

Minutes of Meeting of the Planning Board
Village/Town of Mount Kisco
Tuesday, June 23, 2015

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

Members Absent: Enrico Mareschi
Sol Gibbons

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

Chairman Cosentino called the meeting to order and led the Pledge of Allegiance at 8:00 pm in the Municipal Building.

Chairman Cosentino stated would we remain standing please, a moment of silence for Planning Board member Stan Bernstein, who passed away, just a moment of silence please. Remembering Stan, Stan has been a member of the Board probably for 15-16 years, he has been an icon here. He was an environmentalist, anything to do with trees and somebody was going to take them down, he would let you know about it. We are going to miss Stan and wherever he is, he will still get the agenda. So he is a great guy and we do miss him. Michelle, make sure you send the agenda.

The Secretary stated I certainly well.

Chairman Cosentino stated okay, back to action. First thing on our agenda. By the way this is a Planning Board meeting June 23rd, and the first thing on our agenda, we are happy to have Jim Gmelin here from the Conservation Advisory Council for a little presentation on Jaguar and Land Rover. Jim, would you come up and...

Special Discussion:

Village of Mount Kisco Conservation Advisory Council Presentation on Jaguar/Land Rover

Mr. Jim Gmelin of the CAC was present.

Mr. Gmelin stated thank you, Mr. Chairman, for taking me out of order. I remember some of your gentlemen from the past, you probably remember when I was on the CAC some years ago but now I'm reappointed and I got thrown a curve ball here, at the last minute. Mr. Leibman prepared the statement and then he tells me yesterday that he can't be here.

Chairman Cosentino stated well we're glad you are reappointed.

Mr. Gmelin stated thank you, I'm pinch hitting for him. Let me just pass out to you what I am going to read to you and I am going to be very brief I realize you have a busy calendar tonight. Again this is, I have been speaking briefly to Attorney Singleton, who was able to get me on the agenda first and he gave me a little background, I'll confess, I don't really know this case that well because I'm new, back on the board and was thrown this at the last minute but from what I understand there are other things I believe that still need to be done on this project and involving Zoning Board and so forth. So what I am saying tonight could probably be said later on but I felt it to be appropriate to get it on the record tonight because as far as the CAC is concerned from what I am able to interpret from the application. Let me just read this and then I will make one or two other comments and open it up for any questions. 'Mount Kisco has passed a number of laws to direct development away from environmentally sensitive areas or less environmentally sensitive areas. This includes laws to protect wetlands, steep slopes and ridge lines, this is generally regarded as necessary for good planning. Protection of environmentally sensitive areas is paramount for the purpose of limiting pollution from storm-water run off protecting habitat for various animal species and preserving scenic features. This building we are talking about will be situated on the west side of Kisco Mountain. It is fair to say that the west side Kisco Mountain is the most scenic feature of Mount Kisco.' I will also interject, it is also fair to say that I am the one who changed the direction on there from east to west, I thought he was talking about the west side of Kisco Avenue, it's actually the east side of the mountain. I think they say step or something, leave it the way it was. 'In any event that area rises 200 feet above the valley and parts of it are characterized by dramatic steep cliffs. Protecting Kisco Mountain from too much development has been a high priority of the Mount Kisco government for many years. At the moment there is a proposal for not only this project but a large assisted living facility on adjacent lot. A

number of attempts were made to find a buyer to preserve that lot as undeveloped land but all these attempts failed. To build the building for the Jaguar and Land Rover dealership next to an existing BMW dealership would require significant blasting of steep slopes. The new building will be located much closer to Kisco Avenue than the BMW building, I believe there was 10 foot setback and 10 foot buffer is what would apply here and would radically alter the look of Kisco Avenue. At the moment the west side of Kisco Avenue from the Saw Mill River Parkway to Preston Avenue is mostly steep slopes covered by trees, adding a large commercial building near the road would change the character of this part of Kisco Avenue which serves as one of the gateways to Mount Kisco. Because of all these considerations the CAC advocates that a positive declaration be made under SEQRA so that Environmental Impact Statement is required to assess in detail the potential environmental impacts of this proposed project.' After I got this and I walked the property and I am sure you gentlemen know the property as well, better than I do. It is extremely steep in that particular area. If anybody was outside today like I was walking when the rain came down, we were subject to changing climate which causes environmental impacts from stormwater runoff and this particular property as was indicated in the full Environmental Assessment Form, has under the drainage status of the project its listed poorly drained, 100% of the site is poorly drained by the applicant's own admission. Secondly, the approximate proportion of proposed action site with slopes, 15% or greater slope is present on 89% of that property, so there is no question that we have a steep slope problem here. Finally, the application that was made for Special Use Permit I believe is – Sensitive Area Permit indicates all remaining portions of the site available for development contains steep slopes making it impossible to further develop the site without impacting steep slopes and wetland buffer and there is a wetland buffer that is in play. I realize the applicant is not here to counter any of these statements, but I did want it to get it on the record for you gentlemen, so when appropriate time comes you can take into consideration that the CAC very concerned about this location of this building, mainly because of the steep slopes. So I am open up to any questions. Again I will have to confess somewhat ignorance about where you are on this project right now.

Chairman Cosentino stated well its before us right now, Jim, and I agree with you and the Conservation Advisory Council that it is a tough piece of property to build on. And the drainage as you say it and I am just glad the Conservation Advisory Council looked into this and gave us some input of what we are going to expect. We don't know what we are going to do yet but we might put a positive dec. on it. It probably needs it, and that's what we will probably do. I'm not sure yet, but I am talking for the Board and there are other members here and some are not here tonight but I am just glad that your crew looked into this and again gave us some input on what to do, for which way we are going to go on. I don't know if any of the member has anything they want...

Mr. Hertz stated just to fill you in, CAC my understanding is that the applicant had preliminary discussions with the ZBA regarding the variances that would be required. Their feeling, their report back to us was they got a generally favorable feeling although obviously no rulings from the ZBA and they have identified what those variances would need to be. And then it's I think with us and the latest status was we were looking at two options with regards to environmental impacts on how we would do that. I think where we last left it was we had asked Whitney, we had asked counsel to advise us as to what the routes would be, if we either did – either pos. dec it or there was an alternative....

Chairman Cosentino stated negative.

Mr. Hertz stated I don't think it's just a pure neg dec.

Chairman Cosentino stated no, it wasn't pure.

Jan Johannessen stated it was the expanded part 3.

Mr. Hertz stated the expanded part 3 and what those two options would entail, so we've listened to the applicant and we are waiting for information back from counsel as to what those two options would look like and thank you for the input and it's very early on in the application.

Mr. Gmelin stated I am aware of that.

Mr. Hertz stated this is a good time to hear that.

Mr. Gmelin stated I wanted to let you know that we're on top of [inaudible].

Mr. Hertz stated we will, I would make a request that Mr. Chairman that we ask staff to keep the CAC advised as to when they're on the agenda, so that you guys can stay on top of that and if it's something that is important to CAC.

Mr. Gmelin stated I will just make one comment too. I knew Stan very well and I will echo everything you said Mr. Cosentino. Terrific guy, loved the trees, tree hugger ultimate but every tree that was taken down I think wounded him, and I would like to think I'm inheriting some of what he had, not to that extent but he was tough, you're right.

Chairman Cosentino stated he was tough. He was good.

Mr. Gmelin stated thank you.

Chairman Cosentino stated thank you, thank you Jim, thank you for coming. Okay Devereux.

The Secretary stated Chairman, you have minutes to approve.

Mr. Hertz stated only of the 2nd.

The Secretary stated sure, if you want to vote on the second set, go ahead.

Chairman Cosentino stated yeah, we can't do it on the first. No, we don't have on the second.

Mr. Sturniolo stated one question, and I spoke to my wife. I can't recall not making that meeting second we are talking about.

Chairman Cosentino stated that's the November 25th

Mr. Sturniolo stated yeah.

The Secretary stated I'll review my notes and revise accordingly.

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

Chairman Cosentino stated okay, so we can't vote on the minutes. I looked at them today and I didn't think we had a quorum to do it. On Devereux we opened up the public hearing and the applicant requested to adjourn until July 14th the public hearing. Am I right, counsel?

Whitney Singleton stated correct.

**B. The Hearth at Mount Kisco – 270 Kisco Avenue
PB2012-16, 69.49-4-1 (SBL)
Site Plan Special Use Permit, Steep Slopes Permit and Wetland Permit**

Mr. Mark Miller of Venizano & Associates was present

Chairman Cosentino stated so, we are opening up the public hearing but we are requested to adjourn it until July 14th. So the next thing would be formal application, The Hearth of Mount Kisco, 270 Kisco Avenue. You want to give us an update?

Mr. Miller stated sure, absolutely. I will start with the DEP, we have obtained the necessary permit from Building Department to do the test borings on the site and we have coordinated with that department and with DEP and the drilling will start on July 7th, it's expected to take four days, roughly two days to sort of get ready to get to the locations where the drilling will take place and another two days to do the drilling and DEP will be on the site observing the actual drilling, which is one of the things that they wanted.

Chairman Cosentino stated that's good.

Mr. Miller stated that's very good, finally. We met them in February, and are finally getting on-site. On the Planning Board side, our engineer made a substantial submission today electronically to your professionals, he is also FedExing hard copies of those documents to them so they'll have them tomorrow. Some of them are fairly simple, one is a 650 page SWPPP, so I am sure Anthony has had a chance to fully review it and be ready to discuss it in some detail. Two of the things that Chuck did submit were comprehensive response memos to earlier the memos we received from Jan and Anthony, we think with this submission Anthony, he owes you a number of references in the memo were to engineers report having to do with water. He was hoping to have that in today, but we wanted to get the memo to you should have that any day. And we believe then that virtually every issue has been addressed, there were one or two things will need to have an additional conversation with your staff. The next meeting is July 14th, what we

hope to do is have several meetings with your staff before that, we would ideally like to be in a position on that date for them to be able to report to you, if they're comfortable that everything has been resolved and if there were one or two issues that required your determination, we will certainly do that then. I don't know exactly what the timing with the protocol is, I would like to start talking to Whitney and the issues have been resolved about starting to draft necessary legislation because that's not going to change significantly based on what we have to do, if there's a few conditions, there's are few conditions. So with that –

Whitney Singleton stated I presume you meant resolution.

Mr. Miller stated yes, a resolution.

Chairman Cosentino stated just for the record, did you say there is going to be comments on the resolution? Resolution will be complete with all the comments are completed.

Mr. Miller stated that's right. I want to start working with Whitney in the drafting of the resolution so that we can work out any kinks because we know there is only one meeting in July and one meeting in August. So that's what we have to do and our engineer surely will be in touch with your folks, we got great response from your professionals in terms of reviewing what we've submitted and we will keep that up, keep the pressure on ourselves as much as anything.

Mr. Hertz stated Anthony can only review a page or two a day.

Mr. Miller stated a couple of years and we'll be all set.

Chairman Cosentino stated okay, is there anything from staff, Jan or Whitney?

Whitney Singleton stated just one or two things, I have had an opportunity although Mark doesn't have my comments yet, I had an opportunity to get temporary access, construction access, and emergency access, easements for both the property and to the south being Curtis Instruments and the Village, I'll get Mark my comments on that shortly but they are pretty well drafted documents. There will be pursuant to their agreement with Curtis Instruments, there will be site improvements that will need to be done on the Curtis Instruments property. The question is how your Board would like to see that handled. Do you want it to be a full formal application Curtis Instruments to amend their site plan or be an appendage to the existing application.

Chairman Cosentino stated well we don't know what changes they're going to make, so we would need something.

Whitney Singleton stated well in their proposal, they have to do landscaping improvements and repaving of Curtis Instruments site, in portions.

Chairman Cosentino stated well we'd like see it, as well as the Building Department.

Whitney Singleton stated you don't want Curtis Instruments to come under a separate application, correct?

Chairman Cosentino stated no, they can show us something that's going to be done.

Whitney Singleton stated so we will discuss at a staff level how, what form, Chairman.

Mr. Miller stated and we'll give you whatever you need. Will there be a building permit required for work on Curtis for the paving. I don't know.

Chairman Cosentino stated I don't know, you'd to talk to Mr. Landi in the Building Department. He'll let you know.

Whitney Singleton stated a building permit more with what you're proposing to do to the property.

Mr. Miller stated yes, absolutely. Okay.

Chairman Cosentino stated very good. Thank you, have a good night.

Mr. Miller stated thank you. See you in all in July.

Whitney Singleton stated oh Mark, another thing, you're supposed to get me a general release.

Chairman Cosentino stated thank you.

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

Mr. Anthony Monteleone of Monteleone & Monteleone, Mr. Peter Catizone of Catizone Engineer, Mr. Bill Diamond and Mr. Mark Blandford of Diamond Properties, Mr. Neil Alexander of Cuddy & Feder, and Dr. John Collins of Maser Consulting were present.

Chairman Cosentino stated all right, the next thing is Mercedes-Benz 333 North Bedford Road. If you could all identify yourselves for the record, please.

Mr. Monteleone stated Anthony Monteleone, Monteleone & Monteleone, attorney for the applicant, Mercedes-Benz, Estate Motors. This is Jim Diamond's brother Bill, Jim is on vacation.

Mr. Blandford stated I am Mark Blandford with Diamond Properties.

Mr. Catizone stated Peter Catizone with Catizone Engineering.

Mr. Alexander stated Neil Alexander, Cuddy & Feder.

Dr. Collins stated John Collins, Maser Consulting.

Chairman Cosentino stated okay, gentlemen, you're on board.

Mr. Hertz stated Joe, let me just interrupt before you guys begin, I need to make a statement. I have been recused on all the adjudications for everything regarding 333 since the beginning of these applications going back 10 years or so. I have re-reviewed that with counsel and with internally and it has been suggested that I should to, really make this process proper that I should get a sign off from the Board of Ethics before bringing myself back on. So it is my statement that no conflict of interest exists and I will sit here tonight so that there is a quorum so that you can continue, but I won't make any statements until I get a signoff from the Board of Ethics.

Mr. Monteleone stated we have no objection to you sitting on this, you have any idea when that opinion will be given out.

Mr. Hertz stated I do now but I will make it as expeditious as possible, it should be a very simple matter.

Mr. Monteleone stated it's critical that we have forms moving forward as it has been delayed. I want to apologize for not being in my suit tonight, I was just at my grandson's graduation from John Jay. I came directly from there. You have in your possession a memorandum from me of about a month ago, you also have a letter from Neil Alexander of Cuddy & Feder in regard to this matter. And we are here tonight to respond to some of the memos that we received from staff and also make our presentation regarding principally parking issues, traffic issues and the engineering issues. The initial presentation will be made by Mark in regard to parking, then Peter will make his presentation in regard to the engineering and other matters and then John Collins in regards to traffic and Bill's available and Neil will be making some closing statements and we also have here tonight the Northeast Regional Franchise manager for Mercedes Benz and he will be happy to answer any questions you may have in regard to Mercedes Benz's method of operation.

Chairman Cosentino stated your name is?

Mr. Stephan stated Karl Stephan.

Mr. Monteleone stated so go ahead, Mark.

Mr. Blandford stated thank you for hearing us tonight, I am Mark Blandford with Diamond Properties. I'm just going to do just a top line, we all know Wine Enthusiast exists in this space today, where we'd like to replace that with Estate Motors, Mercedes Benz. So we're just going to bring up a few things that we think are relevant to the comparison. And they also correlate back to, I know everything touches everything else but just the top and hopefully get us down the road a little bit. The first is just the number of employees come in every morning and leave every afternoon. Currently at Wine Enthusiast, they have 115 employees during their non-peak time of the year, which is basically January through end of October, November and December they go 140 employees they are every day, park every day, going out to lunch. Mercedes Benz when they ramped up to the new space will have about 75 employees, stays flat year around, it's not a

seasonal business, so the expectation is that there will be significantly fewer employees that will be coming there and staying there every day. The second point I want to bring out and this goes back to –

Chairman Cosentino stated that is the red line?

Mr. Blandford I'm sorry, that just shows the seasonal employees. This is year around 115 and then that's the additional 25, they're seasonal.

Mr. Monteleone stated and seasonal is the high traffic period, November and December we're not going to have that kind of an impact.

Mr. Blandford stated exactly. The next slide this goes back to 10 years ago, I remember the early meetings with you guys, it was talking about when Grand Union was at the site and they would have their 80 or 90 trucks that would pack up in the morning and roll through the Village and then some point of the day roll back through the Village and go back to the building. We have done a lot in the current incarnation of the building, there is significantly less trucks than they were when Grand Union was there, our largest truck user by far right now...

Whitney Singleton stated Mark, can I clarify something?

Mr. Blandford stated sure.

Whitney Singleton stated Grand Union did all of its trucking after midnight.

Mr. Blandford stated okay, thank you but either way there was a lot of trucks. It was a topic that came up with you guys quite a bit.

Chairman Cosentino stated there wasn't that many.

Mr. Blandford stated either way.

Chairman Cosentino stated we'll let you talk tonight and we will reserve you know, whatever we have to say later on in another meeting.

Mr. Blandford stated fair enough.

Chairman Cosentino stated so we want to absorb what you have to say because important.

Mr. Blandford stated thank you and in its current incarnation Wine Enthusiast, in its nonpeak time of the year averages about 60 trucks trips a week and most of this is during business hours, during business hours during the week. 60 a week is the approximate number of trucks trips they have right now, that's January first to the end of October. In the peak season which is also the peak season for traffic the Town with the holidays from November 1st to December 31st that goes from 60 trips a week to about 110 trips a week. Mercedes when they come in, is going to average about 18 trucks trips a week and to speak to Mr. Cosentino's point, 10 of those trips are parts trucks which come at 2 o'clock in the morning so during business hours you know, it will be somewhere between 4 and 8 car carriers a week. Unlike a lot of the car dealers in town, these truck trailers will come in and come down into our lot, you know where there is plenty of room and they unload there, so they won't be up on the road and cause any of the traffic problem. So, roughly one truck four days a week. So we think that's a big positive in comparison to Wine Enthusiasts, we have significantly lower number of trucks. So just want to bring up tonight it's come up numerous times in the past in Planning Board meetings and in off Planning Board meeting conversations, is there is a perceived – There is a parking problem at 333, it's been brought up before that we go down there and there is a parking problem. I have been working in the building every day since 2007 or so, and whenever I hear that I'm like it doesn't line up with reality, because I pull in every day and I just see a sea of parking, I go to lunch every day I see a sea of parking. So we decided to do hard counts, how many parking spaces are available at different points of the day and we determined that at 10 a.m. with the logic that everyone getting to work is going to be there by 10 a.m. and then 4 p.m. and we went out and we did hard counts of how many spots are available. We did it a couple of different ways, we did the whole lot which is everything from Wine Enthusiast all the way down to soccer parking and we also divided the lot from north which is basically on the edge of the building here more or less about half the spots, of about 400 and then south, and then we broke it up in these two time periods over several consecutive days. The results that we found was that the most crowded that the spot was, there were 799 total spots in the lot currently. At its fullest point in the survey period was 10 a.m. on a Monday there were 322 spots available out of 799 which is roughly 40% or so I guess and then we said, hey, but is there a problem on one side, you have to walk a mile to get to a spot and that's why we did the north south breakdown again. So once again the blue represents the vacant spots, the yellow represents the full spots, so we are showing that the

fullest period in the north lot there is about 191 spots that were available in the fullest period of the week and in the south lot there were about 141 spots available. Now if we are going to spin class at Saw Mill Club and you are pulling in late, you're not going to park in the first two or three rows, but if you back up about 30 spots and look around at a minimum there are 150 spots that are available. So there is clearly enough parking, with current approvals and everything is baked in the cake, all things you guys approved in the past. I am going to get back to this. The next thing we did is we broke it down showing the existing approvals, we have everything from Saw Mill Club, Grand Prix New York, Wine Enthusiasts and everything in between, you are showing a demand of about 941 spots. As I referenced before we provide about 799 spots. The Planning Board previously with all the applications has waived total about 142 spots as of today.

Mr. Hertz stated I am sorry, what's your last statement, I just didn't hear what you said.

Mark Blandford stated to date the Planning Board has waived 142 spots, we required 941, we have 799, to the various applications the total number of waived spots as of today is 142. Our initial submittal, the Estate Motors initial submittal the way we interpreted the zoning and parking provided was in our calculations, the demand went from 941 up to 969. We are adding exterior spots and it went to 833 provided, we had 121 interior spots that we counted and we can part that later that's just how we counted it. Using our math which we think is defensible, it actually improves the parking significantly. We go from 142 deficiency to a 15 spot deficiency, that was disputed and interpreted rather by the Planning Board and by the Building Inspector and they met with Peter and they went through the logic and with the logic with your guys systematically doing this, reading the code, 969 they come up with a need for 1022 parking spaces. They agreed with us, it was 833 exterior spots but we only do credit for 40 posts inside, so using your analysis we go from an under parked scenario of 142 to 149, 7 spots out of the 833, so we are deficient by something less than 1%, I would be really precise right now.

Jan Johannessen stated excuse me Mark, just a question, the parking study that was submitted is that in addition to the parking study that's going to be part of the Collins report, is it included in the scope?

Mr. Blandford stated I am not sure, John.

Dr. Collins stated Collins is going to do the traffic. I've got a enough problems.

Jan Johannessen stated because the scope that we saw included a parking utilization study.

Dr. Collins stated this will be incorporated, it won't be part of my study but we incorporated and responded to that.

Jan Johannessen stated so, the parking utilization study is not going to be prepared by your office?

Dr. Collins stated no.

Whitney Singleton stated who is going to be prepared by?

Jan Johannessen stated who gathered all this information?

Mr. Blandford stated my assistant did hard counts every day and logged them.

Mr. Monteleone stated and if you'd like a signed affidavit, we'd be happy to provide that.

Whitney Singleton stated was there a requirement as to what days and hours this was to be done by a traffic consultant.

Mr. Blandford stated the dates and hours were on the graph there.

Whitney Singleton stated I'm not asking when you did it but was there a time that was approved by our traffic consultant, if it was midnight, it doesn't count.

Mr. Blandford stated it was 10 a.m. and 4 p.m.

Jan Johannessen stated the scope of the parking study, included parking utilization study. I think Seth is fully expecting to be a part of that analysis and it seems to have been done.

Mr. Monteleone stated exactly what do you mean by that?

Anthony Oliveri stated a professional is going to have to submit this and sign and seal it to certify it.

Mr. Monteleone stated a professional, we've done actual counts...

Mr. Alexander stated we'll put a pin in that for a second and we'll come back to that at the end. Let's get back to the rest of the presentation, I hear you, Jan. I don't know if the scope verified exactly what the expectation of the parking utilization study.

Jan Johannessen stated I can just speak for Seth and he fully expects it to be a part of the parking utilization plan and that scope of work.

Mr. Alexander stated I am not sure – at the end we will come back to what you think is deficient with the methodology that was employed other than the fact that –

Jan Johannessen stated I am not commenting on the methodology, that's not my role. It's just that Seth is expecting that report to be prepared by Maser and to be involved in the scope of that work.

Mr. Alexander stated okay. We will come back to that.

Mr. Blandford stated that's okay. So, just in summary on the parking utilization as we exist today with everything baked into the cake, we have got about 84.9% of the spots that are required by the Planning Board. Our submittal which obviously has been parsed, our submittal show we are increasing significantly to 98.5%, even with the numbers that we don't agree with per the Planning Board and Building Inspector, we're actually at a higher percentage meeting the requirement than we are as of today. So even though its 7 additional spots when we have the 34 additional spots our percentage actually goes up, we go from 84.9% to 85.4%. I will just spend two minutes on the difference between the counts and then I let the experts sort of get in more detail. So, difference between our submittal and the Planning Board and Building Inspector's interpretation boils down to a couple of relatively simple things. We agreed on the 833 exterior spots, we are given credit for 40 of the interior spots, there is additional 175 interior parking spaces. You know, 89 in the ground and 86 in the lift above, that we didn't get any credit for. In addition to not getting credit for it, it's arguable we get credit for it or not, because it was interpreted as warehouse space the 175 spots that we are creating inside, you'll cover about 31,000 square feet, and for our warehouse space its required you have one space per 500 feet. So the 175 parking spaces that we are creating inside to have cars stored inside, not in a remote lot where they are going back and forth that could generate traffic, no credit for it, we are required to have 62 additional spots outside the building to cover parking for 175 parking spots that are inside the building. Obviously we don't agree with the logic, I will get that in a second too. Couple of relatively minor things, there is also no credit given for the interior service drop off area, where people come in and actually park their cars, active parking that's 20 spots that also weren't counted. And there was also no credit given to the interior new car pick-up area that can do about 4 spots, that's the discrepancy between, one, the number of spots required and two, the number of spots that we counted. Which honestly is all in a moot point, if the additional 7 spots with your interpretation we are asking for aren't an issue, if the additional 7 spots, less than 1% or less than point whatever it is, of the overall parking if we look at it and say, you know what? In the scheme of things it's negligible, that's the application of various things we talked about, then and I don't need guys here to start parsing whether 175 spots should count or whether those 175 spots generate that many outdoor spots. So, one of the things we are looking for from you guys tonight is to say it's 7 spots out of 1,033, you know is that going to hold up the application. If the answer is no, I'm going to stop being really boring and I am not going to dispute anything you guys said, but that's the message, if we get the 7, then we will move on and start talking about something else.

Chairman Cosentino stated you're not going to get any answers from us tonight, we are just going to listen.

Mr. Blandford stated okay. Fair enough. I'm done with my part, I'm going to turn it over to Mr. Catizone.

Mr. Catizone stated good evening, Peter Catizone with Catizone Engineering. I just want to go over the different aspects of the project with respect to where we are in our work and how far we have come, so the first thing is I just want to go over just briefly the overall site plan. There's two separate projects there is the certified pre-owned project and there is the Mercedes sales/service and associated services at the 333 site. The Nohilly parcel proposes 7,000 square foot certified preowned building but there will be only a few employees in there, there is no service there. It's strictly sales and there is a leased area from 333 for display vehicles and some customer parking. We will be asking the Town of Bedford for a variance on parking, we have a little bit of a shortfall on that, but what we have done with the site plan is we've eliminated the Nohilly entrance which is at this location and which is relatively close to the Boulevard Driveway, we felt that we could clean that intersection up for everyone. That's a full movement intersection, it means people can make a left turn in, left turn out, we didn't think that was a great idea next to a restricted movement driveway, so we decided to get rid of that. Access will now be either through the northern entrance which is right turn in and right turn out only, or this second intersection which is full movement on to the interior loop road of the project. As far as the traffic circulation with respect to the

remainder of the site, its as approved, as previously approved again restricted movement driveway, full movement driveway in Ice House Road it's as approved, so there are no changes with respect to that.

Mr. Monteleone stated and John Collins will address the issue of how much traffic will be generated by that pre-owned building at area into the lot.

Mr. Catizone stated as far as the technical issues we are currently working on the wetland application for both the Village and the Town, basically going to be the same set of plans that go to both. We have met with the DEP, we've had several conversations with them, we have met them on site, we are waiting for an interpretation as early as tomorrow on what's going to fall under their jurisdiction and not. The Town of Bedford is outside of the Designated Main Street District, the Village is within, so there are lot of factors on what's in their jurisdiction. So, we do have preliminary stormwater completed, we're proposing an infiltration system for this northern portion of the project, northeastern portion of the project and with also some pretreatment and in this area since the ground water is high. This is a closed system and again it has the pretreatment and that will act as the tension and also to offset the volume within this 292 contour that we would be filling which is in a flood plain. Other than that we did receive approval from the Health Department and from the DEP on the septic for the 793-795, which I understand is outside of the Village and but just to keep everyone aware we are and we are prepared to answer any questions.

Mr. Monteleone stated finished Peter? One point that I would like to make is that we are very interested in working in a cooperative manner with all of the staff and if the staff wants someone other than Diamond's employees to sign off on a traffic, we'll do that, on a parking rather. We are looking for a spirited cooperation and we want to have all of the issues raised early on. This application has been in here for a long, long time. We don't think it's in any one's best interest to raise an issue this month and another next month and another the month after that. Let's get everything out in the open so we can all work on it together cooperatively to bring this matter to hopefully a successful conclusion, and John.

Dr. Collins stated first of all, I would like to thank you allowing us contact with your traffic consultants and give us the permission and we had some spirited professional debates over the phone, but basically when it comes to traffic sections, comes down to three primary components. The first one is what are the existing conditions out there, both with volume on the driveways, as well as the turning movements that occur up at the driveways on 117. I call that the data collection phase and we have done that. We have done it and based upon our initial review and then based upon subsequent conversations with staff that we actually took additional counts to document certain things. The second one was the critical hours and originally we had put down the AM peak hour and PM peak hour which is typical, midday Saturday which is typical, because of 117. Seth also asked us to look at the midday during the week and collect data to say whether or not that's critical period, etc. If it was a critical period, we would have to analyze it, if it wasn't being that it was a much lower existing volume on a roadway and we didn't anticipate it, we didn't have to be analyzed but we would have to document why we are not analyzing the midday period, so this is second phase. The first phase was the data collection and the hours to be evaluated. The second phase would be the trip generation that's going to be generated by this particular facility and what the credit would be for removal of the Wine Enthusiast from the site. Now the Wine Enthusiast basically doesn't generate much outside, so we are looking at AM and PM period and we have data with respect to the number of trips generated by it, based upon actual counts of the Wine Enthusiast employees. In addition, we wanted to estimate the trips to be generated by the Mercedes. Now the Mercedes depending upon when you look at the site will have various different components, for example in the morning hour you have employees coming in for clerical work, I call them office employees, you have the mechanics coming in and then you customers either having their vehicles picked up and brought to the site by staff of Mercedes or driving their own vehicles than leaving the site via either shuttle to the train station or picking up a loaner car, etc. In the evening you have to reverse, you have the employees leaving, etc., so during the morning and evening peak hour it's a combination of all three. The way we have established the trip rate and we will document this in the study is that we have conducted counts of existing facility taking into account. Everybody came in the driveway no matter whether they made the employees office, mechanics, people dropping off their car or their car being dropped off or even a person, some cases made a wrong turn they came in, went back out we still count them, and we took that and we divided by the service bays that are in the existing facility. The way we do service bays because during the time when we are having significant amount of vehicles being services, that's what we have found in the past to be critical because there is no set service bays, with no traffic coming into the morning hour. So we are basing on trip rate during the AM PM weekday peak hours based upon service bays and based upon the existing information that we have for the existing dealership, and we extrapolated to this dealership. So we went from 16 lift bays in the existing dealership to some 36 lift bays in this existing dealership.

Chairman Cosentino stated 39, wasn't it?

Dr. Collins stated there are 39 bays, but some of them what they call wash bays, they are not that kind of service, I'm talking about the actual lift bays, so lift bay to lift bay because the existing facility also has one

or two wash bays, we just said the lift bays. And we said okay, and even though we were probably overestimating the traffic because we have one receptionist whether it's there or here, we have a couple of bookkeepers, whether they there or here we are not going to increase that number but we said, let's use the same rate as being conservative. On Saturday, it's a little bit different because on Saturday it's primarily a midday of sales, because people coming in and looking at the cars, to buy a car, etc., and there we based on the square footage of the showroom area, selling area, because there is limited service. The parts department is closed. That kind of thing. So, we look at the sales area. That's how we establish the trip rate and all this will be documented, we have gone through the whole thing. So once we have establishment of the trips and we have the net, we subtract out the Wine Enthusiast, we have a net, we assigned it to the roadway, how do we assign it the roadway? Well, the best is the best what's happening and approximately looking the hour you look at, you have basically, I will look at the exiting volume for the AM/PM hour going out of the site today. Two-thirds of it turn right, one-third head north, whether you come out of the north driveway which is only a right turn or the southerly driveway of Ice House Road, two thirds of the traffic is turning right and a third of it is turning left. Most of the traffic is on the southerly side, the Ice House Road side. The north drive we get very little traffic because basically the development or the traffic generation for the site is on the southerly end as opposed to the northerly end, because of its uses. On the south side, you have the gym, you have Grand Prix, you have Jim Diamond's office, etc., so you have that traffic being generated, they go out that way as well as anybody wanting to make a left turn from Wine Enthusiast or the north side of the site, so most of the traffic is exiting south. So, we established distribution and last we have the level of operation that occur with or without and I have to say to you because of the DOT has assigned this timing of lights along 117, they gave priority to 117 and then giving the minimum volume to all the side roads, be it Ice House Road, be it Park Street, be it Foxwood Drive be it any of those locations because they want the most green time, as much green time on 117 as they can get. And that causes queuing on the driveway, whether it exists today or exist in the future with or without this project because the State is not going to take time away from 117 and give it to Ice House Road, they're not just not going to do it, because the state's philosophy is if you are going to have queuing it will be inside the site as opposed to on 117. So, that's basically the summary of how we're proceeding in the various stages, we have had discussion with Seth, the report should be finished approximately 2 weeks, submitted and then I will ask the Board again permission to have conversation with Seth as he gets into the review process and if he has any questions. So that's where we stand and that's the process we have gone through and again I thank the Board for what they had before.

Chairman Cosentino stated thank you very much.

Mr. Diamond stated I would like to just say one thing on the parking.

Mr. Sturniolo stated John, I have a couple of questions. Obviously every Planning Board site whether it's in Mount Kisco or any other municipality is unique to itself. However, there are certain standards and approaches that one takes whether they are doing a traffic survey or analyzing an environmental impact statement where there is a commonality between Mount Kisco and this town and this town and that town. You have mentioned data collection, the critical hours and the trip count rate for Wine Enthusiast versus Mercedes-Benz. To satisfy my curiosity, is there anything different that you are doing to complete this analysis not necessarily site specific but overall as a professional traffic analyst, is there anything different than you are doing that you haven't done in the past as a presentation to this board? I am not questioning your integrity.

Dr. Collins stated I understand.

Mr. Sturniolo stated I am just questioning in the commonality through the system.

Dr. Collins stated what has happened is, I apply the same parameters wherever I work, for example, several years ago we did a Lexus dealership over in Kisco Avenue. The Lexus dealership we did up in Greenwich, we refined it, we were asked by their consultant to use a trip rate per bay in the morning and evening hour. The trip rate that we used for that particular facility we told to use three trips in the morning based upon per bay and there were some 40 bays, whatever. When we actually did a data collection and wrote it all down, we are using for this particular facility, and it was 2.88. So to me 2.88 or 3 is basically the same number, based upon the facts we developed. Same thing is true in the evening. Any which way I look at the site, we're using my professional judgment would be a reasonable trip rate for this particular site based upon facts we know. With respect to the analysis we are going to do, we are going to use the same methodology we would use whether we are in Bedford, whether we are in Mount Kisco, whether where I should have been also tonight, over in Rye Brook, Neil has first dibs so I'm here, but we use the same. I have been in this business too long to play games and I have been in front of this Board too many times to play games.

Mr. Sturniolo stated thank you.

Mr. Monteleone stated also I want to make sure you know that Chris Buonanno, the principal of Estate Motors is here as well as the Mercedes rep, both of them will be more than happy to answer any questions you have and at this time Bill would like to share a few things.

Mr. Diamond stated just on the parking issues, I know there is some skepticism that was in Mark's presentation. We work there every single day we even own and operate Grand Prix, so we're very keenly aware what goes in that parking lot and I think one of the misconceptions is that we do have a parking issue because everyone fails to realize that a lot of these businesses are operated at different times. Grand Prix which is 20% of the building is virtually empty all week long during the working hours. During the week we do 80-85% of our business between Friday night and Sunday. The rest of the week Grand Prix is basically empty, and then all the business customers are down there are empty on weekends. They only perceived parking issue that ever comes up is if you want to park right in front of Saw Mill Club but Mercedes is even on the whole other side of the building. I mean I really would love to see somebody that claims that there is a parking issue at the facility go down there anytime, anytime during the week or on the weekend and actually get into a situation where you can't find a parking spot. So I've been going there every day for years and I have never gone there and not been able to pull right into the parking spot and I actually operate Grand Prix and I see every customer complaint and I have never seen one customer complaint coming into us of a Grand Prix customer complaining that parking was an issue. Parking at that facility is simply not an issue and I would wager anybody to go down there any time in the year, or any day of the week and find a time that you can't easily find a parking spot.

Jan Johannessen stated I think the comment, was just that report needs to be prepared by a professional.

Mr. Diamond stated the comment I heard was that when Mark was giving his presentation was that is just not true, that's a lie.

Jan Johannessen stated I didn't say that.

Mr. Diamond stated I wasn't saying it was you.

Jan Johannessen stated my comment was that the Board accepts reports be prepared by professionals.

Mr. Alexander stated and that will be coordinated, fair enough.

Jan Johannessen stated and we've had staff meetings with Seth and he has had comments on what he expects the parking utilization to consist of and I know he wants to be part of that discussion and I just wanted to make sure that was still going to be included in the Maser report.

Dr. Collins stated I'll have follow up discussions on that.

Mr. Monteleone stated okay, I think we didn't completely understand that's the source and we will make sure that happens. Neil.

Mr. Alexander stated yeah, just a couple of last quick points. John already hit on the point about the timeline of when his stuff will be submitted. I know you circulated your notice of your Intent to be Lead Agency, it would have been notwithstanding Doug's comment at the beginning of the meeting, it would also have been impossible for you to actually declare yourself lead agency because the 30 days hadn't gone by from when you did that but as a result it has to be on the July 14th agenda so you can do that, as you have worked out and agreed, so you can get on that agenda.

Chairman Cosentino stated excuse me, Michelle.

The Secretary stated yes.

Chairman Cosentino stated put them on for the 14th.

The Secretary stated I will, absolutely.

Mr. Alexander stated thank you very much. And I think the parking issue and the traffic issues are obviously the big issues. How we work from there, I think it all kind of dominos from there. Once we have a sense that you are going to waive again or shared use or however you have been doing for the past – I haven't been involved in the past five years as you know, but I know in the beginning you were doing a lot of waivers of the parking spaces assuming that delta have seven spaces, that's an issue here. We don't need to get into whether parking inside is really not a structured parking or not a park, if we're basically just moving ahead, it's either going to be waived or acknowledgement of shared use and we don't have to figure out how to put them on here. We can start saying, okay, the parking areas are set, the infiltrators of the

plan, how we are going to handle our stormwater, you guys have extremely tricky lighting code as you know, so now we can start to figure out how we are going to handle lot of lighting, then we can figure out where our parking spaces, where the BMP, best management practices for stormwater are going to be, sort of create little green pockets to handle some additional water and we can start really getting into that detail that you are looking for. And I am going to assume unless you all speak up that essentially you are comfortable with that concept and it's not a concept that's –

Chairman Cosentino stated we didn't say we weren't comfortable, we just said we weren't going to speak up, we want to absorb this. You put words in our mouth.

Mr. Alexander stated no, understood.

Chairman Cosentino stated I just want to keep the record.

Mr. Alexander stated we are good. Michelle takes good notes.

Mr. Monteleone stated we would ask that at the July meeting that you do express any concerns you have.

Mr. Alexander stated and then similarly, I saw that Jan had asked for the data to be regressed asserted a different way and analysis with regard to coverage. Bedford alone lot as a whole and we have no problem turning over that data that way, you know, it's understood, this building I think was built in '54, was expanded in '59, so you are talking expanding the footprint that it has now for 55 years. The lot hasn't changed as to meets and bounds during that time, so any setback or coverage issue that isn't changing. So, by re-cutting the data a different way is almost we are not going down the primrose path here, Oh! your existing condition needs a variance, we are fine giving you the data to cut it anyway, just so you understand it and see it the way you want to see it but it's a 55 year old building footprint and 55 years of meets and bounds being the same, so that calculation doesn't change.

Whitney Singleton stated Neil, to be fair enough many of the calculations do change because you are proposing new buildings, you are proposing additions to the existing building, you are proposing additional impervious coverage and you are proposing new traffic patterns

Jan Johannessen stated and there might be added improvements down by the road by a different applicant.

Whitney Singleton stated I understand your position but you're painting the Planning Board into a corner, we just need some select some accessories, like the paint colors and everything else. There is, as you and I have discussed the fundamental threshold issue here for parking and access to expand.

Mr. Alexander stated and the traffic report hasn't been submitted, so I am not trying to bind on the traffic issue by any stretch.

Whitney Singleton stated but you're asking them to make a determination at the next meeting.

Mr. Alexander stated no, no, I think you misheard me Whitney.

Whitney Singleton stated I thought you wanted them to make a determination on parking.

Mr. Alexander stated I think I misunderstood where you were going. I am asking the next meeting that now they circulated notice of their Intent to be Lead Agent, to declare themselves Lead Agent at the next meeting because 30 days have gone by. I think what hearing your comments and refining mine in response, what I hear is our issue is we can only get so granular once we get a sense of the parking being set, that was the point that I was trying to make, and I hear your point and I understand it as well. I am not trying to push, I am trying to set the parameters, we are on for next month, we want to give you that data but I wanted you also to know that the initial domino is an understanding for both sides as to how the parking is going to work, and whether there is going to be a further waiver or not, or we need to start figuring out how to get 7 more spaces on there because that would affect stormwater and so forth, and you all know that.

Whitney Singleton stated and the 7 spaces that you're talking about are based upon your calculations not the estimates by the [inaudible].

Mr. Alexander stated no, it's actually based on his, we've actually defaulted down to John's.

Whitney Singleton stated he is saying no.

John Landi stated no, don't agree.

Mr. Monteleone stated I think you and Peter need to sit down...

Mr. Alexander stated because that means we are re-trade back but I don't want to re-trade back. I want to basically get a sense that there has been the bottom-line here is there has been...

Mr. Blandford stated can we flush out any misinterpretations and see where we stand.

Mr. Sturniolo stated could you come a little closer.

Mr. Blandford stated I'll let Peter deal with this, I just want to make sure I understand.

John Landi stated I'm not going to make any comments tonight on anything, you can do whatever you want to do. I'm sitting in, listening in, there will be no comments made by me or my office this evening, again as Chairman said we are here to listen to your presentation.

Mr. Blandford stated you already made the comment.

Mr. Alexander stated it's getting way more adversarial than it needs to, the bottom-line here is...

Chairman Cosentino stated whoa, whoa, back up, finish.

John Landi stated I am not going to make any comments or discussing anything about parking this evening, end of story.

Mr. Alexander stated look, bottom-line here is we are trying to bridge gaps here, not trying to cleave differences, you have made over a decade the determination that 142 is appropriate at one time. Sorry, let me back up and soften my tone, I got a little upset there, I apologize, it wasn't at you.

Chairman Cosentino stated no need to, we're nice guys.

Mr. Alexander stated you know why you have waived the parking to 142 and you've consistently done it all the way through. Just because someone may want to take another look at it in a different way and we can agree to disagree, all we need as a project is an amount and a waiver. We don't need to be right on how this analysis and we're not vested in how your Building Department wants to analyze it on a holistic level Town wide. All we need is acknowledgement of share use and/or waiver, we don't need to be right and that's where we are driving to, we are not going to be vested in anything other than if the belief is that there are further waivers needed that we're going to get them, because it makes sense because of unscientific scientific accounts that we have already taken and the ones that are going to be re-verified and rerun through John's office to substantiate that there is a ton of capacity at the site. And we will document that as we have always have for you, there is the lag aspect of it too, and you know, just a litmus test and we don't need to be right on the analysis. We just need to get to a point where everyone realizes that to the extent that we maybe under-parked that doesn't make sense here and that a waiver and shared use should be acknowledged, that's all we're trying.

Chairman Cosentino stated parking is not the whole puzzle.

Mr. Alexander stated agreed, I am intentionally not talking about traffic because I'm waiting for John to submit his report.

Chairman Cosentino stated we keep talking about traffic which is good, I think the best thing that's said about, Mr. Diamond here, I think he was the best talking about traffic, I don't think you made sense.

Mr. Alexander stated I didn't talk about traffic.

Chairman Cosentino stated but I think there is a lot more that we need to know and to be honest with you we are just absorbing it tonight so we can talk about it and come out with a conclusion.

Mr. Alexander stated and like I said that was on the parking issue, on the traffic issue I have stayed away from it, Chairman because I am waiting for John's report to come in which I think is going to clarify it.

Chairman Cosentino stated why are you staying away from it?

Mr. Alexander stated because John hasn't submitted his report.

Chairman Cosentino stated and we are the ones that are slow?

Mr. Alexander stated let's not re-trade on that. Let's not re-trade on that, because I am trying to bridge gaps, I am bridging gaps

Whitney Singleton stated let me cut it. As John knows and as Neil knows and you know, Chairman we've had this discussion, the information that Dr. Collins has provided to our traffic consultant is substantially in compliance what he is requesting as far as scope of traffic study. There are a couple of things that our traffic consultant is going to request of John and John is going...

Chairman Cosentino stated Counsel, you need to know that we don't get the information –

Whitney Singleton stated but it's not a question of John not supplying.

Chairman Cosentino stated it's not a question. I want to get this done as much as they do.

Whitney Singleton stated I understand that.

Mr. Sturniolo stated and we need to have our traffic consultant be an integral part of this. It's like doing a study which has a lot of technical aspects, engineering aspects, and you don't have your engineer present, this guy has got to show up, he has got to know what's going on and stop wasting time and money. It's frustrating.

Dr. Collins stated I have to say that I have been at number of conversation with Seth, every time I've called, he's returned the call, we discussed what has to happen and I asked the Board's position whether to continue that dialog after we submit the report, submit to him. If we have to go back and forth or clarify certain things, we have to do that and then it's up to the Board to decide whether or not they want to have another meeting but that's up to the Board. I have to say that he has been cooperative as far as I am concerned, he has been extremely detailed.

Mr. Diamond stated I was just going to say on the parking, I think the reason why we are really pushing that is that's sort of a lynchpin for us to start so many other things to finalizing of the islands, the lighting, the drainage.

Chairman Cosentino stated we haven't got the information, but we are working for our guy.

Mr. Diamond stated I am talking about just the parking

Mr. Alexander stated and that's a separate issue that we didn't understand until just now. I understand. You have nothing to do with us, separate issue.

Chairman Cosentino stated and there's a discrepancy of the parking, there the Building Department has one, you have another one, he has got another one. We are caught between a rock and a hard pan.

John Landi stated you have to understand I am going strictly by town code and how the Town Code is driven. I cannot say what my predecessors did, I'm telling you how I'm doing it, strictly by Code. I am finding a lot of mistakes that were done in the past, I will not make those same mistakes. So, you have to understand that, that is what is driven by – the counsel can get the Board to waive, that's fine, I could care less. I am going by strict Code.

Mr. Alexander stated there is an inherent ambiguity in your Code in the use of indoor/outdoor and outdoor.

John Landi stated I'm going to get into that, that does not apply here and you know it.

Mr. Alexander stated no, you keep opening the door and I can't say anything back?

Chairman Cosentino stated no. Neil, listen...

Mr. Alexander stated then at least give me a meeting, to sit down, at least a meeting.

John Landi stated my door is open every day, we'll do it.

Mr. Alexander stated that's all I needed.

John Landi stated I want my counsel there also.

Mr. Alexander stated understood. Sounds good, understood, we will see you on July 14th, we are good.

Mr. Monteleone stated we want everything out in the open as quickly as possible, so we could face the issues and deal with them. And if there is an issue as to building coverage and some issues that hadn't been addressed in the past we need to know those as quickly as possible.

Chairman Cosentino stated and without knowing anything he made the most sense here.

Mr. Monteleone stated I agree, I drive there two or three times a week. I drive there two or three times a week, for the last 6 months and there is always tons of spaces different times of the day.

Mr. Landi stated tons of spaces but there is a Code.

Mr. Monteleone stated I understand.

John Landi stated do you can forget your tons of spaces, go by the Code.

Mr. Monteleone but this property has always been dealt with differently.

Chairman Cosentino stated maybe that was the problem, Tony.

John Landi stated that was the problem

Mr. Monteleone stated you can't suddenly change your whole methodology on a project for a single application.

John Landi stated you're saying we can never continue reading the code?

Mr. Monteleone stated no, you can read the code.

Chairman Cosentino stated I don't want to talk about this anymore, let's just drop it.

Mr. Alexander stated we'll see you on the 14th and we appreciate...

Chairman Cosentino stated make an appointment with John and straighten it out.

Mr. Alexander stated I will coordinate with Whitney and we will get everybody and get straightened out, so you don't have to listen to that colloquy

Chairman Cosentino stated Neil, I appreciate it.

**D. Lexington Avenue Realty, LLC – 326 & 328 Lexington Avenue (Former Lexington Avenue Gym)
PB2015-0291, 80.48-1-6 & 7.1 (SBL)
Site Plan**

Mr. Peter Gregory of Keane, Coppelman, Gregory Engineers and Mr. Jim DeFrancia were present.

Chairman Cosentino stated thank you, gentlemen. Lexington Avenue Realty. Could you come up and identify yourself for the record, please?

Mr. Gregory stated I am Peter Gregory with Keane, Coppelman, Gregory Engineers.

Mr. DeFrancia stated Jim DeFrancia, Lexington Avenue Realty.

John Landi stated Mr. Chairman, before this meeting starts, I did a recent site visit and I found several discrepancies with the 1986 site plan of record on the 228 site. So there are number of violations that you should be probably aware of and understand.

Chairman Cosentino stated what are they? Do you want to put it in writing?

John Landi stated I would like to put it in writing before anything but we can decide whether you want to continue knowing that there are violations on the site or not.

Chairman Cosentino stated counselor, are we able to continue with this is there are violations on the site or not?

Whitney Singleton stated are you able to continue, absolutely. Your Board has discretion to determine whether or not you wish to entertain the site plan amendment if there is an existing violation or nonconformity with the approved site plan of record. We know going into this, that there is a nonconformity with the site plan record, in that there is a residential use in the premises which is not shown in the site plan of record. I understand that there has been an additional nonconforming use identified, that's not part of the site plan record. So, whether you wish to bar the applicant from appearing until such time...

Chairman Cosentino stated the violations are cleaned up.

Whitney Singleton stated they're not violations, so I don't want to use that word, because no violations have been issued. There is noncompliance with their site plan of record.

John Landi stated thank you for clarifying.

Whitney stated it's a little bit of a chicken or the egg, if the applicant is going to represent to you that they are going to address those as part of their application before this process is complete.

Chairman Cosentino stated I am sure they will.

Mr. DeFrancia stated we just found out about it yesterday.

Whitney Singleton stated and if your Board is comfortable with that, it's entirely up to you.

Chairman Cosentino stated well, you know he is here, hear what he's got to say, we agree, how do you feel?

Mr. Sturniolo stated I would like not to entertain this until the issue of noncompliance of existing site plan has been resolved.

Chairman Cosentino stated how do you feel?

Mr. Vigliotti stated I'd like to see the issue noncompliance resolved with the Building Inspector and then a memo for the Building Inspector informing us how he would like us to move forward. To say that you are not aware of the noncompliance, I think it's a retail establishment, it's a residential piece there,

Mr. DeFrancia stated the residential, everyone has known about it.

John Landi stated unfortunately on the 1986 site plan, it is nonexistent, the residential.

Chairman Cosentino stated okay, Doug, how do you feel?

Mr. Hertz stated what's the additional?

John Landi stated there is a check cashing/bodega on the first floor where it's listed as office space and the check cashing/bodega, even if you take the whole bodega end out of it, check cashing is a retail use, which is noncompliant.

Mr. Hertz stated so you've got food and you've got retail.

John Landi stated correct, while you have retail. It's retail and retail.

Chairman Cosentino stated how do you feel?

Mr. DeFrancia stated the food is a few shelves of water and cookies and slim jims and things like that.

Whitney Singleton stated its retail and it's supposed to be office.

Mr. Hertz stated I'm just curious, how did this morph from office to residence and retail and –

Mr. DeFrancia stated well the residential unit on the second floor has been there as long as I can remember.

John Landi stated unfortunately it has been eliminated in the 1986 plan.

Mr. DeFrancia stated a piece of paper 30 years old in the back of a folder, the occupant of that second floor apartment has always been there.

John Landi stated again as you heard me with Mercedes-Benz –

Mr. DeFrancia stated I understand

John Landi stated I strictly go by the law and what is in paper.

Mr. Hertz stated Joe, my preference is to get these things in compliance, but if what is this application is, is an attempt to get things in compliance. I would defer the Board's judgment, my preference is to move things forward such that we can get a positive result.

Chairman Cosentino stated you have to get the violations fixed before we can entertain it.

Mr. Gregory stated we'll work on, with the Building Inspector, correcting those issues.

Chairman Cosentino stated correct those issues and then come back. Sorry. Okay.
Holiday Inn.

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

Mr. Richard Williams Jr. of Insite Engineering was present.

Mr. Williams stated for your record my name is Rich Williams and I'm with Insite Engineering. And the last time we all met was actually the sidewalk on May 2nd, everybody was there, 3 board members were, I believe, and you had some comments regarding landscaping, as well as parking space size, we talked a little bit about that and lighting and some signage. We resubmitted, responded to the comments and feedback we got at the sidewalk. Our submission also responded to staff, provided you with property survey, floor plans for Holiday Inn, a narrative for section 93-4 D which has to do with outdoor dining, and since this is now outdoor dining area that's being proposed off the front of Holiday Inn over 11 tables, it needs permit for the Planning Board. If it's under 11 tables, and we need a special permit issued by building, this would be over. So we submitted site coverage calcs and we also submitted updated site plans. Some of the changes of the site plans since you last saw this, where there is an existing dumpster enclosure off the end of this parking lot. It hasn't been used, and it isn't currently being used, at the time of the site walk was actually empty. The dumpster are sited behind this brick wall, I am going to say the round number is 10-foot wall. We have added directional arrows throughout the site plan, we need traffic flow patterns, we've also provided preliminary systematic stormwater planter which will be used to address and treat run off from the outdoor dining area. This is really being provided to respond to DEP stormwater regulations since this is Designated Main Street Area, any increase in impervious surface regardless of whether or not there is a net decrease on the site which there is for this application, we still need to provide storm water treatment for that increase with the coverage changing. Right now there's a planter bed in there we're putting pavement over it. Again there is a net reduction of impervious surface on the site, however, because this is impervious on something that wasn't impervious we need provide stormwater treatment so there should be a stormwater planter. We have provided landscaping around the pool fence which is one of the concerns raised at the sidewalk. We also provided additional landscaping along the green space from the Kensico Drive entrance. There is an existing garden alongside the side entrance which is overgrown, we have proposed the landscaping, a planter bed in there which totally revamps that and upgrades it to just basically a large landscape area and then we've added 2 landscape islands in the parking area and those are the most substantial changes since we last had the plan before you.

Jan Johannessen stated Rich, can you just go back to your comment about the seats in the outdoor dining area, a special permit required for that or?

Mr. Williams stated I think 93 D just says, 93-4 D, just says it's a permit by the Planning Board and I just don't know if that's run in conjunction with the site plan or requires a separate application, we were going to coordinate.

Whitney Singleton stated yeah, I mean the requirements are set forth in Chapter 93 but I don't think it makes an iota of difference because its not [inaudible], if its on private property.

Jan Johannessen stated so as long it's shown on the site plan. Thanks.

Mr. Williams stated I think we really wanted input from the Board tonight had to do with lighting levels. One of the comments has to do what is the existing lighting levels and how does it compare to the lighting standards set forth in code. We went out and we took photometric data during the evening and nighttime and found that there are parts of this parking area that don't meet the code requirements for lighting. Your

code requires I think, a 2.4 average foot candle for this type of use and 0.6 foot candle minimum. Your consultant correctly raised that the plan we submitted doesn't meet that requirement but this is basically an existing lighting condition plan and the input we really want from the Planning Board is adding lighting versus safety and the balance and should we be adding lighting to make sure we meet the minimum luminous levels or does the existing lighting suffice even though it actually doesn't meet the code. We really leave that to your discretion and whatever your input is.

Mr. Sturniolo stated one of the things that Planning Board is concerned about with lighting is up lighting and lighting up the night sky. Anthony, how far off are they on the spill over onto the edge of the property line with their lighting.

Jan Johannessen stated I don't think spillover wasn't the issue, it's the minimum candles.

Anthony Oliveri stated the minimum really.

Mr. Williams stated it be helpful is I just kind of walk you through the actual results and where we have the lighting.

Jan Johannessen stated and I'll just also note, my recollection is that the existing condition doesn't necessarily comply with the site plan on record when it comes to lighting and the location of the light poles.

Mr. Williams stated I can't definitely say yes or no but I'm inclined to agree with Jan, that's probably true.

Mr. Hertz stated can you just elaborate on that, Jan?

Jan Johannessen stated sure, there is a site plan of record for the property that shows not necessarily a photometric plan but location of light poles and my recollection is that there is fewer light poles existing then as shown on the site plan on record. So that maybe in part reason why there is a noncompliance with minimum foot candle.

Mr. Sturniolo stated is that the only portion of the code that is noncompliant, is the minimum? And well it throws off the ratio and...

Jan Johannessen stated the ratios and I don't think they're cut off fixtures.

Mr. Williams stated I don't believe they are.

Jan Johannessen stated they're outdated, antiquated poles.

Mr. Vigliotti stated my concern would be the rear parking lot that it's illuminated according to code for safety purposes more than anything that may fall outside the boundaries but that back parking area is well lit.

Mr. Williams stated and by the back parking area, you mean this portion?

Mr. Vigliotti stated well actually we're referring to the back, this is the back.

Mr. Williams stated this is actually one of the areas where we have the best coverage. Let me just walk the Board through where there are really coverage gaps. Actually your site entrance, there's two site lights at the actual entrance gate but these first few spaces in here don't have luminous levels. When you get to the parking area around the side of the building most of the spaces are 10 foot candles, now it doesn't meet your 0.6 but a 10 is often comparable to, Jan, correct me if I'm wrong, more like a full moon type of lighting or glow it's not bright but you can still see. Your code is 0.6 again. On the front of the building we have coverage, there's a small corner in here we don't and in some of the spaces behind the building. There is some coverage on the periphery, lack of coverage on the periphery. The owners would prefer not to update all the lighting, you know they are trying to improve the property but they are also cost sensitive but they understand the Board is going to have an opinion and we respect your opinion.

Mr. Vigliotti stated is this rear lot an active lot for the guests?

Mr. Williams stated depending on occupancy, in all honesty, there is an entrance over here.

Mr. Vigliotti stated is there an enough light to be a safe area?

Mr. Williams stated I think Holiday Inn is satisfied with the lighting levels.

Mr. Vigliotti stated my colleagues on this side of the table are the experts.

Mr. Hertz stated I have a couple of question, Jan, in terms of the height of the existing poles, are the height of the existing poles compliant with current code, any idea?

Jan Johannessen stated I don't think for this use there is any restrictions on the height of the poles.

Mr. Hertz stated I think there is.

Jan Johannessen stated they have height restrictions and I am talking about the code and not the lighting standard that was never formerly adopted. There is a light pole height restriction for automobile use but I don't believe there is one for other uses other than automobile. I believe these are probably the range of 12 to 15 [feet].

Mr. Hertz stated you mean to tell me our lighting standard was never adopted?

Jan Johannessen stated that's correct.

Chairman Cosentino stated no, it was never adopted.

Jan Johannessen stated I think they are about 12 to 15 foot poles.

Mr. Williams stated I haven't measured but I'd guess that's probably right.

Mr. Hertz stated Rich, just my concern is really just for safety in a hotel parking lot, it's a dead end road. I think having adequate lighting in the parking lot is a minimum standard and I certainly appreciate their cost sensitivity and they are trying to do something nice for the building. I am less concerned about this front area because the level of traffic and visibility, visibility of the front lobby, I know that corner, but certainly this back corner section that's certainly underserved because there is a back entrance. I would be concerned not having adequate lighting for both security purposes and just general trip hazard kind of thing if you can't see the surface you are walking on. So I would ask them to look at that area, sort of from this point back if you will. The areas that look like they are starting to fall under in, I guess that's the eastern corner and when it hooks around to little bit of both this back section and this section adjacent to it.

Mr. Williams stated okay.

Mr. Sturniolo stated I would also be a strong advocate of complying with full code of fixtures. It help a little as far as security lighting, because you're not going to waste light all around the place, it's going to be directed more where it's intended to be with full covered of fixtures.

Mr. Hertz stated and the cost of these things is really the trenching out electricity, putting up light poles, switching out heads when you already have power and switching is not a relatively acceptable cost. I would echo Tony's sentiments there.

Mr. Williams stated so it would be looking at all the existing fixtures and updating them for full cutoff.

Mr. Hertz stated and it maybe just updating the heads you might be able to get better, more consistent coverage to start with.

Jan Johannessen stated I think that they're almost like pedestal lights and I believe it might like a green or an aqua, they are pretty dated. So I am not sure you are going to get a fixture that matches that pole.

Mr. Hertz stated okay.

Mr. Sturniolo stated and of course it would be LED lighting, which is another plus for you.

Mr. Williams stated so we'll look at updating the existing fixtures but not necessarily focus on coverage and expanding them on this part and then look at expanding in this section.

Mr. Vigliotti stated Rich, are there security cameras for this site.

Mr. Williams stated I don't know, I would assume but I can't be certain.

Jan Johannessen stated can you repeat that, you're going to look at new fixtures throughout parking lot.

Mr. Williams stated we'll look at replacing the existing fixtures throughout the parking lot and supplementing the eastern corner.

Chairman Cosentino stated wouldn't cameras be an asset to them?

Mr. Williams stated they may have them. I just don't know the answer.

Mr. Vigliotti stated can you find that out.

Mr. Hertz stated and cameras are also going to want enough light to function properly.

Chairman Cosentino but I would think that a hotel would have cameras..

Mr. Williams stated I would assume they would, but I can't tell you for sure.

Mr. Hertz stated if you wouldn't mind looking into that that would be a good piece of information to have.

Jan Johannessen stated you had provided a photometric plan.

Mr. Williams stated I think the rest of the comments from staff were very addressable.

Mr. Vigliotti stated I personally like what you are doing with the landscape, you took our suggestions and have incorporated them Thank you.

Mr. Hertz stated and I echo that. I think it's going to be an improvement in the site.

Jan Johannessen stated this application doesn't require a public hearing. Does the Board want to draft a resolution?

Chairman Cosentino stated yes, please.

Mr. Williams stated thank you.

Mr. Hertz stated thanks, Rich.

Mr. Williams stated have a great night.

[Off the record conversation]

The Secretary stated Chairman, do you very quickly want to talk about the Maplewood site visit, June 29th

Chairman Cosentino stated yeah, I have it on my list right here.

Jan Johannessen stated I have one thing to bring up as well.

Jan Johannessen stated on Land Rover/Jaguar at the last meeting we went through the Part 2 EAF and we marked it up together. I revised that following the meeting and distributed to Planning Board via email, anybody had a chance to look at it or is the Board okay with finalizing that and distributing it to the applicant?

Mr. Vigliotti stated do you want to review what you sent off?

Jan Johannessen stated well, you know it was the 20 different potential impacts and going through the...

Mr. Hertz stated did you get it right?

Jan Johannessen stated I think so.

Mr. Hertz stated all right, then.

Jan Johannessen stated just want to get it off my plate, that's all.

Mr. Vigliotti stated now we only have one meeting in July and one in August, so I want to go on the record that I will not be here for the July meeting.

Mr. Hertz stated okay, I do plan to be here. At this point it's all just plans.

Jan Johannessen stated the meeting in July with Mercedes is that just going to be on for declare lead agency. If they have their traffic report prepared which it sounds like it's going to be by that meeting. Do we want Seth at the July meeting?

Anthony Oliveri stated to be reviewed, it would had to have been submitted by next week.

The Secretary stated the July deadline, was today.

Anthony Oliveri stated so it's not going to be on anyway.

Jan Johannessen stated I'm not looking to put it on.

Mr. Vigliotti stated it's that piece that...

Jan Johannessen stated it gets thrown on the agenda...

Anthony Oliveri stated we got The Hearth stuff e-mailed today, hard copies tomorrow. Is it submitted in time for the next meeting.

The Secretary stated let's talk about the Maple Wood site visit.

[Off the record conversation]

Chairman Cosentino stated motion to adjourn.

The Secretary stated no, you need to talk about the Maplewood site visit, June 29th tentative date. They will offer to provide you transportation in the memo that they have sent. so I need to know who is going to be attending before I contact Charlie

Chairman Cosentino stated what is it, July what?

The Secretary stated June 29th Joe had proposed 9:30-10 o'clock in the morning for departure time.

Mr. Vigliotti stated I will not be attending.

Chairman Cosentino stated it's to see the new facility that wants to be built in Kisco.

Jan Johannessen stated is it another Saturday morning?

Mr. Hertz stated it's a Monday.

The Secretary stated it's next Monday.

Jan Johannessen stated do you want me to be there.

Chairman Cosentino stated I'm going, Doug you won't be able to go, Tony...

Mr. Sturniolo stated I won't, that day.

The Secretary stated I believe Enrico said he would be available

Chairman Cosentino stated Enrico is going. Sol won't go.

The Secretary stated oh! Did Sol speak to you?

Chairman Cosentino stated no, he didn't but I know he won't go.

The Secretary stated he said he was going to call you. So Ralph, are you going?

Mr. Vigliotti stated I will be in Cape Cod.

The Secretary stated Tony, are you going?

Mr. Sturniolo stated no.

Chairman Cosentino stated got a motion by Mr. Vigliotti, seconded by Vice Chair Sturniolo.

Chairman Cosentino asked for all in favor. The motion carried by a vote of 4 to 0.

The meeting adjourned at 9:40 p.m.