right now is that first of all, a natural connection would be going through the back of this property, an unrelated property. And the challenge on the other side is where do you come out, like there was no lane built here that we could connect you. So we'd have to be going through their parking, coming out in the back drive aisle...

Mr. Vigliotti stated fine, I just didn't know if that was something...

Mr. Diamond stated we definitely considered it and tried to figure out ways. If these buildings had been constructed slightly differently to leave a path, it would have been more...

Mr. Vigliotti stated who would have known.

Mr. Gallin stated so moving onto the notion of what this adventure park is, it has a very light footprint in terms of what actually touches the ground. It's essentially an obstacle course. It serves mostly children from the age of approximately four years old up to late teenage years. It's also available to adults too, but the primary users are children, and they have different levels. And the levels are both based on difficulty and based on height. So, the easier levels are closer to the ground and more challenging levels are higher up. Built into the process is whole series of safety steps to make sure that nobody gets hurt, but that the participants feel like they're being challenged and build self-confidence and get some exercise in the outside, get to enjoy the natural setting. As part of the proposal, there would be a construction of a loop path that provided access for monitoring and maintenance of these adventure components, but would also be open to the public as an extension of the soccer field. So that in combination this five-acre parcel plus the soccer-field parcel would create an eight-acre public space. The intention is also to create a public path all the way out to Bedford Road, so that people along Bedford Road, would be able to walk through this wooded area, pass the wetlands into the soccer field. And we think that there are real benefits to both of those. Now the proposal is complicated by the fact that some of the adventure components are on the 333 parcel and some of them are to the south. And we understand that and we understood that that complicates the approval process, but before was accessing it from the 333 North Bedford Road property is the

appropriate place to access this because of the soccer field and the synergies that we discussed. No buildings are being proposed on this parcel as part of this. It's simply the building of the adventure components. One thing that I think is important to note is that it's not scheduled to be open Monday through Thursday during the school year, except for by appointment only. So there's really no traffic generation or parking impact during the majority of the week during the school year. It opens up Friday late afternoons and is open through the weekends, and then obviously the summer its open. Is there anything you wanted to add, Jim?

Mr. Diamond stated no, I think that pretty much covers it, I mean I am just reemphasizing a couple of points that Michael made. In terms of what we really like about this is creating this eight-acre open green space, which is something that we've been talking about for a number of years now. As the Board may recall, there had been discussion years ago, probably seven or eight years ago about this idea of creating a walking path all the way up to the North Bedford Road and how much of it positive that would be for the soccer field. So we think in terms of the green space, it's a positive, in terms of restoring what's a degraded habitat, now it's real positive and eliminating what's currently somewhat of a problem in terms of people making camp in there. I went in there and I saw, there was basically a whole campground there, no one was living there right when I was there, but there was a whole setup of that had been cut out intense and that type of thing.

Mr. Gallin stated one other thing that I just wanted to add we have been in consulting, consultation with Beth on this from the beginning. And the intention would be to eliminate as much of the invasive species as possible to then create a maintenance plan that would be ongoing to help keep them under control. This is a conceptual submission. Ultimately and while we show few boardwalks coming through here and mulch trails, but we would want to work closely with Beth's office to figure out how to do this in a delicate way.

Chairman Cosentino stated I'm assuming parking is going to be on Target property, right?

Mr. Diamond stated no parking would be on the 333 property.

Mr. Gallin stated and access would be from 333.

Mr. Diamond stated no additional parking being created is, there is no additional parking proposed for this project. We think we've got plenty of parking at the 333 site to accommodate this...

Chairman Cosentino stated on that south side.

Mr. Diamond stated well really we look at the site as an integrated whole as one parking lot. And also keeping in mind the fact that the limited operating hours of Friday, Saturday, Sunday during the bulk of the year. This would be entirely closed December, January, and February, so we're down to a nine-month season. During the school year, it's Friday, Saturday, Sunday. Friday afternoon, Saturday, Sunday, so we're really avoiding the peak hours and only during the summer months when school is out does it become a seven-day a week operation. So in terms of parking, our attitude is half the parking lot is empty at any given time, and if there is a slightly longer walk to get to the gym or to this area it functions well because we've got so many excessive parking spaces. We don't see any need to pave more land to create parking when we have empty parking spaces. One other thing I just want to highlight, it may have been clear from the photographs, but as Michael indicated, this is in the air, these dots here are telephone poles, so there is approximately two dozen telephone poles that would be put into the ground. That's basically besides the walking paths, which are primarily proposed to be mulch, that's the extent of what's going on, on the ground.

Mr. Vigliotti stated is this by membership or pay as you go?

Mr. Diamond stated pay as you go.

Mr. Vigliotti stated and is there going to be a kiosk, are there locker rooms, changing areas, where would they pay?

Mr. Diamond stated there's no locker rooms, no changing area. There are harnesses that you wear in order to...

Mr. Vigliotti stated where would the harnesses be stored?

Mr. Diamond stated we would store the harnesses in the Carl Clements building, which we also own, the one that backs up to Canine Kindergarten right here.



Mr. Vigliotti stated oh, I see, so that building would become the site for quick tutorial, how to use a harness, how to – I mean that's going to be the building associated with this site.

Ms. Diamond stated correct.

Mr. Mareschi stated and you think there's enough parking on Fridays, Saturdays and Sundays even with the gym you know being open?

Mr. Diamond stated well again, I think you really need to look at this site in aggregate and not look at the parking spaces directly in front of the gym. Friday, Saturday, Sunday, I mean we have a limited picture of the building here, but from the corner of the building down, there is literally like almost no one parked anywhere. There is probably 400 empty parking spaces at the site. So the issue is just, does somebody need to walk from here to here or can they park right here, you know, in front of the gym. And no doubt Saturday at 9:00 in the morning, you know, it really varies throughout the day. Saw Mill is busy 8:00 until 10:00 in the morning and then empties out significantly thereafter and then have another busy period 5:00 to 6:00 in the afternoon. But even when they are busy, we have several hundred empty parking spaces. And on the weekends, everything to the north is completely empty other than a few people working on a Saturday.

Mr. Gallin stated Some of its expectation, you know, you go to Palisades Mall or a big mall, you expect to walk a little, a few feet, to get to the building. This is a big property, 600,000 square feet. There are plenty of parking spaces, do people sometimes need to walk 300 yards? Yes.

Mr. Vigliotti stated I sort of understand it. You putting a fence around this property?

Mr. Diamond stated no.

Mr. Vigliotti stated I mean it becomes an attractive nuisance.

Mr. Diamond stated no, so in order to access it, there is a fence at the bottom where the ramp is in order to – you have to go up at tower to start. So the course is 10, 12 feet in the air and then further. So there is basically a tower, like a wooden tower that you have to go up.

Mr. Vigliotti stated but you have rings up there, do they come down every afternoon and get stored away? I mean kids can climb up the tree and get to these rings and the zip lines and everything else. How do you protect that?

Mr. Mareschi stated that was my next question, how about from here, the kids come in through here at nighttime. Is there is security there at night?

Mr. Diamond stated no, no security. But in other words, everything is in the air and there is a tower on the ground that people need a wooden stair that people need to go up and then clip in to use this course. So that tower is secured at the base so that people can't get up, climb the tower unless it's open. These are in use and this is not the first one, of course there is dozens or potentially hundreds of these and that is not an issue.

Mr. Sturniolo stated Beth, I have a question. Going over to the wetland area, if the proposal was not what we're discussing, according to New York State, both DEC DEP, could anything be built on that land without spending an exorbitant amount of money to mitigate issues? Could anything be built on it?

Ms. Evans stated it would be very, very limited because not only is it wetland, but it's also a floodplain. It's mapped as floodplain. So it is questionable how much could be built on it without extensive filling and that's generally not encouraged in floodplains. It's the 100-year floodplain basically is most of this back portion of the lot and the 500-year floodplain I think goes all the way up to the property line.

Mr. Sturniolo stated so then would it be fair to say that eliminating certain plants that you described that don't belong there and replacing them with more native plants, would help that area rejuvenate itself and get back to its natural state before it got all messed up?

Ms. Evans stated before everything was built around it. That would be the intent, and what I talked to Jim about is if you're covering a walking trail here, why not take an opportunity to do some restoration here, much as we did over on the Lexington Avenue wetland years ago. That wetland, I doubt anybody has gone in there for a while, except the occasional wetland scientist, but that wetland has really come back and is a viable functional wetland. There is no reason that this wouldn't support a nice, native assemblage of plants and provide some habitat, but in its current condition that's not going to happen, the invasives have won.

Mr. Sturniolo stated and if the property rejuvenated itself with the right type of plantings, what impact downstream, I mean literally downstream, would that have on the rest of the watercourse?

Ms. Evans stated it is debatable really, because one of the benefits of Phragmites, of common reed, is that it's excellent at filtering water, it does that job very well. It provides very little in the way of habitat and provides very little in the way of diversity, but it does filter water well. So when this stream rises up and floods through this area, it is being filtered. There is sediment pockets and there is trash all through that wetland. A native planted wetland does just as well, but in terms of water quality improvement and things like that, it's doing all right if you think having, you know, Styrofoam cups and trash, sprinkled throughout the wetland is okay, and from a water quality standpoint it's fine. From a habitat standpoint and aesthetic standpoint, having the public understand how pretty and important, it can be, it's not doing anything.

Mr. Sturniolo stated thank you.

Chairman Cosentino stated I'd just like to go through some memos, one from the Building Inspector, I don't know if you've read it.

Mr. Diamond stated yes.

Mr. Gallin stated we talked this afternoon, yes.

Chairman Cosentino stated you're going to have to address that.

Mr. Diamond stated yes about the site plan. We'll...

Chairman Cosentino stated submit a site plan application and amend the entire approved site plan for the Mount Kisco Commons.

Mr. Diamond stated so what we did, just to explain...

Chairman Cosentino stated you're going to have to satisfy the Building Inspector but you can explain, go ahead.

Mr. Diamond stated which we will. Just to explain the site, there is, I believe there is three-tax lots here, Target/A&P and this site. They operate together as one site plan and there is actually some restrictions that govern outside the Village, but within the site how we operate together in a condominium structure. So, for example, if we wanted to build a building here, we can't put a competing use as they have in the other property. So there is a bunch of operating restrictions within a condominium declaration that are detailed there. So as part of that what we did do is we went to the owners of those sites, to Vornado who owns those sites and got their consent to submit this application and their agreement that this was not a competitive use to what they currently have in their shopping center of course.

Chairman Cosentino stated well, at this time.

Mr. Diamond stated correct.

Chairman Cosentino stated it says, concern of the approval of the content, in other words they didn't approve it, all they do is approve the application. They approved for you to submit an application and that's as far as they went.

Mr. Diamond stated well, what they're saying there and I talked to them to understand what that line which meant specifically is what they are saying is they are not the Mount Kisco Planning Board. They don't have the ability to improve or endorse anything. They are not reviewing our plans in detail, but what they're agreeing is that it's a noncompetitive use to what they have in their shopping center. They have no objection to us moving forward with it, if Mount Kisco evaluates and determines that it's approved. What I did not understand and the Building Inspector clarified that our application should actually show the complete site of Target/A&P, which we can do in a formal submission. But to be clear, there are zero proposed changes with the Target/A&P portion of the site. So nothing changes in terms of parking setbacks, impervious surfaces, but we can – without formal application, we can include in overall site plan.

Chairman Cosentino stated alright, well this is just the conceptual...

Mr. Sturniolo stated Jim, the berm will still stay where it is.

Mr. Diamond stated yes, right, that berm I believe was constructed by the Army Corps of Engineers in 1999 or 2000.

Whitney Singleton stated that's not accurate, it's not really germane to this application.

Chairman Cosentino stated I'd like to finish my questions before I forget. I'm getting old here. Okay, so they have given you permission this is only a conceptual, okay. I don't know, do you want to add anything to this, Whitney or Anthony, or anybody?

Whitney Singleton stated I can, I'll add my two cents. Without, as you know, at this stage I do not get involved in the conceptual applications until as a formal application and escrow established. I have had some preliminary discussions with the Planner, Engineer, Building Department, and with Jim Diamond. There are issues with regard to the approach and the analysis here and the permissibility of the use, which need to be fettered out. Those are not decisions for your Board to make, they're not decision for me to make, they're for the Building Inspector to make. But if this would constitute an amendment to the Mount Kisco Commons site plan and there will be parking associated with this use. I think what Jim is saying is that because of the overlap uses or the different peak operating times that he would like your Board to double this. They are currently, somewhere in the vicinity of 230 parking spaces short on the 333 site. So the question that becomes is the appropriate, and I'm not disputing the fact that there's parking requirements under the Code and there's parking requirements in reality and then even within the reality of the 333 site, there's a southern end and northern end. So those are issue for your Board to deal with. I think there is going to be a question as to the permissibility of putting the parking on the 333 site rather on that A&P site. If you look at the code sections under 110-28, I'm not certain that...

Chairman Cosentino stated they have to be put on the A&P site.

Whitney Singleton stated and then whether it's permitted or not, then it's up to your Board to determine what's preferred.

Mr. Diamond stated we can't with the condominium declaration, we can't use any A&P/ Target parking. We could theoretically on the dry portion, let's say, pave additional area and create parking spaces. We have the ability to use their access drive for that and then build a parking lot, but that doesn't seem like a wise thing to, you know that's not the direction we prefer to go.

Whitney Singleton stated alright, all I am telling is if you look at 110-28, I am not certain that you are allowed. You are allowed to share a common parking lot between two sites. I do not know that you can discharged 100% of your parking on an adjoining site that is not a common parking lot, that's what the Code provides. And then beyond that you're going to issue of whether or not being 230 parking spaces over on the 333 site, it's advisable to have a traffic going in and out of Ice House Road. That's going to be up to the Board, if it's permissible. I think the preliminary issue is for the Building Inspector to determine whether to permitted use and whether the proposed parking is in from permitted location. And I think he is saying at this point in time, he can't ascertain that.

John Landi stated correct. I need the whole site of Target to be brought in so I evaluate parking, building coverage, everything. I need to evaluate the whole zoning analysis to even make a determination on what's going to happen here.

Mr. Gallin stated right, understood. One question, Whitney, maybe you can...

Chairman Cosentino stated just let me finish my last comment. And you need to read the traffic record.

Mr. Diamond stated yes, I saw that as well.

Chairman Cosentino stated yeah, I am just giving the comments that I have, Jim. So you need to read that because that's important, that's a plier in this whole thing. Okay. I don't have anything else.

Mr. Gallin stated Whitney, maybe you can comment on this. The part of improvements that are shown on the 333 property and then they sort of extend on to the property to the south. I don't know if that changes the dynamics, if the access point is on 333 and it actually functions that way, then extending onto the other property. Does that help rationalize the parking beyond 333 if that's where part of use is? It's almost like a building that then crosses a site boundary.

Whitney Singleton stated well, it says the off-street parking facility shall be provided on the same lot or premises that they serve. So you interpret that how you wish. I mean before you spend money, I want to be clear, and I am not trying to jade the Building Inspector's interpretation here, but he is going to have to make the determination whether this is a permitted use and where you can put your parking and what that parking is going to be. Ultimately, if you're having a use which has no building, you know, I would think that the ultimate parking determination will be made by the Board as a TBD under the code, but that's, you

know, again that's going to be up to him to determine. I just don't want there to be any, you know, everyone looking through rose colored glasses that everything is fine. The purpose of the conceptual review is to give you some initial feedback before you spend money, and I will look very carefully at 110-28 and the permissibility of this use.

Mr. Gallin stated and we appreciate that guidance, and I think what we're hoping because we understand there're complications is to get some feedback from the Board as well, so we understand your thoughts.

Mr. Mareschi stated what are the hours going to be?

Mr. Gallin stated the hours change depending on the time of the year. During the school year, it is for by-appointment only Monday through Thursday, from Friday it's 4:00 to 8:00 pm, Saturday and Sunday it's 11:00 to 8:00 pm light permitting, and then during the summer it's from 11:00am to 8:00 pm.

Mr. Vigliotti stated so by appointment means if school groups want to come in, they would make an appointment.

Mr. Diamond stated exactly. Group sales, but not open to walk-in public.

Mr. Gallin stated it's controlled basically. Usually they're coming on a bus or in a van or something.

Mr. Vigliotti stated I remember we came in with the parking numbers for was it Rockin' Jump? Well, gentleman business is doing very well and the parking for that immediate area requires you to walk quite a distance if you are using Rockin' Jump or if you're using the Saw Mill Gym. Rockin' Jump, the numbers we came out with now are near where they are right now. I am afraid that this may equivalent to a little mini-golf course. It's a course. People are going to flock from all over Northern Westchester to want to participate, and we have traffic problems on this site now getting in and getting out. I mean you're trying to create a third entrance to manage what you have now, now you're trying to add on a use that. I have been, we're calling this an adventure park, we're not even calling it a ropes course. We're trying to give it a name that makes kids want to flock there. Okay, calling it a ropes course, but it's not a ropes course. It's going to be an adventure park, six months from now you're going to put another 10 poles, in because it's been that popular and it is going to get bigger and better and it's going to be like freedom land. Mommy and daddy take my hand to the adventure course down in Mount Kisco. I mean it's the surface use I happen to like, but you are not going to make any money on the walkways and the mulch paths, although it's wonderful use for that passive recreational land we could have. Attach that to the Saw Mill Club, as a separate little membership, if you want a mile walk through the forest or something. But this use early on and I think you're here to kind of get an idea where we are going. I just don't see it as, you can't, on to itself it may appear to be of good use but it's part of the much, much larger use, and I think we got a problem. So, I leave it at that.

Chairman Cosentino stated it appears right now, my problem is the wetlands and I need to know more about that. I think, Ralph had said something just now that made sense. If it was just a park gym. a walkthrough, I think it would solve what you were talking about. But that's not going to happen. It's going to be a money thing to solve your problem.

Ms. Evans stated taking care of the invasives in there will take some serious dollars.

Chairman Cosentino stated it's a problem. If Jim didn't want to do this and so forth with the adventure park, everything would be fine. Nothing would have been said. It's a money thing. Because you are running out of room with building and now we are sort of going outside.

Mr. Diamond stated I don't think there's anything wrong with it being...

Chairman Cosentino stated it's just that wetland scares me, that's all. I need to know more about the wetlands. I think Ralph had said some things that make sense. I don't know how the rest of the Board feels about it. I don't know how you feel about it Tony, I don't know about Enrico. Tony, how do you...

Mr. Sturniolo stated I have a concern about the wetlands. And I have a concern about the potential development of the wetlands, which is why I asked Beth. If it wasn't this, what else could be done could somebody does something else that would have a greater detriment to the environment. The fact that this adventure park is elevated above ground with poles and minimal surface contact, with the exception of the hiking path trails is a good thing. The fact that the plantings that don't belong there are going to be cleaned up, in fact if the water is going to be better filtered, is also a good thing. So, there are a lot of positive aspects that I could see to this. At the same time I do listen to John, who has got to evaluate this parking issue on and as we all know, whether we all to realize that we're not or admit to realization that there is a lot of underused parking space throughout the 333 complex. I need to see a little bit more detail about

John's findings and how that could work in with the applicant's desire, and Whitney, I have a question the satellite store that is part and parcel of Target/A&P and its operation is governed by the overall site plan for Target/A&P. It's not carved out for something different, is it?

Whitney Singleton stated the condominium plan was created, which was not approved or reviewed by your Board, it was something which was done by the prior owner. It was done in a two-unit condominium plan whereby there was no common area whatsoever which I don't even think constitute a condominium plan but in any event. There was no common area and Target and a portion of its adjoining parking were one condominium unit and A&P, Applebee's and the shops were in the other condominium unit and then there was five-acre parcel that Jim now owns. That was all part of the Mount Kisco Commons approved site plan and constituted twenty some-odd acres. And so Jim's parcel, although it's open space and undeveloped, it was the open space for the Mount Kisco Commons shopping center. So, that's why it can't stand alone as its own application. It's part of the larger site plan and its utilization even if there's no buildings proposed, its utilization and the parking requirements four, go to the overall site plan for Mount Kisco Commons.

Mr. Sturniolo stated okay, understood.

Mr. Vigliotti stated correct me if I'm wrong, but most of the above ground use would be zip lines?

Mr. Diamond stated it would be entire, not zip lines, ropes course. The ropes course is when you are like this. These people are locked into a line with a hook, so they are working across on these wobbly woods.

Mr. Vigliotti stated so no zip lines.

Mr. Diamond stated so, no zip lines, rope climbing, like this.

Mr. Vigliotti stated is that phase two, Jim?

Mr. Diamond stated no, this is actually large, this is a full, it's designed to be so you have got green, blue, black levels like at a ski mountain. So, it's got a complete set of elements.

Mr. Vigliotti stated how many people will this accommodate under the plan that you have now? How many people can use this course at the same time?

Mr. Diamond stated it's a good question and I need to confirm that.

Mr. Vigliotti stated are we talking 10, or we talking a 110?

Mr. Diamond stated no, I mean more like probably 20 to 30 because there are four separate courses. So probably five, six people on each course.

Mr. Vigliotti stated you can have 20 to 30, another 20 to 30 queueing up, on deck in the hole.

Mr. Diamond stated we would have to give you an analysis.

Mr. Diamond stated absolutely, this is a conceptual and....

Mr. Gallin stated we can provide the additional information.

Mr. Vigliotti stated you know guys, you're giving up a lot of parking, 12 months worth of parking for this when you really need it on the site for the physical plan buildings that you have and those businesses that we'll come across this Board in the future. We're not giving up 10 spaces here, we're probably give up 50, who knows?. We're not giving up 10 spaces, so you take whatever spaces, 50, 75, whatever it may be with the building now, because the entire building will be analyzed and determined then how many spaces go to that building. How many spaces go to the adventure park and you lose 75 spaces and it doesn't matter if it's on the north end or the south end. You're losing the 75 spaces, you're willing to give that up to a potential tenant that may vacate down the road for another tenant and that's going to have a more intense use. I find this business plan here. I'm really surprised, Jim, that you're willing to sacrifice the brick and mortar of your site, and the parking and all of the associated ingress, egress that comes with this site. Kids and families walking from one end of your parking lot to get to this because they couldn't find parking, okay, creating walkways to get to it. I'm having some difficulty with this.

Mr. Diamond stated well, we don't view it as sacrificing anything and you know when this site was...

Mr. Vigliotti stated you're giving up.

Mr. Diamond stated when the site was empty, we had to speak in theoreticals of what may happen in terms of development and intensity of use. We have the benefit now of it being a 100% occupied, so there is no unknowns right now. And I have the benefit of being there every day looking at the site and seeing that there is 200, 300, 400 empty parking spaces on the site. So, we don't view it as an 'either or' thing and I think it's important to look at this, at least the way we look at it is the way we visualize this. Our whole business philosophy is about win-win, good for us, good for our tenants, good for our vendors our customers, our employees, good for the environment. We're extremely environmentally focused. Half of the roof of 333 North Bedford Road is now covered in solar panels. We view this as an opportunity to do something good for restoring wetlands, to create an 8-acre open space, 3 acres of which exists now. I think the vision here, there's no way a cleanup happens without some sort of economic, as Beth described in her letter; this is a three to five year plan just to clean it up with them with ongoing maintenance forever.

Mr. Vigliotti stated I mean we have wetlands like that all over the Village, they are what they are, that's it. We're not doing any enhancing them with walkways and zip lines and rope courses. I mean Bedford, at the north end I think there's a little sliver of property there for ropes course in. Maybe you should have one at either end, that's where all the parking is. I feel like you had taking advantage of the Village. I really do. You had taken advantage of this now. Early on, conceptually, I'm opposed and you need to hear that because that's why you're here and I think the Board needs to early on let you know so you're not spending a ton of money, I don't want you to spend your good money.

Chairman Cosentino stated I have to echo Ralph, right now it's a conceptual.

Mr. Mareschi stated I have to echo Ralph too, the parking is a problem.

Mr. Diamond stated well, I think that's unfortunate to hear.

Mr. Sturniolo stated I have to disagree, conceptually with my colleagues.

Mr. Diamond stated and I feel like there is too much of an attitude throughout the Village that success is bad. I think that what we can use in this Village is more thriving economic activity. I think people coming to Mount Kisco for another thing, to enjoy at Mount Kisco is a positive thing. So, if we create an 8-acre of open parklike space that actually attracts people, that's a positive for Mount Kisco. I don't think that is fair to say its economic activity and therefore its bad.

Mr. Vigliotti stated no, no, no.

Mr. Diamond stated it's an entirely outdoor....

Mr. Vigliotti stated you have enough issues on that site as it is. You are trying to create a third entrance; a third exit/entrance because you have issues as far as traffic movement. There is a parking issue at the south end, this exacerbates that parking issue. If you would have come, if you have said, we want to put in some raised walkways around the property for people who enjoy at Rockin' Jump and at the Saw Mill River, that's completely different. It's not another the business, those people are going to be there anyway. I think we're taxing, we have never done this before. Use wetland in Town to create....

Mr. Diamond stated well give us credit for being innovative and doing something that others people don't.

Mr. Vigliotti stated it is innovative.

Mr. Diamond stated we try to be.

Chairman Cosentino stated Jim, I've never been against anything else that you ever put there that you've done a fine job with. This just throws me because of the wetlands, it just throws me.

Mr. Diamond stated alright, we'll continue to work on it and consider it and evaluate the wetland situation. We see it as an opportunity to improve the wetlands.

Chairman Cosentino stated but you can improve it without

Mr. Diamond stated well but financially that won't happen.

Ms. Evans stated if I can, there are many people who come to me and want to do lots of things with wetlands. Most of the time, I am a naysayer. When Jim came to me with this proposal, I said just as you did that's quite innovative, that's an interesting concept and it has a win-win situation. Because there's a not a lot of wetland function going on in that wetland right now there, is a lot of wetland function that could

be going on if somebody puts in time and effort into managing it. And with this kind of facility there, it's not going to be a do today, get our approval and see later, we don't care about the wetland. There are going to be people walking through this all the time looking at it, learning from it.

Mr. Vigliotti stated well that's the wetland piece. The other piece and I don't want to be redundant. Parking, traffic movement through the property with a site at the south end, that is at capacity, and yes whether people walk a quarter of a mile to a space that's available and to get to this, that's another story. Yes, there is some parking at north end. But capacity wise, we're at capacity at the south end and yet we still are looking to put another road to cure the evils of the traffic that's there now. Why would we be looking for a third road? Because we know that the south end is busy, it's good busy. People are using the facility. It's good busy, right.

Mr. Diamond stated well, as we've talked about with the third road, and as John Collins talked about the 10 years ago. The whole idea of this Ice House Road exit is where we have like 20 seconds of cycle time so we get two to four cars out per signal and that's it. And what we've determined in our traffic study that's been submitted to this Board, is that two-thirds of the people who leave our site head south. So, what we are trying to do is create a more convenient way for them to head south without taking the cycle time on the light that we have 20 seconds on. That's a better solution than trying to get double the cycle time to accommodate our traffic and it is really as you would agree. I think because you know the Saw Mill Club, it's an issue, 6:00 pm at night, there are a few key times when it becomes an issue and it takes three cycles to exit the lot. We own the land; we're just trying to improve the site as we have for a decade now. So I think that's it's not that there is a huge issue here. We have an issue at 6:00 pm that we want to improve because we think we can.

Mr. Sturniolo stated Beth, a question going back to a point you just raised regarding the wetlands. Am I correct in understanding you are saying that if we have wetlands that are improved and rehabilitated, but somewhat forgotten, they're just the wetlands, things happen. Whereas here there are going to be eyes on it constantly both the uses of the facility and property management, property as well.

Ms. Evans stated correct.

Mr. Sturniolo stated so, wetlands would have, in theory, a slightly better chance of survival in doing what it should be doing than if somebody spent a bunch of money and rehabilitated a wetland somewhere, I'm making it up, 14 miles away from where they live and visit it twice a year. It's the eyes...

Ms. Evans stated correct. It's the eyes and ability to get in and maintain these sorts of interior areas where the invasives will just come right back across the road tracks and take over this site again.

Chairman Cosentino stated look you can get 20 reasons why it's good, and 20 reasons why it's bad and that's what we have to hash out. Maybe the Board has to study more or maybe they don't. I don't know but there's 20 reasons why it's good and there's 20 reasons why it's bad. This is what we have to hash out.

Mr. Diamond stated just one other point to because I don't know if we mentioned this or not. We do see it also as a good opportunity for education, I think the idea here is we can envision this, we've got this paths going around, we can envision a little signs talking about plants, really like an education about what the wetlands are and how they function. I think that's, we're viewing as an 8-acre park that becomes a real amenity, a real public benefit.

Chairman Cosentino stated you can do something else and want to come back, Jim, feel free.

Mr. Vigliotti stated I mean the benefit has already started. We have a 3-acre parcel that's a soccer field, the Village of Mount Kisco benefits by. If this were a passive park in a wetland, that allowed people to enjoy the wetland and being used as an educational piece through walks. You are not making any money but, it could be attached to memberships but that makes it a passive park. You've done something to the wetland, you certainly done something for the Village, it's a big difference than having an adventure park.

Chairman Cosentino stated it may be a combination of this but join it.

Mr. Diamond stated well that's what we're trying to do here.

Chairman Cosentino stated you didn't say that. That wasn't said, that was just brought up by...

Mr. Vigliotti stated and if this proposal was lucky enough to be successful, we're in trouble. You're in trouble and my concern is it will be, it could be very, very successful.

Chairman Cosentino stated I like the education part of it, Jim.

Mr. Diamond stated successful is a good thing. Success is a good thing in the Village. One other thing I'd like to just emphasize right now and then we'll leave you guys alone because it is just conceptual. This parcel right now generates \$4.44 worth of tax revenue for the Village each year and I think that that's another long term benefit to the Village. If we put some sort of economic activity on it besides it just being a squatters camp.

Mr. Vigliotti stated 5 acres goes back on the tax rolls?

Mr. Diamond stated it's on the tax rolls, it's just got zero value.

Whitney Singleton stated for whatever reason it's assessed at a \$100, when he paid \$400, I don't know why that's the case.

Chairman Cosentino stated Jim, the key was what you just said, educational.

Mr. Diamond stated yes.

Chairman Cosentino stated I haven't heard that, the only time I heard it is right now. So figure something out, you're a genius, figure something...

Mr. Diamond stated I think we did.

Mr. Vigliotti stated just don't attach money to it being education.

Chairman Cosentino stated just make it some educational and come back with it.

Mr. Diamond stated we will apply to Mount Kisco for a grant.

Mr. Vigliotti stated we'll name it after you and there will be a wonderful park for the Village.

Mr. Gallin stated we appreciate the feedback.

Whitney Singleton stated actually, let me just clarify that. When he says he's pay \$4 in taxes. This is not unusual where you have a condominium plan where a portion of the property is absolutely independently useless. And the financial benefit is being derived from more intensely used portions of the property. Just like for those of you that live in condominium, your common space has a nominal assessment, even if it has a pool, even if it has a tennis court, even if it has all those things, it's attributed a very nominal assessment because it cannot be independently used. The reason that this portion has got such a nominal assessment is because it is not intended to be used separately developable parcel. It is the open space for the Mount Kisco Commons site plan.

Mr. Diamond stated but with that said there is 50,000 square feet of buildable area that's not allocated right now on that site.

Whitney Singleton stated I'm not going to there, 99% wetland so you tell me what's developable?

Chairman Cosentino stated Jim, do something with educational and come back, seriously.

Mr. Gallin stated thank you, everyone.

Chairman Cosentino stated Tortorello Subdivision, you want to come up and identify yourself for the record, please.

**C. Tortorello Subdivision – 122 West Main Street  
PB2015-0293, 69.80-2-19 (SBL)  
Subdivision Approval**

Mr. Frank Tortorello, the applicant, was present.

Mr. Tortorello stated I'm Frank Tortorello. My wife and I own 122 West Main Street which we purchased in 1990. This is an RS-9 zone, which is 9,375 square feet, I've got almost 1.1 acres. A good portion of which really not been utilized by my family. And the proposal is to create a second building lot. I have to apologize for the, this is conceptual at this point. It's not intended for it to be complete. I kind of scrutinized the zoning in the steep slope. If you look at the drawing that I submitted does indicate the steep slope in the areas. It effected, I would ask you to look at this. I mean that shows the steep slope. It's kind



of interpolated off of the topo. The only issue that I, and I guess I need some guidance from the Board. It would appear that I'm not proposing any construction on any of the steep slope, but I need to take the access driveway across the steep slope area and that I don't know whether that is...

Mr. Mareschi stated so that's going through the steep slope.

Mr. Tortorello stated the only way they can move to this parcel. Now the steep slope, if you look at the photograph, is it really again I understand what the intent is, I think of the steep slope is that we kind of look at with these pictures were taken from South Croton Avenue. This is off of there are two other houses on the side South Croton Avenue and then there's my parcel parcel and then there's parcel on the corner.

Chairman Cosentino stated have you read the report from the Building Department?

Mr. Tortorello stated yes, I have.

Chairman Cosentino stated and you are going to, you have got some homework to do here on the application.

Mr. Tortorello stated well, this was a conceptual.

Chairman Cosentino stated that's what I said in the application. This is a conceptual but when you get your application, with your stamped set of plans, then we'll go over these.

Mr. Tortorello stated sure.

Chairman Cosentino stated with your stamped set of plans, we'll go over these.

Mr. Tortorello stated of course. That's clear to me. So, what I guess what my real question is, would I be permitted to take the entrance drive across what is effectively steep slope area or do I need to. I mean my alternative would be to grant an easement across my present property but that would put additional traffic on to West Main Street, I don't know if that's the world's best idea.

Mr. Vigliotti stated just a question for Whitney, I guess. The proposal is to come down the steep slope on to South Croton Avenue. I know we, as a Village own South Croton Avenue, because the Saw Mill parkway has an entrance and exit there. Do we need permission from that authority to have another curb cut on that road?

Whitney Singleton stated I don't know off the top of my head but it's obviously a question that would have to be resolved.

Mr. Tortorello stated there were two houses both across the other side, about 15 years ago.

Mr. Mareschi stated they probably had a variances.

Mr. Tortorello stated I don't know, and there were two houses on this side that are older homes. This is a deeded street.

Whitney Singleton stated I believe and I'm not 100% accurate, I believe and unfortunately my connection to my office is not working tonight because I don't know the password. But I can verify whether or not this is a street on the official map of the Village.

Chairman Cosentino stated there were two houses built.

Whitney Singleton stated yeah, that's really of little consequence. We've seen on other applications. It does require to have frontage on a suitably approved public street. Now, there is nothing to say that a highway is not frontage, so you know, the mere fact that it may not be per se a Village street and maybe of little consequence. I'm just saying we need to vet that out and as long as I'm the one speaking, we also need to vet out whether or not there would be the preference of this Board as they go through, to allow to have incursions into the steep slopes or whether require some other alternate means of providing access.

Mr. Tortorello stated that's the primary question that I have at this point. I would certainly say that the drive could be pervious pavement for one thing. There's really no need to start much of the existing, there's not a lot of existing landscaping there, I mean, it's if you look at the photos, and I've not touched anything, its been like that for years.

Anthony Oliveri stated I think if you look at the steep slope ordinance, it talks about maybe looking at alternatives and maybe the Board might want to see an alternative with the driveway out to West Main or this, to kind of way which often is going to be better, if it makes sense to do that or not. I would suggest going through that, the steep slopes ordinance and seeing what criteria the Board is looking at.

Mr. Tortorello stated that's really what my question is here, because I, it says landscaping, normal landscaping is permitted now. Normal landscaping can include a driveway or someone may say it doesn't...

Anthony Oliveri stated it's not that the driveway is not permitted, but they might want to weigh against other alternatives. So, that might be the thing, the Board might want to see.

Mr. Tortorello stated the other alternative would be granting the easement, the driveway easement through lot number one which is the present house. But that would bring the house next to me on the west already has an easement on my curb cut and my driveway but it only goes back it like a 100'. I could just continue that to serve this property, but it would bring additional traffic, I mean it's difficult.

Anthony Oliveri stated why does she have an easement on your property? That was kind of unclear.

Mr. Tortorello stated it's been like that forever. This property was apparently was owned by one family at one time and was subdivided at different points. But there's also a deed restriction, there's a long section that goes out to West Main Street, they're not prohibited from building structure on it.

Mr. Mareschi stated how big is the second lot, sir?

Mr. Tortorello stated what I'm proposing, there's a little calculation of the second lot, the total second lot would have be 13,912 sq. ft.

Mr. Vigliotti stated the question I have Mr. Tortorello, is a statement and a question. Your subdivision may move quicker, I think if there was a deeded right to go through your property to get to the site. Because one of the things that would happen is the driveway that you're proposing would have to be engineered to collect water coming down that steep slope on to that driveway. It's not a flat piece of land. So that would have to be engineered to make sure that the water isn't coming down as the sluice way on to South Croton Avenue. Where if you want to go across your property of top of that's one of the options, that's a flat piece of property. So that would be something that this driveway will have to be engineered and would have to be looked at.

Mr. Tortorello stated that's why I was suggesting, it could be previous paving, it doesn't need to be blacktopped.

Chairman Cosentino stated but we can get into that on the application.

Mr. Tortorello stated I mean the other thing is that I could, a question that I have also and please understand my ignorance, I'm an architect or I was and a retired contractor but I'm not a land guy. The lot that my main, my house is on 122 two zoning issues that are preexisting; one, on one side, I don't have a 10-foot yard, I got a push of the building that's within 8 to 9 feet of the side lot one and I only get 60 feet, of frontage on West Main. These conditions exist for probably last 60 years. My question is, I'm not making any, I'm not in, this subdivision regardless with not increasing the level of non-conformance.

Chairman Cosentino stated the subdivision, Rob, maybe you can help me out here.

Rob Melillo stated I think if he gives us the proper zoning table for us to see the lots and look at this the proper way which in our memo, we feel there's not enough information, he didn't to table it out for us. We can make a determination but at this point, we couldn't make a determination, because the information was unclear on the plans.

Mr. Tortorello stated it was really intended to be conceptual.

Chairman Cosentino stated but you're asking a question that's not, we can't answer it because within your conceptual, you're handing us paper that we can't figure it out.

Mr. Hertz stated let me just ask this question. Whitney, if you take a lot, that has preexisting nonconforming conditions and you cut it in half, aren't you, by definition increasing the nonconformity?

Whitney Singleton stated I'm sorry, say that again, Doug.

Mr. Hertz stated if you take a lot that is preexisting nonconforming issues with regards to setbacks or something and you subdivide it. Forgetting how you subdivide it, aren't you, by definition, increasing the non-conforming.

Whitney Singleton stated no.

Mr. Hertz stated no, by decreasing the lot size or anything else, aren't you?

Whitney Singleton stated the question is, by virtue of this application, is he increasing or creating any new degree of non-conformity under 110-35.

Mr. Tortorello stated that's universal, that I know from my architectural practice for years.

Whitney Singleton stated but the question is not whether or not your frontage on Main Street is preexisting nonconforming. If you are doing away with frontage on South Croton Avenue, are you putting yourself in position of noncompliance?

Mr. Tortorello stated but I'm not.

Whitney Singleton stated you do have frontage even if you don't have access...

Mr. Tortorello stated I'm keeping 76' on South Croton Avenue.

Whitney Singleton stated I was just looking up what the required frontage is in this district.

Mr. Tortorello stated 75'

Whitney Singleton stated okay, so why would you want to keep 65 feet?

Mr. Tortorello stated I've got 55, I've got 76' on South Croton Avenue intentionally to avoid the issue of someone, even on my house is, my address is West Main Street.

Whitney Singleton stated then the question becomes, there is a couple of things. And please because I say something tonight during conceptual, don't take it to be gospel on the going forward basis. But there are other aspects of your application that are not necessarily compliant. They're not per se mandates. I just, off the top of my head is some looking at your subdivision application, I know there is a provision in the Code that says unless the Planning Board determines that will make for a better lot design all side lot lines shall be at right angles to the streets upon which they face. And your side lot line there for your proposed created lot, is going at an angle. The question becomes is it better to modify that, is it better for the Planning Board even if it requires the application of granting of a variance. Does the Planning Board see another way of this parcel that makes far more efficient beneficial use of the property?

Mr. Tortorello stated well if I, let me just explain, this is such an odd lot. If you look at this from this angled side line, it meets the lot, I can go straight back...

Whitney Singleton stated unless the Planning Board deems it to make a better layout.

Mr. Tortorello stated I mean, if you look at the overall parcel.

Whitney Singleton stated if I were one of the owners, I might want to go and then completely angled from here back. What I said was even if it means the granting of the variance, it may result in a better layout. Ultimately, that's for you to work out with the Planning Board, as to what the best layout is for the lot.

Mr. Tortorello stated well is there an objection to the lot not being perpendicular to the street line? None of these lots are, the existing side lot line is not perpendicular to the street line. It's kind of a mish mosh, if you look at the overall lots. I chose to come from this point because if not you get a very a strange piece of property here. This existing breaks...

Mr. Mareschi stated who's lot is this, is this your lot?

Mr. Tortorello stated this is my lot here. What Whitney is saying, I started at this point and just took 100' ...

Chairman Cosentino stated I think this is all premature, right now. I think this could be taken care of in an application. Right now, like you say, this is a conceptual, do we like it or don't like it. And I think that's up for the Board to decide whether they like it or not, it's a building lot, nothing wrong with it. I think you

just need to, I don't think anybody on the board has anything against you developing the lot. I just think that you need to, you have a lot of homework to do and I think you need to work with the Building Department in doing so and come back with an application and then we will take all of this into consideration. But right now, it's all premature. It's just that, it's just.

Mr. Tortorello stated well, I did meet with the Building Department and I mean, I'm here...

Chairman Cosentino but I think there are other issues that have to go over with the Building Department. I think you want to build a house, no problem, just has to be, go through a series of building details and I think that's what you need to do. You need to get follow the Building Department's memo here and work with them. Rob.

Rob Melillo stated yes, sir.

Chairman Cosentino stated do you agree that he should come in and talk to you.

Rob Melillo stated I think now he has got your input and he knows what you're looking for.

Chairman Cosentino stated I mean, he wants to build a house, we've got nothing against him building a house, he wants to build a house, fine.

John Landi stated he did come in to see me and again when he asked me questions and as a conceptual, I said everything looked okay for conceptual. But as we discussed to go further, he is going to need all these items.

Chairman Cosentino stated I think he has to work with you, get a set of plans, stamp them and....

John Landi stated the Building Department did reach out to him and try and get him to understand.

Whitney Singleton stated may I make a suggestion and I apologize for stepping on anyone else's toes and suggesting that, Ralph asked me a question which I haven't answered yet and that is the propriety of using South Croton Avenue.

Chairman Cosentino stated right, that has to be answered.

Whitney Singleton stated let me resolve that question and let me also say, I think what might be helpful for your Board without going through the formality of a site visit is for each of you to go up to South Croton Avenue, take a look at where this is

Chairman Cosentino stated I already did.

Whitney Singleton stated maybe you did but maybe not the whole Board did. Look at the exiting driveway, perhaps driving in the driveway and see what the access would be and then provide some feedback to Building Department so that we can create a memo to give further direction of the application.

Chairman Cosentino stated well, he has a memo here that he has to work with the Building Department also.

Whitney Singleton stated I realize that but there is a lot of discretionary items that need to be resolved before they submit a formal application.

Chairman Cosentino stated that's the reason why I said for him to work with the Building Department.

Whitney Singleton stated but those discretionary items are going to be determined by your Board not by the Building Department.

Chairman Cosentino stated we will, but we have to know what's going on before we do it. So we will go up there and take a look at it, you're right, we should.

Whitney Singleton stated and that way I can comment on the propriety of using South Croton Avenue for purposes of frontage, you guys can comment on whether you think that's an appropriate area to put a driveway or whether it should be a common driveway, what would be better for the steep slopes. I know he hasn't shown the steep slopes per se on his...

Chairman Cosentino stated even if he used the steep slope, he's going to need a variance.

Whitney Singleton stated not if he doesn't go through there.

Chairman Cosentino stated if he doesn't go through there, he doesn't but if he does go through there, he's going to need a variance. So, it maybe easier for him to utilize the driveway he already has to save him time and money.

Whitney Singleton stated right but he's looking for that feedback from your Board.

Chairman Cosentino stated he will get it when we have all the information.

Whitney Singleton stated so what we can do is at our next staff meeting, perhaps the Building Inspector, the engineer and the planner will now be back for that meeting. We can create a memo and give some feedback for the applicant.

The Secretary stated Jan will not be at your next staff meeting.

Mr. Mareschi stated will you be building a house there, sir.

Whitney Singleton stated I'd like it for the record that this paternity leave stuff is for the birds.

Mr. Tortorello stated I don't think so. My intent is probably to sell the lot. That is my intent now but I don't know for sure that's what will happen.

Mr. Vigliotti stated well, the one thing to your advantage is you have another option in case the steep slopes in this driveway pose a problem.

Mr. Tortorello stated I don't really have a problem with an easement. The driveway is easement through my property onto West Main Street and that's the feedback that I hope I can get before, I'm a homeowner, I've been here in community for 25 years.

Whitney Singleton stated I have not researched this yet. Is this access easement that you showed here, is it referenced by liber and page number in your deed so that I can look up what the restrictions are? I don't need a copy of it but I just need to know the...

Mr. Tortorello stated I really don't know.

Whitney Singleton stated they don't park on that, do they?

Mr. Tortorello stated I let them park there, but they don't have a right to park there.

Chairman Cosentino stated I guess the easement allows them to bring the sewer line, the water line down...

Whitney Singleton stated well if he gets the easement, yeah.

Mr. Tortorello stated there is water on South Croton.

Chairman Cosentino stated yeah, yeah and sewer line, yeah.

Mr. Tortorello stated there's no sewer on South Croton.

Whitney Singleton stated there's no sewer on South Croton, do your neighbors have septic?

Mr. Tortorello stated not to the best of all my knowledge. My house goes out to Marion Avenue. That's why I said these properties were all owned by one family.

Whitney Singleton stated your sewer goes out to Marion?

Mr. Tortorello stated my sewer goes out to Marion Avenue.

Chairman Cosentino stated but the other ones have septic, I remember...

Mr. Tortorello stated well this one would have to go out to West Main Street, there is sewer on West Main.

Chairman Cosentino stated yeah and water.

Mr. Tortorello stated there is water on South Croton.

Mr. Mareschi stated thank you, sir.

Mr. Tortorello stated someone will get back to me with some...

Chairman Cosentino stated Rob, how do you want to work this because you were working on it, you're going to contact him?

Chairman Cosentino stated you have to contact Michelle.

Whitney Singleton stated Michelle will put this on our next staff meeting agenda and in interim, the Board Members will send Michelle, myself and others, correspondence as to what their thoughts are, as to...

Mr. Mareschi stated yes, sir.

Mr. Tortorello stated thank you very much.

Chairman Cosentino stated okay, the next is Sea Shell Realty (Greg Lewis) 139 Main Street.

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

Applicant did not appear

John Landi stated they're a no-show, sir.

Chairman Cosentino stated so, what are we going to do here? Sea Shell Realty no-show. Okay, Holiday Inn. Martin Goldbaum...

John Landi stated Mr. Chairman.

Chairman Cosentino stated yes.

Rob Melillo stated one thing, so I can go, I just wanted to give you a quick update with Open Door to the Board here tonight. They were on the agenda, we pulled them off at this point and the reason why we pulled them was at this point they're - but just let the Board know they're going to be applying for variance for parking and they are going to be going for variance for parking on what's in our Code. So, they're not asking you guys to make up a determination of parking or anything like that. That's just an update, so you probably won't see them until, you know, next month, they might come back during the process.

Chairman Cosentino stated okay, we now have a Martin Goldbaum for a site plan approval. You want to come up and identify yourself for the record.

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

Mr. Ira Grandberg and Mr. George Gaspar of Grandberg and Associates, Architects.

Mr. Grandberg stated Ira Grandberg and George Gaspar of Grandberg and Associates Architects. We are tenants of Mr. Goldbaum and we're trying to help him resolve what has to be done to legalize his building. We're not a 100% sure of the procedure and we've met with the Building Inspector, we've drawn plans up for the landlord, Mr. Goldbaum, is here tonight and he's here mostly to listen to what he has to do, he is very cooperative as far as what his intentions are yet at the same time, I don't think he wants to be hurt by the fact that he has been in this Town forever and he's got a building that he's had a lot of difficulty in keeping tenants floor and he wants to legalize it even though all these years...

Chairman Cosentino stated why doesn't he work this out with the Building Department?

Mr. Grandberg stated we're waiting to hear tonight what he has to do. We've drawn the plans, we've got the square footage, we can do a zoning analysis, and then what?

John Landi stated its a site plan, I need a complete site plan to be submitted.

Mr. Grandberg stated we've done that, we've measured that, it's in your package. We can do all the charts we need, we're just want to find out once that's done.

John Landi stated did you not get our memo? That's exactly what you need.

Mr. Grandberg stated but once we do, what's the procedure?

John Landi stated come through the Planning Board to get an approval.

Mr. Grandberg stated what about the uses in the building?

John Landi stated well there's going to be legal uses whatever the legal use for that zoning is.

Mr. Grandberg stated so what happens to the tenants that are in the building that might say are preexisting, so, we just have to establish...

John Landi stated but you have to ask Whitney about that question, go ahead Whitney, he wants to know about preexisting tenants.

Whitney Singleton stated yeah, I'm going have to refresh my recollection quickly of this site but I thought there was a site plan of record for this property.

John Landi stated there was an original site plan of record that doesn't show the current tenants that are there.

Whitney Singleton stated there was a site plan of record at that point it was an automotive something or other. And there has been a number of changes which do not have Certificate of Occupancies, and there is a number of uses in the building which were not even known to the Building Department at the time. So, what you have to do is, you have to look at the parking requirements for last approved use of the automotive and then make sure that they demise space for each of the new allocated usages times their square footage does not exceed the parking requirements that would exist for the previously approved site plan.

Mr. Gaspar stated that's part of the problem because the documentation that the Building Department has, there is no way to even come up with a calculation for parking for the building that was there before because it just does not exist in the paperwork that's on file.

Whitney Singleton stated what the parking was not a requirement at that point in time when the automotive dealership or garage or whatever was there. There was no parking requirement at that point in time. But that becomes our baseline for any changes within the building. So to the extent that there is going to be a change within the building, the layouts that existed at that time and the allocation of uses cannot be exceeded. You can't just take everything that was there and take preexisting and convert it all to a retail or restaurant use of a high...

Mr. Grandberg stated well, let's say hypothetically if there have been tenants there, I've been in the building 20 years or more, and there have always been these tenants. If we find out that it doesn't meet a certain plateau for parking, what happens to the existing tenants that are in the building?

Whitney Singleton stated well those tenants presumably if they have Certificate of Occupancies are allowed to stay. The Certificate of Occupancy is the certification that your use is allowed.

Mr. Gaspar stated going back to the original building. There is no documentation of the original building as it was an automobile dealership, what was showroom, what was office, what was mechanic space. There is no breakdown at all, the drawings that they have on file that are in this building are nondescript. We can make it up but we're making it up.

Chairman Cosentino stated part garage.

Mr. Gaspar stated there was part garage, part mechanic shop, part showroom,.

Whitney Singleton stated I thought that that was shown in the file.

Mr. Gaspar stated I'm afraid not.

John Landi stated not broken up, not as he's just saying it. This basically shows it as an auto dealership.

Chairman Cosentino stated I'm not saying part, I'm saying park, P-A-R-K that was the name of the dealership.

John Landi stated I believe you do have some C.O.'s for some of the uses in the building so that it takes away from...

Mr. Gaspar stated Ira's been in the building for 20 years, there was a building permit pulled, the work took place but we don't have a C.O.

Whitney Singleton stated okay, I understand that the records are perfect George but my suggestion would be that the representatives of the applicant sit down with the staff and the Chairman at our next staff meeting.

Chairman Cosentino stated yes, we'll straighten it out.

Mr. Grandberg stated and we'll do the charts that John wants us to do.

Whitney Singleton stated make sure that when we do that, Michelle, we have staff given 15 minutes to go through everything before we sit down with the applicants.

Chairman Cosentino stated okay, John's going to have to sit down with them. We'll take care of it sir, don't worry about it. You got good men here. We're going to take care of it.

Mr. Gaspar stated we can chart out the site as a normal site plan.

Whitney Singleton stated wait a second there was Certificate of Occupancy for your space?

Mr. Grandberg stated good night.

Chairman Cosentino stated okay, Holiday Inn. Identify yourself for the record, please.

**F. Holiday Inn – 1 Holiday Inn Drive  
PB2014-0280, 69.42-1-1 (SBL)  
Site Plan Approval**

Mr. Rich Williams of Insite Engineering was present.

Mr. Williams stated sure, good evening, Rich Williams with Insite Engineering. Holiday Inn, and I presume everybody knows where Holiday Inn, right. They're seeking to do some improvement, there are some new owners. The new owner is Roedel Partners of Mount Kisco. It was sold from Kisco Motel Associates. The company name is Roedel Partners of Mount Kisco LLC. They are a company at New Hampshire, I believe.

Mr. Mareschi stated they own...

Mr. Williams stated we're going to talk a little bit about the ownership and there's really three things I want to talk to you about tonight. The site plan improvements they want to do, the ownership and where that is at which, Mr. Singleton may want to weigh in on a little bit, and then also lighting. So as far as the site plans and the site plan improvements, basically they want to repair an existing catch basin and drain inlet in the front of the property, if you ever driven at its site you drive into a hole when you drive in. They just either want to raise the rims or the structures are in disrepair, we'll actually replace the entire structure. They also want to modify two of the existing entrances. One on the back side of the property and one at the main entrance to make them ADA accessible. In order to do that you would, there is a landscape island...

Chairman Cosentino stated Anthony, you have a set of plans for this.

Anthony Oliveri stated yes.

Chairman Cosentino stated okay, so you know what's going to be done, okay, you are the ones who have to follow this through.

Anthony Oliveri stated well its conceptual right now, we haven't really reviewed it.

Mr. Williams stated so, we end up cutting in the existing island making a flat walkway so its ADA compliant on the backside of the building or going to change the slope of the ramp and extend the ramp so again that meets ADA requirements. The two larger site plan amendments are the existing pool area. There is a six-foot privacy fence that surrounds an existing pool, the terrace within the fence is all concrete. There's two changes they want to happen, the size and shape of the pool is not going to change but the



depth of the pool currently doesn't meet code, so the pool is going to shallowed. Also they want to remove some of the concrete and create landscaping...

Mr. Hertz stated it's too deep?

Mr. Williams stated the pool is deep for Health Department Code, that's my understanding. They have a separate pool consultant, so they actually have to make the pool more shallow.

Mr. Vigliotti stated well you would need a lifeguard because of the depth, versus...

Mr. Williams stated I don't know pool code. They're also going to be installing landscaping around the periphery and removing some of the concrete. In round numbers it's a 1000 to 1100 square feet of reduction in impervious surface with this one part of the site plan amendment. On the other side, they want to expand their dining facility bumping out into the landscape area, that's going to add between 900 to 1000 square feet. So, there is a net reduction, albeit small, most likely around 100 square feet. That really summarizes the site plan changes. Lighting is probably the next easiest thing to talk about. We had submitted for conceptual several months ago and actually been pulled off the agenda and had to do with a bunch of different site improvements and I believe a property issue which we'll talk about next. But one of the things that were on our previous site plan application was the lighting. As part of Holiday Inn and I'm sure if it's branding or packaging, they need to have green up-lighting on the front of their building and I can show you guys a photo. We were advised that that's probably be not a good idea to proceed with and not looked upon unfavorably by this Board. The applicant is okay not proceeding with the light and again, I can show you with picture but I guess it has to do with their relationship with Holiday Inn. They would need a letter, if this Board is comfortable to providing it saying that we would not want to see this lighting go on the front of building, we're not in favor of it.

Mr. Hertz stated up-lighting in general Joe, is almost by definition dark sky compliant, you essentially shining lights up into sky. In very, very, very limited scope where it can be directed at the building and not at the sky but its pretty tough to do.

Mr. Vigliotti stated will you be doing any other landscape improvements while you're making these improvements to the site?

Mr. Williams stated there is talks about doing some landscape improvements around some other parts of the site; for instance the Kensico Drive entrance. It hasn't been decided and final yet. Right now the only improvements definitely on the table are those within and around the pool area but of course your Board will have an opinion.

Mr. Mareschi stated and they're making the restaurant larger, you said?

Mr. Williams stated they want to expand the dining area in the front, yes.

Mr. Vigliotti stated that interior dining as oppose to exterior, it's interior?

Mr. Williams stated I haven't seen the final plans, I believe it's going to be interior, but don't hold me to that.

Mr. Hertz stated so that would have been bumping the front of the building out.

Mr. Williams stated the idea is to actually extend the front, this is an existing landscape area. The idea would be to remove the landscape area and bump out the front building and put bollards around the building.

John Landi stated wouldn't that require ARB approval?

Chairman Cosentino stated no, oh I don't know, but it comes before this Board though.

John Landi stated it also will have to go to ARB, Mr. Chair.

Whitney Singleton stated I'm sorry I didn't look at the full scope of this application. I thought it was just site improvements with no enlargement of the building.

Mr. Mareschi stated they're bumping out the restaurant area for a 1000 square feet, sir?

Mr. Williams stated yeah, it's actually going to be an outdoor dining terrace, I'm sorry.

Mr. Sturniolo stated do any of your modifications that you proposed to us, impact parking?

Mr. Williams stated so far no, because we're not changing uses. The outdoor dining terrace may, to be honest with you. But there is a 1970 site plan on file and I do have a copy of it with me. One of the comments from the Building Inspector is that we will have to do the zoning analysis.

Chairman Cosentino stated can I see that?

Mr. Williams stated yeah, sure. So part of making a formal submission, we'll do that analysis. Some of the things I can tell you are already different in current Code from that site plan. Your Code now requires parking spaces to be provided per employee on the day shift that doesn't appear to be in the original calculation. So, we'll have to actually run the analysis, take the areas of the accessory uses to the hotel i.e. the restaurant, bar, and run out the numbers to see where it works with what we have.

Mr. Mareschi stated you also mentioned about the owners, do you want to talk about the owners?

Mr. Williams stated the ownership of the property. There is another piece of and certainly correct me if I say anything incorrectly. The property boundary we're showing right now is not the actual property boundary. This is what was transferred to the owners. There was a subdivision that occurred in the mid-80s which added to this piece, it added another sliver, the easiest way to show it is on this map. So, here we actually have our property, this was the joining property. They added a small portion for this lot in order to move forward with the site plan they were contemplating at that time. That site plan never happened. But the ownership of property and they actually filed the map happened. So, when they sold the lot, from Kisco Motel Associates to Roedel, they transferred what was the original property, not the amended subdivision that occurred in 1980. So, we are in the process of filing an abandonment of subdivision to actually make this property equate to what was transferred.

Whitney Singleton stated it's so all the County records [inaudible] their filed plat from the County, shows their parcel bigger than their actual ownership. As a condition of coming back to your Board, I raised the issue that they need to do this and I don't know if you recall there was some consternation on the part, I won't say of the applicant but the applicant's representative that they weren't going to do that and we told them that we wouldn't entertain the application without it. They've now gone ahead and done that and I was on the phone today with County Clerk's office and the applicant's attorney in New Hampshire and the County Clerk didn't know whether or not the certificate could be filed without your Board's approval. And so I spoke to the County Attorney today and confirmed with here that's entirely okay to file it. There is a question as to the sufficiency of their acknowledgment or notarization because it was done in probably Palm Beach County, Florida and it may not comport with New York's requirements, but it's being addressed and I told the applicant that we would entertain their application but that we would need confirmation that the certificate of abandonment and have them filed. So, that's basically it.

Anthony Oliveri stated does this site, as a standalone site, without the additional property meet zoning requirements?

Mr. Williams stated we have to do a full analysis, you know for instance I'm nervous on parking, building length, there is a provision of building length for this zone. I don't think we would comply with, so there's going to be some things that come up.

Whitney Singleton stated let's just be clear, versus what we were talking about with Mount Kisco Commons, this site has never been altered as far as the ownership of the parcel, it has always been this parcel and only parcel. They never transferred that other portion into their property and they never built the addition to the site plan that they were approved for. This is in conformity when, what was the original developer of the Holiday Inn, but anyway, so whatever it is, it is they can't increase any degree of noncompliance.

Anthony Oliveri stated so if was noncompliant with the 1970 site plan?

Whitney Singleton stated no, if it was compliant and approved, yeah, and its noncompliant now, that's okay, they just can't increase any degree of noncompliance.

Anthony Oliveri stated what if there was a noncompliance in the 1970 site plan and adding the other piece bring it into compliance and now they're going back to noncompliance?

Whitney Singleton stated but they never added the other piece because the ownership never changed.

Mr. Vigliotti stated that will all be worked out.

Mr. Mareschi stated are they remodeling inside, inside is all remodeled?

Mr. Williams stated I believe they want to do some remodeling, I guess room, but I don't know if it's been done yet.

Whitney Singleton stated I'm sorry I walked out of the room for a second. I don't know that you were during the original conceptual review but there was something about lighting which I thought that the prior applicant or representative told you they were going to abandon any lighting changes. The Board did not like those.

Mr. Williams stated I did show them pictures and explained them and actually asked the Planning Board for a letter, if they are okay writing in that the owners need to put in their file I think in case of Holiday Inn asks why they didn't. So we'll make formal application?

Mr. Vigliotti stated absolutely, yes.

Whitney Singleton stated can I ask a question just out of curiosity because I do to this site Wednesday and I'm very familiar with it. That's a rather off location, they have a very nice outdoor area over here but why would you put it over here.

Mr. Williams stated I think it ties with the conference room that's there.

Whitney Singleton stated this is the bar.

Mr. Williams stated it's the bar, they want to open the bar to the outdoors. It's a continuation of a space that they already had.

Mr. Vigliotti stated why don't we close the meeting.

The Secretary stated you still have one more application, that Rich is still here for.

Mr. Williams stated that's me too, you're not done with me yet.

Chairman Cosentino stated all right, South Moger LLC.

**G. South Moger LLC – 12-20 S. Moger Avenue (Former Burger Joint)  
PB 2015-0297, 69.81-1-5  
Site Plan Approval**

Mr. Rich Williams of Insite Engineering was present to represent the application.

Mr. Williams stated okay, this one is very similar to an application you saw directly across the street, it's the Cosi building also owned by Friedland Properties, it was bought in the six months. Newport Market had I think gone to John for a building permit to modify some walls and space they are already leasing and came up to, there is no site plan. So much like the property across the street, the store in the corner....

Chairman Cosentino stated we're talking about the former Burger Joint.

Mr. Williams stated the Burger Joint is vacant right now. And that's...

Chairman Cosentino stated yeah, but that's what's on my application, and you're going Newport Market.

Mr. Williams stated the way it started, Burger Joint is currently vacant, but there was also I think, Newport Market is what triggered us realizing there's no site plan approval. Newport Market leased a space in here that was like a closest right next to their storefront and they wanted to move some walls. And I think they went for a building permit, correct me if I am wrong and when they went for that building permit, it's when it was discovered there was no site plan on this. The Burger Joint is also vacant. It's got a 77-occupancy load rate, seating capacity. There is going to be another restaurant coming in. They have lease agreement signed.

Mr. Mareschi stated what kind?

Mr. Williams stated Mediterranean. They are going to keep the same occupancy load rate, so it will be the same use, same seating, different interior configuration for food obviously, but the same use.

Mr. Sturniolo stated but the Newport Market that we currently know, is staying as it is?

Mr. Williams stated yes.

Mr. Sturniolo stated and the alleyway, is staying as it is?

Mr. Williams stated yes.

Mr. Sturniolo stated okay.

Mr. Williams stated exterior of the building is staying the same and so are the interior allotments. So, this is really about just cleaning up the site plan and getting one on file.

Chairman Cosentino stated are you happy with that, John.

John Landi stated well I mean, there's some exterior changes I would like the Board to take a look at while we have them in front of us. Like the façade over the top of Subway, is a painted, I believe this Board has the power to send them to ARB or make changes.

Chairman Cosentino stated well if it's facade, it's going to be built, the façade or is it there?

John Landi stated it's plywood, painted plywood and it's...

Chairman Cosentino stated and if it's got to be changed, I think it has to go before the ARB. I don't think there's anything for us to do on it, is there Whitney?

Whitney Singleton stated the applicant's coming to you for a site plan approval for the entire site, existing or vacant. They can't get a building permit for any renovations to the interior, new build outs or anything else, without the site plan in place just like we had done for the former, what's it called, Abel's Department Store, just like we did for...

Chairman Cosentino stated okay, so we need a site plan.

Whitney Singleton stated we need a site plan, the question is what improvements would you or aspects would you like shown on the plan on a former application. And I think what John's pointing out to you is that while some of the spaces have been newly renovated over the recent years, like the bank and like uBreakiFix, those have been newly renovated. Some of the old ones are looking old and tired and require a little bit of sprucing up.

Chairman Cosentino stated well, the plan should be brought before us.

Whitney Singleton stated and do you want each of the spaces, although it's technically one building or one site, do you want each of the spaces to look individual or do you want to look....

Chairman Cosentino stated like it to look uniform, I mean I'm just one member here but I'd like it to look uniform...

Anthony Oliveri stated right now, you've got The Burger Joint is one façade, then you get the Subway which is the one that needs work and then from there to the north, it's like a brick façade, I think.

Mr. Williams stated there're seven tenants in the building and what happens is People's Bank span the middle of the building, from the front to the back. So, we have South Moger, Kirby Plaza, Kirby Plaza and Kirby Plaza. So you have the Newport Market, Burger Joint, Subway, People's Bank that pands front to back. You have uBreakiFix, and then you have the Rose Garden and Antiques and then on the backside the cleaners. They all have different brandings and logos, People's Bank is the most prominent.

Chairman Cosentino stated it's going to have to be separate the.

Whitney Singleton stated the question is what kind of feature, is there anything that you can tie in between the properties, is there any changes that you can propose for Subway? I mean, Subway is very tired looking.

Anthony Oliveri stated that makes sense to make the Subway look more like The Burger Joint façade because past the Subway, kind of almost looks like a different building, its brick. So that might make sense just to...

Chairman Cosentino stated I think that we do the site plan and send the façades to the ARB.

John Landi stated I mean you didn't do that to the market...

Whitney Singleton stated yeah, the market across the street.

Chairman Cosentino stated okay, we don't want to do it here, okay. Bring us the site plan, the building...

Mr. Williams stated if I can just ask a question to the Board, we have prepared and again this is just conceptual, so you haven't seen it formally. We prepared basically the same site plan that was approved for across the street whereby, we show the tenants spaces to memorialize that, we show a survey with the actual site plan. Now as far as, are you guys asking me to also document the façade and show pictures of the façade and show pictures of the façade.

Mr. Mareschi stated and color photos.

Mr. Williams stated will color photos work independent...

John Landi stated I believe the chair is also asking you to make proposed changes to the façade.

Chairman Cosentino stated like you did in across the street.

Mr. Williams stated and if I am hearing correctly, Subway is the biggest issue.

Mr. Vigliotti stated the biggest of several.

Whitney Singleton stated can I suggest to the Board that there are certain aspects of this that don't need and sort of façade improvements, the Newport Market and JNR Cleaners and People's United and uBreakiFix those are all pretty updated but the Subway really and perhaps the Rose Garden Jewelry.

John Landi stated and the Burger Joint, so they all tie together?

Anthony Oliveri stated were there going to be any façade changes to The Burger Joint with the new restaurant?

Mr. Williams stated I don't know how detailed they're going to get. That's actually one of the frequent properties sent this back to perspective tenants and ask for more details for themselves.

John Landi stated the prospective tenant did come in to talk to me and basically was saying he was doing absolutely nothing and that he wanted to walk in.

Anthony Oliveri stated its in basically good shape, the Burger Joint façade. I think if you come in with an elevation on the South Moger side, that's what the Board is concerned with.

Whitney Singleton stated and this is all one store stuff, right, we don't have to worry about second story parking requirements or anything like that?

John Landi stated correct.

Mr. Williams stated we did provide a parking table on the site plan only because Patti recommended it, but again this zone does not require parking.

John Landi stated it does not require first floor.

Mr. Williams stated so we'll submit a formal application with an elevation of the south side.

Whitney Singleton stated and only because I know its eventually going to come, there's a corridor there where the trash cans go, is there going to be some sort of gateway or something, I think it's become a urinal.

Mr. Williams stated okay.

John Landi stated thank you for straightening my floors out, Whitney.

Mr. Williams stated thank you.

Chairman Cosentino stated the last thing we did The Hearth, we did Philip Habib. Yeah, they decided to put the egress and ingress on the top.

Mr. Hertz stated yeah, I'd figure that.

Chairman Cosentino stated okay, anything else, anybody wants to...?

Mr. Hertz stated yeah, I just have a quick question and I apologize because I have not been here very much and maybe this was answered. A while back that colored lighting on the diner was brought up.

Chairman Cosentino stated yea, they changed it.

Mr. Hertz stated is that gone?

Mr. Mareschi stated no, it's one color per week.

Mr. Hertz stated it's freaking horrible.

Whitney Singleton stated its better than it was.

Mr. Hertz stated that's really like saying, one poke in the eye is better than two pokes in the eye.

Whitney Singleton stated it was a revolving color.

Mr. Hertz stated I know what it was. I mean I'll be honest, when the ARB approved something, they approve a color and...

Chairman Cosentino stated they approved it.

The Secretary stated they didn't approve anything of that...

Chairman Cosentino stated they said they approved the light.

John Landi stated no, they approved the sconces and things of that nature, but not that light.

Whitney Singleton stated I checked the minutes, it was not clear what they approved and didn't approve, I checked the ARB....

Chairman Cosentino stated I thought we found out it was approved, okay, correct me I'm wrong there.

The Secretary stated when you look at the file for the ARB, what they applied for like a wall sconces, they didn't apply for any colorful lighting.

Mr. Vigliotti stated yeah, they just added that on their own.

Whitney Singleton stated when it was in the minutes, there was an assertion by the applicant that this was approved by them at the meeting.

Chairman Cosentino stated yes, I remember they came in with the minutes.

John Landi stated that was in the minutes.

Whitney Singleton stated and so I went and got to check the minutes, it was vague at best.

Chairman Cosentino stated but it was mentioned because they brought the minutes in.

Mr. Hertz stated t's freaking horrible.

Anthony Oliveri stated they came back to the board.

Mr. Hertz stated I think we should make it really clear going forward that lighting falls under our purview. Period, end of discussion and if they want to have a joint, like we're changing color on a weekly basis because we like it. It's got to be spelled out by the ARB, it's got to come back to us for approval because I think the last thing we want to do is become Vegas and that's where we're heading. The technology is there, it's cheap, it's easy and it's God awful.

Chairman Cosentino stated well, when I brought the minutes in, if you read the minutes you'll see that was really a gray area and we settled for one color.

Whitney Singleton stated we did take the position that the ARB had no authority to approve lighting.

John Landi stated I believe it was made quite clear to ARB that they had no authority to do so.

Mr. Vigliotti stated Doug, we have quite a song and dance going on here with that lighting.

Mr. Hertz stated yeah and I am really sorry that I wasn't here but I mean I bet they were and as the Luxor is in Vegas.

Mr. Mareschi stated they're coming back in two weeks Doug, anyway.

Mr. Hertz stated and I'm happy to have lighting like that, you can buy a plane ticket and go there.

Mr. Vigliotti stated we only needed one more vote that night to have it totally wiped.

Mr. Mareschi stated yeah, we went back and forth Doug, a lot with them.

Mr. Vigliotti stated if they come before us again...

Mr. Hertz stated right, I think going forward, I mean I think we have to draw a line in the sand. If we're going to allow that kind of stuff, it's going to, you have no idea what you're going to see coming down the road. Because you can now create light choice on buildings and patterns and this and that with no technology.

**Chairman Cosentino stated we have a motion to adjourn. All in favor?**

**The motion carried by a vote of 4 to 0.**

The meeting adjourned at 10:30 p.m.