

Minutes of Meeting of the Planning Board
Village/Town of Mount Kisco
Tuesday, March 24, 2015

Chairman Cosentino called the meeting to order at 7:59 pm in the Municipal Building.

Members Present: Chairman Joseph Cosentino
Ralph Vigliotti
Enrico Mareschi
Doug Hertz
Sol Gibbons

Members Absent: Vice Chairman Anthony Sturniolo
Stanley Bernstein

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

Chairman Cosentino led the Pledge of Allegiance.

Chairman Cosentino stated okay, for the record, this is Tuesday, March 24th. This is a Planning Board meeting. And we have minutes of September 9th, September 23rd, and November 12th, and we do have mix tonight.

The Secretary stated Mr. Chairman...

Chairman Cosentino stated yes.

The Secretary stated Board member Gibbons, stopped and read the minutes for me and the changes, so they have been reviewed.

Chairman Cosentino stated right, thank you. Okay, we have a motion, you want to go set by set, and anything on for the -- any questions on the first set of minutes which would be September 9th, September 23rd, November 12th. If there's no questions...

Mr. Vigliotti stated on the question. We may have to go separately, I wasn't here for the September 9th.

Chairman Cosentino well, just abstain, because we have a...

Mr. Vigliotti stated I'll abstain for that and go with the others.

Chairman Cosentino stated Whitney, can we do all of them on one vote or do we have to go separate?

Whitney Singleton stated well, no, they're going to have different abstentions depending on who was present.

Chairman Cosentino stated okay. I need a motion on September 9th.

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

Chairman Cosentino stated motion made by Mr. Mareschi, do I have a second?

Mr. Gibbons seconded the motion.

Chairman Cosentino stated on the question, seconded by Mr. Gibbons. Will the Secretary poll the board please?

Upon Roll call Vote

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

The motion carried by a vote of 4 to 0.

Chairman Cosentino stated September 23rd. We have a motion?

Mr. Mareschi stated Chairman, I'll make the motion.

Chairman Cosentino stated motion made by Mr. Mareschi, do we have a second?

Mr. Gibbons stated I'll second it again.

Chairman Cosentino stated second by Mr. Gibbons, on the question? Will the Secretary, poll the board please.

Upon Roll call Vote

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

The motion carried by a vote of 4 to 0.

Chairman Cosentino stated November 12th.

Mr. Mareschi stated Chairman, I'll make the motion.

Chairman Cosentino stated motion made by Mr. Mareschi, do we have a second?

Mr. Gibbons stated I'll second it again.

Chairman Cosentino stated second by Mr. Gibbons, on the question? Will the Secretary, poll the board please.

Upon Roll call Vote

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

The motion cannot be carried by a vote of 3 to 0.

Chairman Cosentino stated motion, we can't on this. Okay, so, please put that on the next agenda for passage.

The Secretary stated yes, sir.

Chairman Cosentino stated getting back to the agenda. I am going to take this a little out of order and The Hearth. Jan, I'm going to let you take over here with The Hearth, I don't know...

Jan Johannessen stated I think the applicant is here for an update. Just for identification.

Mr. Utschig stated good evening Mr. Chairman. For the record, Chuck Utschig, Langan Engineering, representing the applicant. We met with your staff two weeks ago or thereabouts and kind of had a general review of their memos. I think we left that meeting kind of with the understanding that your staff would then be issuing updated memos based on our submission. As soon as we have those, we will address any outstanding comments. We have made a submission to the DEP, we've submitted a plan to do additional field testing which they have to witness. We're waiting for their reaction to that plan, and as soon as we have approval, we're going to schedule some additional soil testing on site to satisfy the requirement that they witness it. That's where we stand. And as soon as we have your staff comments, I think then we'll probably back in with the more meaningful discussion about those issues in what's open and what's not.

Chairman Cosentino okay.

Jan Johannessen stated Chuck, just so you know, staff is meeting this Friday just to finalize our memos. We'll have them to you after that meeting. We wanted to meet one more time internally before we issue the memos.

Mr. Utschig stated we're actually trying to get to a point where we kind have a list to work from that we can check off. So, we're hoping to make progress with DEP, and do the same with your staff. So at some point we're having, like I said a meaningful discussion about the miscellaneous items that are left.

Chairman Cosentino stated how are we with DEP? Where do you stand with that?

Mr. Utschig stated we had a very positive meeting with them when we made our submission. We had a large group that went down there, we met with their counsel, representatives from the Village, and we're moving towards what we think is a way to handle an interpretation of the new code that doesn't require a variance. And we're optimistic. They were optimistic also, so, I mean it's still the DEP, that's all I could say.

Chairman Cosentino stated okay

Mr. Utschig stated alright.

Chairman Cosentino stated thank you.

Mr. Utschig stated thank you, we'll be back.

Mr. Hertz: Are those tests scheduled already, are they trying to?

Mr. Utschig stated no, we can't schedule them until they approve the plan, and unfortunately both the reviewers were on vacation this week. So, the hope is that next week they're approved and the following week to do the test. We're ready to go.

Mr. Hertz stated gotcha, okay, thanks.

Mr. Utschig stated any questions? Other questions? Thank you and thank you for taking us ahead.

**A. Enterprise Rent-A-Car – 283 North Bedford Road
PB2013-0240, 69.50-2-6 (SBL)
Special Use Permit and Amended Site Plan
*Public Hearing Continued***

Krista Yacovone of Zarin & Steimetz and Mr. Frank Vigna of Enterprise Rent-A-Car, and Mr. Ed Gemmola of Gemmola and Associates were present.

Chairman Cosentino stated thank you. Okay, a public hearing, Enterprise Rent-a-Car. Would you just come up and identify yourself for the record also -- do we have a sign-up sheet?

The Secretary stated it's on the table.

Chairman Cosentino stated if anybody is for or against, we have a sign-up sheet on the table. Just sign your name and we'll entertain it.

Ms. Yacovone stated good evening, Chairman, and for the Board, my name is Krista Yacovone, I am an attorney at Zarin & Steinmetz. With me, is Frank Vigna of Enterprise Rent-a-Car, and Ed Gemmola of Gemmola and Associates. I'm from Zarin & Steinmetz, and we represent MRE Corporation, who is the landlord of Enterprise Rent-a-Car, who is proposing to put a rental car facility at 283 North Bedford Road. We're here before you on a Site Plans, Special Permit, Change of Use application. We're hoping tonight to close out the public hearing, and we've also reviewed a draft negative declaration and a draft resolution of approval from staff. So we're hoping that you will adopt those as well tonight. We do have a few comments on the resolution. So whenever you're ready to hear those, we will proceed.

Chairman Cosentino stated go right ahead.

Ms. Yacovone stated so, the first comment that we have is on page four, the last resolved clause. It currently states that construction shall commence within six months of the date of this resolution, and be completed within one year of commencement of construction. We would ask that that time period be extended to construction commencing within six months of the date of the resolution or within the six

months of receiving all final approvals from ARB/Building Department, and DEP, if required, whichever is later. We want to make sure that we have enough time to get the outstanding approvals required under this resolution in that we don't; a resolution doesn't expire and that we can commence construction.

Chairman Cosentino stated our past practice has been six months and a year to complete. We'll offer that to you and you can come in six months for an extension.

Ms. Yacovone: What if we did one year?

Chairman Cosentino stated six months.

Ms. Yacovone stated you don't think we can do one year?

Chairman Cosentino stated No.

Ms. Yacovone stated because there are outstanding approvals.

Chairman Cosentino stated I would have to do it for everybody else. Look, it's not a problem coming back to get an extension, not at all.

Ms. Yacovone stated okay.

Chairman Cosentino stated we'll give it to you, but we just don't want to go beyond that because we don't do it.

Ms. Yacovone stated okay, understood.

Chairman Cosentino stated it's been past practice. I would love to do, but I do feel if everybody else comes in, I have to do it for them.

Ms. Yacovone stated okay, understood. Thank you, Chairman. And our second revision would just be to page six, condition number 27. It states the rental of moving trucks shall be prohibited. We were just clarifying and say the rental of moving trucks 26 feet or larger shall be prohibited. There are small vans that are cargo vans, that are rented out from the Enterprise facility. We want to make sure that those smaller vans are permitted on the site. So, they're not large box trucks and we want to clarify that.

Chairman Cosentino stated but they're 26 foot?

Mr. Vigna stated no, no, the cargo vans, Joe, are just regular size vehicles, almost the size. But I think what this is, I think the spirit of this one here, goes to the fact of the box trucks, if you will, obviously there's not enough room on this site to do that, so, I just want to make the clarification.

Mr. Vigliotti stated so, you called it a cargo van, do you have a photograph?

Mr. Vigna stated I don't have a picture.

Mr. Vigliotti stated this is sort of delaying the process to hear 26 feet, I think that's quite large. Now, when you say cargo van, is this a moving truck?

Mr. Vigna stated no, that's where it could be considered a moving, if you're in college and you go to get a cargo van...

Mr. Vigliotti stated I think we need to see a photograph of.

Mr. Vigna stated of what one looks like.

Mr. Vigliotti stated yes, it will help everyone, because I'm thinking of a box truck, that's no bigger than 26 feet, you're saying it's not that.

Mr. Vigna stated correct, we don't want that. It honestly won't fit on the site.

Mr. Vigliotti stated I'd like to see the definition of this cargo van a little bit more defined.

Jan Johannessen stated what is the length of the largest vehicle you can have on the property.

Mr. Hertz stated this is from John, I think that's what we're talking about.

Mr. Vigna stated that's what we're talking about.

Mr. Hertz stated and it would fit in one of your defined parking spaces.

Mr. Vigna stated yes, absolutely.

Ms. Yacovone stated correct. We're just looking to clarify the resolution so that...

Mr. Hertz stated so, Ralph, if we define that as can fit, would be appropriate for...

Mr. Vigliotti stated so this is 26 feet, and there is ..

Mr. Vigna stated no, no, what I am saying is that, you know, we have some bigger box trucks that are 26 feet, we will never use that this size. So, we want to just to make a difference between...

Chairman Cosentino stated they're not going to use 26 foot at that site. This is the cargo van.

Jan Johannessen stated maybe we should just limit all vehicles over certain length.

Mr. Vigna stated or in the parking spot.

Jan Johannessen stated something less intrusive.

Mr. Vigliotti stated whatever we do, we need to define this, because it's the definition that we're going to go by down the road.

Chairman Cosentino stated how many foot is this?

Mr. Vigliotti stated this doesn't look large at all, 26 feet, that would be quite large.

Mr. Gemmola stated 9'-6" by 18'-6" is the...

Chairman Cosentino stated so, why don't we have something in the resolution saying no larger than a...

Anthony Oliveri stated vehicles that can fit in the designated parking spaces.

Mr. Vigliotti stated now will a van, for lack of a better word, of that size be parked in the front of Enterprise as advertisement will there be...

Mr. Vigna stated no.

Mr. Vigliotti stated will it say Enterprise on any of these vans.

Mr. Vigna stated some by the DOT have to be labeled with our logo and the address, the red string address.

Mr. Vigliotti stated we're not going to see Enterprise across...

Mr. Vigna stated they have a small logo on them but we don't put them out front.

Mr. Vigliotti stated yeah, I mean the concern is that several vans of that type have a logo that is providing advertising, and it's sitting out front as opposed to out back where its not visbile to the public, so that's my concern, and that's certainly not 26 feet. What would say that it is?

Mr. Hertz stated it's a cargo van, I have a couple of them.

Jan Johannessen stated that concern is addressed in condition number 29, not advertising.

Chairman Cosentino stated this van isn't that big, I've had one and they're not that bit.

Whitney Singleton stated might I suggest the following language, rental vehicles shall be limited to a vehicle length of 18'-6".

Mr. Vigna stated which I don't think any bigger than that.

Mr. Hertz stated I don't know. Do you know if you have the extended ones?

Mr. Vigliotti stated you're fine with 18'-6".

Mr. Gemmola stated 18'-6" is that standard space.

Mr. Vigna stated no, correct, we didn't want 26 feet, sorry for the confusion. We didn't want the 26 feet. We just wanted to make a difference between a cargo van and a moving van.

Mr. Vigliotti stated right, okay, we just need to specify.

Chairman Cosentino stated well, you have lot up the road where you park them anyway, the larger ones anyway. You don't want to say that.

Mr. Vigna stated that's why we're moving, Joe, you know that.

Mr. Vigliotti stated where they are now, they're somewhat unsightly.

Mr. Vigna stated yeah.

Mr. Vigliotti stated we're just trying to prevent that.

Jan Johannessen stated that situation is also addressed in the conditions, this is the only (inaudible).

Ms. Yacovone stated other than that, we have no other comments.

Mr. Vigliotti stated Mr. Chair, we have one more question. We were talking about the railing system at some point in front of the Enterprise?

Chairman Cosentino stated yeah, I think Jan is going to go over the -- it's in the resolution the fence, the landscaping, no sales...

Jan Johannessen stated the landscaping and the ramp, they got flipped to the handicapped ramp is abutting the building and it's landscaped on the outside. The staff met with the applicant last week and discussed the landscaping plan and the lighting plan, revisions to those as conditions of approvals.

Chairman Cosentino stated and there's no sales, you have that in the resolution?

Jan Johannessen stated sales are prohibited. And no hourly rentals.

Chairman Cosentino stated what is the name you call that?

Mr. Vigliotti stated ZipCar used to do hourly's. I guess you don't want to be modelling after the ZipCar and we'd prefer you didn't.

Mr. Vigna stated we do have that division, but like I was telling Jan, this is not for this site.

Chairman Cosentino stated okay. Now, the public hearing is tonight and we normally keep it open for comment for 30 days, how does the Board feel about that?

Mr. Hertz stated is this a continuance of the public hearing?

The Secretary stated yes, this public hearing has been open for over a month.

Chairman Cosentino stated it's a continuance of it. I think we should close in and go on the resolution – approve the resolution if the Board wishes to get it off our plate. So we need a motion to close the public hearing.

Mr. Vigliotti stated I'll move to close the public hearing.

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

Chairman Cosentino stated motion made by Mr. Vigliotti, second by Mr. Mareschi, on the question...

Mr. Hertz stated just to confirm, there were no sign-ups, correct?

Chairman Cosentino stated no.

Mr. Hertz stated and we haven't received any written comment in the 30 days?

The Secretary stated nothing.

Mr. Hertz stated okay, very good.

Upon Roll call Vote

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

The motion carried by a vote of 5 to 0.

Chairman Cosentino stated now we have the resolution. Before I call the board on that, is there anything from staff? Anything from my fellow Board members?

Mr. Hertz stated we're we're just going to include the language of, Whitney, of vans and vehicles.

Chairman Cosentino stated we need a motion.

Mr. Vigliotti stated I will move to Amend the Site Plan, approvals on Special Use approval, Change of Use approval at 271-283 North Bedford Road, section 69.50 Block 2, lot 4-10, date March 24, 2015.

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

Joseph Cosentino: Motion made by Vigliotti. Second by Mr. Mareschi. On question.. Will the Secretary toll the Board, please.

Upon Roll call Vote

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

The motion carried by a vote of 5 to 0.

Chairman Cosentino stated ready to roll. Congratulations.

Ms. Yacovone stated thank you very much.

Chairman Cosentino stated anybody here from Towne Bus, okay. The next one is a formal application...

Whitney Singleton stated Chairman, the public hearing on Towne Bus is going to be put over until your next meeting. However, at the last Zoning Board of Appeals meeting, as I indicated to you earlier, the Zoning Board of Appeals is entertaining a variance associated with this application and they had specifically requested any input that your Board might provide them with regard to any restrictions contemplated or proposed or considered for the site, any concerns your Board as to ingress, egress conditions, fencing that might be a potentially consider for incorporation to their resolution of approval. So your Board does have another meeting between now and the next Zoning Board of Appeals meeting. So the Zoning Board is requesting that information from you, so they may act on the application.

Mr. Vigliotti stated so we need to as a Board, direct counsel to put together...

Whitney Singleton stated I can do that.

Mr. Vigliotti stated so, I would move that and we direct counsel to draft a memo for our review at the next meeting, I think that's April 14th, outlining our concerns, conditions that we may consider in addressing the resolution. And any items at the ZBA may consider for inclusion in any resolution that we may adopt. So basically just asking Whitney to put forward the ideas and concerns that we've had.

Chairman Cosentino stated we don't need a vote on that, do we?

Mr. Vigliotti stated we do.

Whitney Singleton stated yeah, that's fine, I will prepare it, if you vote on it, that's fine.

Chairman Cosentino stated thank you.

Mr. Hertz stated and we'll see it prior to going over to because it will be at the next meeting.

Chairman Cosentino stated okay, thank you, Ralph.

The Secretary stated do we need a motion to adjourn the public hearing to the next meeting?

Whitney Singleton stated yes, that we do need to adjourn the public hearing.

Mr. Vigliotti stated which date would we go with the...

The Secretary stated April 14th is your next meeting.

Mr. Vigliotti stated so I'll move to adjourn this evening's public hearing Towne Bus Corp to next our next meeting which is April 14, 2015.

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

Chairman Cosentino stated motion made by Mr. Vigliotti, second by Mr. Mareschi, on question?

Mr. Hertz stated just curiously, was there anyone in the audience for this application, from the public?

Chairman Cosentino stated well, Secretary poll the Board, please.

Upon Roll call Vote

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

The motion carried by a vote of 5 to 0.

Chairman Cosentino stated okay, the next one is a formal application Mount Kisco Sports. Identify yourselves for the record please.

**B. Mount Kisco Sports, LLC – 11-13 Main Street (Former Elon Tile)
PB2015-0292, 69.73-2-18 (SBL)
Site Plan**

Mr. Steven Helmes of the Helmes Group and Mr. Robert Bernstein, owner of Mount Kisco Sports were present.

Mr. Helmes stated Good evening, Chairman, members of the Board. Steven Helmes, with the Helmes Group.

Mr. Bernstein stated Robert Bernstein, Mount Kisco Sport.

Mr. Helmes stated we were before your Board, I believe in early February, late January, early February for this project or application and subsequent to our first presentation, there were four, five items that consultants came up with that we addressed. So, basically we're here tonight to get the application for Site Plan Approval and Change of Use. I submitted a memorandum addressing the four items, on the second page and the drawings have been revised and submitted, I believe 15 or 16 sets have been submitted with a cover letter. And I can go through each items if you'd like or wait for comments from the consultants.

Chairman Cosentino stated Jan, why don't you...

Jan Johannessen stated in the last submission I had addressed all of our comments and prepared a draft resolution for Change of Use Permit and Site Plan Approval for the Board's consideration.

Chairman Cosentino stated I looked through the resolution, I didn't find anything myself, but I don't whether my fellow Planning Board members did, I don't know. Doug, you?

Mr. Hertz stated its pretty straight forward.

Chairman Cosentino stated I think its pretty straight forward, I think you did an excellent job on it, I commend you on it.

Mr. Helmes stated thank you.

Chairman Cosentino stated anything from staff on this?

Whitney Singleton stated what is the last revised date on those plans.

Jan Johannessen stated February 13th.

Whitney Singleton stated I just wanted to confirm it. I have no issues Chairman.

Chairman Cosentino stated and counsel has no questions or; then, as long as there are no questions I guess we'll entertain a motion. Somebody want to make a motion on the resolution?

Mr. Hertz stated before we do that, I just can't help ask about the name of the owner.

Mr. Helmes stated I'm going to let my client explain that.

Mr. Bernstein stated well it's a group friends that have from Brooklyn and we affectionately call ourselves that and we actually lost a few members of this group, this is in honor.

Mr. Hertz stated you had to remove a vowel because a few people left.

Mr. Bernstein stated they didn't leave, they passed away. So this is an honor of them.

Mr. Hertz stated I just couldn't help myself.

Mr. Bernstein stated no problem. We've been asked that so many times, I never realized how many people would see it.

Mr. Hertz stated yeah, it's all over the application.

Mr. Bernstein stated at the closing and everything, every application, every single piece of paper.

Mr. Mareschi stated I make a motion, Chairman. Mount Kisco Sports, 11-13 Main Street, Section 69.73 of Block 2, Lot 18, and the application number is PB2015-0292, March 24, 2015.

Chairman Cosentino stated okay, we have a motion by Mr. Mareschi, do we have a second?

Mr. Gibbons stated I'll second it.

Chairman Cosentino stated second by Mr. Gibbons, any question? Will, the Secretary poll the Board, please.

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

The motion carried by a vote of 5 to 0.

Mr. Helmes stated thank you very much.

Chairman Cosentino okay, the next one is South Moger LLC. Would you identify yourself for the record please?

**C. South Moger, LLC – 12-10 S. Moger Avenue (Former Burger Joint)
PB2015-0292, 69.81-1-5 (SBL)
Site Plan**

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

Mr. Williams sated sure, Rich Williams, Inside Engineering. And we were last before you February 10th, to present this as a sketch plan.

The Secretary stated could you just not put it on the microphone? Thank you.

Mr. Williams stated this should be one of the most simple site plan applications because the building basically encompasses the entire property. It's surrounded by two streets on three sides, east covered by South Moger Avenue on one side, and Kirby Plaza on two other sides of the building, and the fourth side of the building is actually abuts the neighboring building. It's the piece of property that has Subway, Newport Market, UbreakIfix as well as other tenants, People's Bank. When we last presented before you, the Board had raised a couple of concerns, but also directed us to submit a formal application. We've submitted the formal application as part of the package you're looking at this evening, and we've also submitted the information to address the two concerns that were raised to us at our last discussion. The first being the fact that fact there's an existing alleyway on the Kirby Plaza side, and the Board was concerned that improper activities were occurring in off-business hours in that alleyway. The owner is proposing to install a steel gate, steel door with panic hardware, I say panic hardware, because that's one of the emergency egresses for several of the tenants. We're curious to get the Board's feedback on whether or not that's an acceptable solution. And the other item that came up was the façade, particularly with respect to the South Moger Avenue elevation and specifically with respect to the tenants Rose Garden and Antiques and Subway. Initially, in this part of our submission package, Friedland Properties was proposing to scrape and paint the Subway fascia and then take down the awning for Rose Garden and Antiques. Subsequent to our submission Friedland Properties actually found a letter from ARB in 2010. The ARB has developed a comprehensive program for this property. And at time they reviewed this in 2010, they basically spelled out pro forma for all the signs to go on building and requested that at some point, although wasn't specified when actually Subway and Rose Garden go back to them for review and approval. So Friedland Properties heard the Board's request and actually now knowing that this is comprehensive sign program out there, would go back to the ARB to close the circle or close the loop with them and implement the sign improvements. So it's not a question of if or how, it's a question of when they go back. Do they go back now or do they go back one, for instance their leases expires with the tenants and they can make the first -- sign improvements written in their lease agreement. That makes life a little easier on them as landlords. They can't force their tenants to do façade improvements, and they can't the impact the business. So if a tenant gives them any type of static with doing this right now because it's going to interrupt their business, and this was being told to me through Friedland Properties attorney and based on the review of the lease agreements, they can't do these improvements.

Chairman Cosentino stated well when are their leases up?

Mr. Williams stated I believe Subway is the long one and that's actually seven to eight years out. Rose Garden...

Chairman Cosentino stated we don't want to seven or eight years.

Mr. Mareschi stated that's a long time.

Chairman Cosentino stated what's the next one?

Mr. Williams stated Rose Garden is actually I believe, a month to month lease, so that could be done sooner. Again, if it's the Board's purview that this happen sooner, I can't commit Friedland Properties. They'd have to go talk to their tenant. They've been talking to them and trying to figure out how to make this work.

Chairman Cosentino stated I need to find one thing. Whitney or somebody, under the sign ordinance, it's mandatory that they do something or is it not?

Whitney Singleton stated well, it depends on what your questions. When you say under the sign ordinance...

Chairman Cosentino stated well, they have signs that are not up to the ordinance that we have...

Whitney Singleton stated they're amortized over time and they need to come back in and get them clarified, I'm sorry, I was doing a little bit of research on upcoming applications as well as listening, is it your position that because of your tenant basis that they cannot be improved?

Mr. Williams stated they would need the tenants blessing, essentially is what's being told to me.

Chairman Cosentino stated I'm not really interested in that.

Whitney Singleton stated I really never heard that before.

Chairman Cosentino stated I think, and I don't want to talk for the Board, but I think that the work should be done as soon as possible.

Mr. Williams stated okay.

Chairman Cosentino stated why leave it; it's the Village we're talking about. It's the aesthetics, it's the beauty of the Village.

Mr. Williams stated and you know, like I said the Friedland Properties can bring, they've already started negotiations or discussions with...

Chairman Cosentino stated if Friedland Property wanted to do it, they're well...

Mr. Williams stated I just can't promise you tonight that we can make it happen.

Chairman Cosentino stated no, but we're not suggesting, we want it done.

Mr. Hertz stated and of the façade is not going to; if done properly. We'll not have a business interruption.

Mr. Vigliotti stated no, not at all. I agree with the Chair.

Mr. Williams stated and again, you know Friedland Properties didn't say this is an if or a how, it's just the when.

Chairman Cosentino stated I'm sure they want to work with the Village.

Mr. Vigliotti stated spring is here, this is a good time to do it.

Chairman Cosentino stated they're good landlords and I'm sure they want to work with us. Give them the message that we'd like it done.

Mr. Williams stated and actually I do have Marc LaPointe with me here this evening from Friedland Properties; as well as Simon who is the perspective tenant of the Turk LLC. As we go through the rest of the comments, I'm going to talk to you some of the timing issues we're running into with respect to the site plan, and the building permit and I don't actually that's why Simon is here tonight. He's ready to go, my understanding is building permit is ready to be issued.

John Landi stated I would not say that, but.

Mr. Williams stated okay, that's how it was characterized to me. His concern was that at this point site plan is going to hold him up, so that's not true then.

John Landi stated the site plan is, I cannot issue anything, yes, it could be reviewed and issued as soon as you get your site plan approval.

Mr. Williams stated so we want to talk you about timing and how the Board sees that potentially going based on how we respond, and any other concerns they have this evening.

Chairman Cosentino stated well you have a plan you want you want to show us or something on the façade and the site plan?

Mr. Williams stated well beyond the elevations that we presented to you which actually are kind of moot point, at this point because the ARB has this sign package from 2010. So we don't have any renderings of the south elevation because it's really, it goes back to the ARB and this package being redeveloped it basically is of similar to People's Bank, uBreakiFix with pin lettering and the gooseneck lighting.

Mr. Mareschi stated you have no photos?

Mr. Williams stated we do have photos of the existing frontage as part of our site plan, but not of the proposed finished produce because again that needs to be finalized with the ARB's comprehensive sign package issue. So my understanding of the comprehensive sign package that they proposed was something similar uBreakiFix, but we have to go back and [Inaudible].

Chairman Cosentino stated Jan?

Jan Johannessen stated we had a fairly minimal comments, we didn't bring up comment about the store front, which looks to be like that will be addressed. There's couple of off-site street trees along the buildings frontage, and we just asked the applicant to assess those trees in the spring time when they leaf out, to determine whether they are viable and ask the applicant to assess and replace them if determined necessary, even though they are offsite, they are Village trees. The metal door proposed in the alleyway, ask that that just be shown on the site plan and that the applicant submit floor plans of each of the commercial uses within the building. That's it.

Chairman Cosentino stated I am sure Anthony doesn't have anything. Whitney, do you have anything? John?

John Landi stated yeah, I would like to know if the Board has any feeling, if I issue a permit for interior renovations while this process is going on. If not, then I'd like to proceed and issue some permits for them

Chairman Cosentino stated oh I don't know, I mean they're not going to get a C.O. until...

John Landi stated right, I wouldn't issue any C.O.'s, just to help expedite their project.

Chairman Cosentino stated I don't have a problem with interior renovations.

Mr. Vigliotti stated no, but I'd like get to commitment on the facade improvements before we begin to...

John Landi stated well, again Mr. Vigliotti that I would not issue C.O.'s until the site plan has been approved and that would be part of your site plan approval.

Mr. Vigliotti stated yeah, I know, we've gotten down that road and I don't want to wait for that long to find out if there is an issue. The applicant is here.

Mr. LaPointe stated I can give a better than update, regarding the...

Mr. Williams stated if you can get interior promise to start sooner than later, would Friedland Properties be able to update the facade

Mr. LaPointe stated yes.

Chairman Cosentino stated I don't want to stop you from building the interior. You want to get it rented.

Mr. Vigliotti stated now Mr. Chair, I agree with you 100% but we've had history in Town where we've allowed on our kindness to the move the process along and at the end we get hurt.

Chairman Cosentino stated yeah, but he's going to guarantee that the façade is going to be done.

Mr. Vigliotti stated well, that we have a guarantee...

John Landi stated again Mr. Vigliotti, I would also guarantee that there would be no C.O.'s issued without this Board's consent, which means I don't care if they're done waiting if you tell me no, they're not getting a C.O.

Chairman Cosentino stated yeah, I don't want to stop from doing interior work because that has, we want you to get it done.

Mr. LaPointe stated I can give you an update on what we've done so far with our tenants, basically Subway and Rose Garden. I've spoken to them, as you mentioned, we can't force them to do anything, but they basically agreed to implement signage similar uBreakiFix, which is part of a sign package which would involve individual letters on fascia and indirect lighting. So I met with Rose Garden today, and she had a very interesting story, how in 1996 you hired a good architect, I think it was Venig Architects and she was the first one to really create a nice little boutique store front, 19 years ago. So she's been there all this time, and she loves her store front. But she's agreed to allow us to take the awning down basically clean up the fascia and put up new signage.

Chairman Cosentino stated very nice.

Mr. Vigliotti stated the continuity, I think will be a nice improvement to have that continuity.

Chairman Cosentino stated okay, John, the Board doesn't have a problem with you issuing a permit interior work, okay, with the condition that no C.O.'s are issued without information of the façade and whatever else has to be done.

John Landi stated Mr. Chair, you have my word that I'll not issue a C.O. until the site plan approval is completed.

Chairman Cosentino stated does the Board agree to that?

Mr. Vigliotti stated yeah.

Whitney Singleton stated can I just qualify one thing, I understand that the use is merely another permitted restaurant use the same space, however I just want to clarify that the applicant is proceeding at their own peril and in the event that they spend this money and do not get a Site Plan Approval or Change of Use Permit, that's being done at their risk.

Chairman Cosentino stated that's always anyway.

Whitney Singleton stated the issuance of that permit shall not be entitlement to a Certificate of Occupancy or Site Plan Approval by your Board.

Chairman Cosentino stated Doug, you had something.

Mr. Hertz stated yeah, I essentially wanted to say what Whitney just said, because we've in this position before and then when we get to the something else isn't done, we cannot issue a C of O, we've been asked for swords because of hardship. So I just want to make it clear and I think Ralph the exact same recollections. We don't want to be in that position but it makes total sense for them at their own peril to do the interior work and move forward and get it all done.

Mr. Williams stated we appreciate the Board's cooperation.

Mr. Hertz stated let me just clarify with Whitney though, so they have to go, they still have to first. For the Site Plan to be finished they have to go before the ARB?

Whitney Singleton stated they have to get a Site Plan approval before the Board, period. They have a submitted plan, they have a formal application now following the conceptual application. And they have begun to address the concerns that your Board previously addressed but I don't know that they are sufficient detail for your Board to authorize a resolution at this point, is that an accurate statement.

Jan Johannessen stated I think that following the submission of the floor plans, that we would be in a position to issue the resolution on and I had very few comments on the actual site plan, I thought it was pretty comprehensive.

Mr. Hertz stated do you think it will see renderings of the facades prior to or when do you think we'll see renderings of the facades, when do you expect to be back before the ARB?

Mr. Williams stated I'll talk to Mark and we'll get a schedule...

Mr. LaPointe stated I'll contact the tenants tomorrow. I'll ask them to start developing, basically a signage design, and it's mostly signage on the fascia. So, I think Subway could probably do that quickly. Their logo is quite typical. Similarly, Rose Garden already has an idea of replicating her existing script with the core. So if I can get them to contact their sign people to come up with renderings

Chairman Cosentino stated I think they should contact Patti Tipa first, to find out the size...

The Secretary stated well, there's already comprehensive sign package for property, so it's just a matter of paperwork what they decide what their signs want to look like, colors and things like that. It's just a fee and paperwork through the Building Department because the property owner has already gone through ARB to create this comprehensive sign package.

Chairman Cosentino stated understandable. Good.

Mr. LaPointe stated so, I suspect that we could come back at the next meeting with signage designs, whether we can complete all the applications and finalize.

Mr. Hertz stated I'm just curious, does that include like exterior lighting ?

The Secretary stated it does. The comprehensive sign package...

Mr. Hertz stated the package is more than sign, right?

The Secretary stated it's the type of letters, its the lighting, its potential colors, it's the background.

Jan Johannessen stated the façade though, I just have a question for Mark, are you envisioning that the fascia is going to remain the same and they're going to put new signage on the existing facade or are you proposing to modify the fascia to be consistent with the bank and uBreakiFix?

Mr. LaPointe stated well, when I look at the bank itself, I mean. my reaction in the long-term, when I look at that elevation and I think about if Subway wasn't there, what would be the best thing. It would be probably like a whimsical little retailer would come in and create something totally different and independent in the same way that Rose Garden did 19 years ago, and looks tired now. I don't know that duplicating the People's Bank is the best thing for those two stores because then it might start to look like more of a strip center with five bays in it, in the overall block. At this point, in dealing with the tenants, I sort of convince them on the signage issue. And in terms of Subway, I have had our employee go there, scrap the facade and paint it. They've already done that so far, to clean it up, I've got a photograph, I can show you if you'd like. And similarly that's what we'll do it with Rose Garden. In the process of developing their signage, if I can convince them to come up with some sort of different background, a surface that might fit with their storefront that could make sense. I don't know that I would want it to look as much like People's Bank though. And I think it needs to look a little more like their own storefront.

Jan Johannessen stated I agree. It's just that I would recommend that some consideration be made to improving the fascia board that's there in front of, above the Subway, I don't know if it's plywood but it's pretty tired.

Mr. LaPointe stated it's an old wooden board, vertical board that's been painted and repainted, as we've done to it. In terms of Subway, the other issue for the tenant, I know that when I met with him, he indicated obviously he needs corporate approval on Subway signage. When I talk to him about removing the existing awning, he said, well, I've got to get corporate approval for that. Having said that, I've looked at the Subway website, their current storefront design and it's typically reverse channel letters mounted to the fascia, so they can come with something that mimics their typical look, I believe. But I can't force them, can't push them too far, but we want them to accomplish it.

Mr. Vigliotti stated there are Subway locations that do not have awnings, I'm not sure the awning is anything to brag about, so to speak.

Chairman Cosentino stated okay, check with Michelle, whatever you have to do. Anybody else have any question?

Mr. Williams stated I just to want to question, today was the submission day for the 14th, so I guess we have to make that agenda.

Joseph Cosentino: Talk to Michelle.

Male Speaker: Okay.

Chairman Cosentino thank you for coming.

Mr. Williams stated thank you very much.

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

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

Chairman Cosentino stated okay. Conceptual application Mount Kisco Supply.

Mr. Monteleone stated good evening, gentlemen. Anthony Monteleone of Monteleone & Monteleone for the applicant Mount Kisco Supply and Robert Pasquale is here with me and Luigi Demasi, the architect. This is the property of 369 Lexington Avenue, typically known as Mount Kisco Supply. We're here to process the application for Davis and Warshow's expansion of the showrooms, and also we have a potential tenant for the warehouse. It's a warehouse company called Two Men and a Truck, they basically operate Ford vehicles, they come in and out, they go out in the mornings, between 7 and 10, they come back in the evening at 4:30, no retail, no customers, none of the; they're basically are in the pod business. They go to a customer's home, they fill the pods, they bring the pod back to the warehouse, they put it in the warehouse and they wait for the customer to tell them where they want the pod delivered. That's the nature of their business. And there will be no retail, no one coming in and out other than the employees and the trucks. Davis and Warshow, I'll let Luigi go through that application with you...

Mr. Demasi stated okay, so they're using this part of the building already and what they're looking to do is expand to the back part, adding about another 3,000 square feet. So I did the breakdown of what the parking is required, and we came up with the scheme of parking and actually removing an existing garage and coming up with parking spaces that are required. In doing the site plan, I'm adding four employee parking spaces here that could be potentially eliminated telling you that where the existing two family house between hours of operation for the store. The tenants won't be there, and then at night, when the stores are closed, the tenants will be there and occupy those spaces if we need be. So we could eliminate four parking spaces here. But in front of you here is the parking configuration that I came up with to get the number of parking spaces that's required.

Mr. Monteleone stated the plan shows the required number of parking based upon the zoning. However, as a practical matter, the hardware store has a limited number of people in there. I don't think I've ever seen more than three or four at a time, so, maybe you say six,. Davis and Warshow, with the nature of the business selling fixtures; bathroom and kitchen fixtures is a very limited number of people who are going to be in and out of there, the warehouse similarly. So, while we're showing the necessary parking, I think realistically they'll never be used with this particular usage and based on your Board's position anytime, a use changes, and you have to come back, so with these two uses I think...

Chairman Cosentino stated Whitney, is there any...

Whitney Singleton stated I think what's going to have to happen with Joe, we're going to have to look at this because we're not talking about one lot. We're talking about two lots.

Mr. Monteleone stated two tax lots, yes. Well yeah, two lots meaning the residential lot in the rear.

Whitney Singleton stated what about the other lot next door?

Mr. Monteleone stated I don't think, is that a separate tax lot where the house is, but that's a tax lot.

Mr. Pasquale stated yeah, there are three separate tax lots.

Mr. Monteleone stated it's a tax lot but it's but it's part of this complex, the old Mount Kisco Supply...

Whitney Singleton stated are you going to use part of that property for your site plan?

Mr. Monteleone stated well, it's all part of, it's in the same ownership, yes.

Whitney Singleton stated now Tony, you're going to have to look at; we're going to have to look at the existing file on this right now, the only thing that my file is a one page application, but we're going to have to look at the entire file. There's a couple of issues going on that we need to address. One, 110-34, of the Code says, you can't change anything that would completely eliminating that nonconforming uses. You can't switch to anything else without getting rid of those non-conforming uses with a variance.

Mr. Monteleone stated well, we're not really changing uses according to the code.

Whitney Singleton stated didn't you just say that you'd like to occupy part of the building for new uses?

Mr. Demasi stated no, for an extended use.

Mr. Monteleone stated an extended use.

Whitney Singleton stated an area of the building that was previously used or warehouse is now going to be used for retail.

Mr. Monteleone stated now it wasn't really used for warehouse, it was part of the retail operation of Mount Kisco Supply, that's where they had their counter, and where they took customers in and where they sold product.

Whitney Singleton stated is the accessory warehouse going to continue or is it going to go an independent warehouse which is not a permitted use?

Mr. Monteleone stated what do you mean accessory, I don't...

Whitney Singleton stated the warehouse is only permitted as an accessory use, not as a principal use.

Mr. Monteleone stated accessory to the principle use?

Whitney Singleton stated it's specifically in the code that facilities such as this...

Mr. Monteleone stated that's the first time that's come up.

Whitney Singleton stated it's the first time you proposed it becoming an independent warehouse.

Mr. Monteleone stated we've always been in here, and you said, well, you can't use it for anything but a warehouse, now we're coming and using as a warehouse.

Whitney Singleton stated but it specifically says in the Code, for retail sales of household or products such as plumbing supplies and everything else together with accessory warehouse or storage. Now, you're proposing an independent pod storage, that's not used in permitted in that zone.

Mr. Monteleone stated you're saying accessory needs it has to be owned and operated by Davis and Warshow.

Whitney Singleton stated and associated with the underlying principle use.

Mr. Monteleone stated well, then we need to have a variance.

Whitney Singleton stated and then the question is on top of that there is the utilization of a rear parcel is not only being proposed not to be eliminated, but you're proposing to reactivate it after it's been dormant for more than a year. It's been discontinued for more than a year.

Mr. Monteleone stated you're talking about the warehouse.

Whitney Singleton stated the commercial use of the residentially zoned land in the back.

Mr. Monteleone stated you're talking about the residential lot with the parking, so we're putting some parking.

Whitney Singleton stated that lot's been discontinued [inaudible].

Mr. Monteleone stated doesn't your Board have the capability of waiving parking?

Whitney Singleton stated that's not the issue, the question is whether or not that's not going to be restored to a residential use.

Jan Johannessen stated they can waive the number of parking spaces.

Mr. Monteleone stated it always has been a residential use.

Whitney Singleton stated you're using it for commercial parking.

Mr. Pasquale stated it's never been a residential use.

Mr. Monteleone stated back here.

Whitney Singleton stated I agree with your client. It's never been a residential use.

Chairman Cosentino stated its been all vacant.

Mr. Monteleone stated it's always been vacant. It has had some parking on it, but other than the, in fact I don't even think the loading dock is on the parcel, maybe a foot of it is, but it's never been, other than for parking, it hasn't been used for any other use.

Whitney Singleton stated right, but I am saying it's parking. If you look at the §110-34, it says, you can't make any changes to the use of the site, to the allocation of uses in the building, to any portion of the site without completely eliminating the nonconforming commercial use in the residential zone and without completely eliminating the nonconforming commercial use in the residential zone. So the back needs to become residential and the front needs to become commercial in its entirety.

Jan Johannessen stated I believe there's a memo that was prepared by Building Department when Ferguson made application for similar activity, a year so go, and that memo, I believe, addresses the three issues that Whitney brought up. And the Building Department, I think, will determined that the rear residential lot would need to go back to the residential.

Mr. Monteleone stated and that memo was given to Davis and Warshow.

John Landi stated unfortunately, I was not here at that time.

Whitney Singleton stated we covered this a year or two ago.

Jan Johannessen stated we had a staff meeting with Ferguson's architect. We went over those three issues.

Mr. Monteleone stated I wasn't party to that. If we can get that memo, then I can start addressing those issues.

Mr. Demasi stated what makes the warehouse a stopped usage for over year if it's connected to the building and that was used for. Because they're saying that this is a stopped use for over a year.

Mr. Monteleone stated No, I don't think -- did you say that Whitney? This is a stopped use.

Mr. Demasi stated he's using it for storage a part of this building, and there's loading docks that come off of what you're calling the residential area that was an approved use already, correct.

Whitney Singleton stated my understanding as documented by the Building Department, is that the gate's been locked and this has not been utilized, and it was represented more than a year ago or two years ago that the warehouse was not operational.

Mr. Demasi stated the warehouse being used from inside because the gate is locked, has nothing to do with the parking, which is fine.

Whitney Singleton stated so, the warehouse itself is not a nonconforming use. That's not what I'm talking about. I'm talking about the parking lot.

Mr. Demasi stated but I don't understand why they can't use this residential lot for parking if it was also continued with the building, I'm very confused by that.

Whitney Singleton stated because the whole point of §110-34, and §110-35, and the whole point of zoning is to bring nonconforming uses over time into either conforming uses or less nonconforming uses. That's the whole objective of zoning.

Mr. Demasi stated understood. But to say that this is not in use and that he loses the use of the parking lot, is still little confusing.

Chairman Cosentino stated can I make a recommendation. It's very confusing now, but I think that Whitney has addressed problem that really has to be addressed.

Mr. Monteleone stated we'll look at that memo.

Chairman Cosentino stated you need to talk to the Building Department again, set up a meeting with Jan, and just can go over this again to get it straightened out.

Mr. Monteleone stated alright and if we can get that memo then we'll...

Chairman Cosentino stated get that memo, and get it straightened out, in all fairness to Robert.

Mr. Monteleone stated frankly these proposed uses are totally consistent with what this property has been used for historically for many years. And in fact, every time we've been before your Board trying to put a tenant into that warehouse, we've been met with opposition because you wanted it as a warehouse. So now we're coming back as a warehouse.

Whitney Singleton stated Tony, it's a tough site. It's in both the residential and commercial zone. You have residential uses in the commercial zone and commercial uses in the residential zone. It's a tough site, and all I'm saying is we need to sit down and kind of evaluate what happened in the past, what you're proposing, and how to move this from its current position forward in a fashion that's zoning compliant.

Chairman Cosentino stated tell me something if I am not mistaken, the last time, Robert, didn't you say that the lot with the two family, was married to the lot next door, it's now one tax lot.

Mr. Pasquale stated no, it's three separate tax bills I get from the village, but somehow now another is one site plan, I don't know how that happened.

Mr. Demasi stated the parking is on the residential or this lot here, here is the...

Chairman Cosentino stated no, the parking is on the commercial side. If you take the site plan, the original site plan, you'll find out, I think the house is 50 by 150 in size.

Mr. Pasquale stated we eliminated the parking in the residential West Street side.

Mr. Monteleone stated that will help somewhat.

Ms. Demasi stated this was the proposed addition back in '86. This is where we proposed an addition back then, and we redeveloped this with loading docks and parking, and here was the existing two-family house.

Chairman Cosentino stated the rear of the property, if I am not mistaken is residential.

Mr. Monteleone stated it is, no question about that.

Mr. Demasi stated but it was approved at one time when it was, for parking and loading.

Chairman Cosentino stated okay and what Whitney is saying, what we're just finding out now is that that was a nonconforming use because of that.

Mr. Monteleone stated right.

Chairman Cosentino stated after a year...

Mr. Demasi stated but I am contesting the year, I think it's always been in use and there was no lapse in time.

Chairman Cosentino stated that I don't know.

Mr. Demasi stated well, how do I prove that? Right now it's used as a warehouse, there's stuff stored in there.

Chairman Cosentino stated the burden is on you prove it.

Mr. Demasi stated take pictures and bring those in, I mean we could show that it's still in use.

Chairman Cosentino stated I don't know if that's what I want, in all fairness to Robert, I want you to work with the Building Department and come to a conclusion.

Mr. Monteleone stated right, but I think according to that site plan that was approved, It showed parking on what, or parking on the parcel which includes the two-family residence and the parking's directly behind it. And we're suggesting that we put more parking there, and this is certainly a mixed use area, and one way of proposing is not incompatible or inconsistent with the other uses in the area.

Whitney Singleton stated Tony, let me just read that relevant section, not that you're not going to back look at it. Here's what the Building Department is constrained by. In the case of a law containing a nonconforming residential use in a non-residential district or in the case of nonconforming non-residential use in a residential district, ironically you're having that both, any proposed new use, but you're proposing

a new use or increasing the size of said use on any portion of such lot which new use or increase in the size of the use is not accompanied by the total elimination of the existing nonconforming use shall be deemed to be enlargement and extension from the existing non-conforming use. So any tenant change you have that in building, any Change of Use in that building or on that site, period, is going to trigger that requirement, and anything you do it's going to be deemed to be extension of a nonconforming use.

Mr. Monteleone stated well I'm not sure I totally agree that the changes or the uses that we're proposing are changes to the prior uses. That will be my obligation to show.

Chairman Cosentino stated so work with the Building Department and let's get this done.

Mr. Monteleone stated and the next step would be after working with the Building Department to submit the site plans and conceptual...

Chairman Cosentino stated you have to work with John and Jan and come back with something that..

Mr. Monteleone stated will do, so we don't have to come conceptual again. Thank you, Gentlemen.

**E. East Main Food Hall
PB2015-0299, 80.25-3-30
Amended Site Plan**

Mr. Isi Albanese, Mr. Howard Kozin and Mr. Ira Grandberg of Grandberg Architects were present.

Chairman Cosentino stated okay, next is East Main Food Hall. Would you identify yourself for the record please?

Mr. Grandberg stated Ira Grandberg, Grandberg Architects.

Mr. Albanese stated Belizzi Restaurant.

Chairman Cosentino stated why don't you go ahead and tell us...

Mr. Grandberg stated the scope of this is Mr. Albanese wants to increase the size of his facility by 141 square feet. You guys have a site plan and it's to build the building out to the front lot line. We've gone to before Building Inspector, just to determine its viability and I think we're okay as far as Code parameters go. We met last week with the Architectural Review Board, got a unanimous approval on the design, they were very enthusiastic about it. I'll show it to you tonight basically of the 141 feet, the present occupant load restaurant is 120 seats inside and 18 seats outside, and the new use will actually only have 107 seats. So it's a reduction of seats, it's a maintaining of the same zone in use, it's not a full service sit-down restaurant. The concept, I'll let Isi described the concept, but in the theory, basically what we've done is we've taken the building which is you notice our storefront black iodized aluminum building that overhangs the sidewalk. And we talked a lot of time ago I think informally, that one of the things of Main Street is to create some retail frontage and having the storefront setback is not a great idea and the right side of the building, the south side is presently a lot like as it is part of the north side. And what we've done is we've designed so that it will be a food court. There will be multiple, and Isi will go over that, multiple food venues in it. And we took the center column, structural column, what we've done is we've created, see on this board here, we've created an entrance way that satisfies Handicap and egress. We made it also a nice center balance to the whole façade of the restaurant. One of the things the Architectural Review Board liked was we're in keeping with the existing materials, but we're also proposing a signage system where the entry to the restaurant called Eatery is going to be larger than the other signs. It was interesting because the ARB told us to do everything we can to improve to signage and to embellish it, and they did not want to have same sign for every single front. Do something that at least scales to the building, so this is basically the direction we're taking and Isi can talk to the actual operation.

Mr. Albanese stated basically I don't know if you guys have been to the Plaza Food Hall and Chelsea Market, which are much bigger food halls, but here it's basically taking what we have now which is Belizzi. If you've been in there, you come up and get pizza, you have pasta and you have salads and gelato. In continuing, on the other side, they've taken down, the only thing we're doing to the space if you look at this here is taking down the center wall, and making it all one space. And on the other side adding three or four other local vendors that are not going to be producing the items in our space, but just take a row bar, clams

and mussels and things like that, and shuck them there and basically it's counter service or lobster roll. So basically it's exactly what we're doing now is that with a little more vendors inside of it.

Mr. Grandberg stated so the scope of it is basically from the site plan point of view, adding a 141 square feet, reducing the number of seats, creating a new front of the building, that's on the lot line and create something that if you look at the existing pictures that eliminates the awning sticks of the sidewalk and create some unity to the building, and hopefully will be an improvement for the Main Street, actually a kind of beginning of opportunities.

Jan Johannessen stated Ira, can you address outdoor seating, is there..

Mr. Grandberg stated no more.

Jan Johannessen stated there is no outdoor seating proposed.

Chairman Cosentino stated John? Jan, do you have anything on this?

Jan Johannessen stated it's at the conceptual level, we didn't provide a review.

Chairman Cosentino stated right. Nothing on conceptual. What I would suggest is go for application, and come back.

Mr. Grandberg stated good.

Chairman Cosentino stated and then we can address what we have to address.

Mr. Grandberg stated so, there are no overviews that we'd have to address prior to. Any issues, anybody has any...

Mr. Vigliotti stated question, it's not an issue by any means. Does the landlord have any interest in continuing what you're doing to your business up along the other stores?

Mr. Grandber stated no idea other than he approved by letter, this particular space. What's interesting is sort of where the art stories to be on that end. And we have about 15-20 feet of façade that comes straight down. It would and also there's a pitched soffit that's there. We're eliminating the pitched soffit and creating you can see a large rendering, more of a glass area. So when you look in, it will have more of a warehouse look with exposed duct work and those kinds of things.

Mr. Vigliotti stated interesting concept. I like the seafood.

Mr. Albanese stated as you guys know Belizzi, over the years as the demographics has changed, the games and the kids side and it's kind sad to get rid of that. We've been there 24 years, but the change in times, revitalize and grow up a little bit.

Mr. Hertz stated do you have, I'm just curious, in terms of like other vendors and how they're going to -- how that's going to work. Can you just talk a little bit about you know, will you going to have signage inside the store of this vendor, that vendor?

Mr. Albanese stated probably just in front of their own store...

Mr. Vigliotti stated what kind of vendors?

Mr. Albanese stated we're looking for a barbeque, sushi, raw bar with lobster rolls, and maybe ramen noodle. And we're trying to use local people, so seafood will be like Mount Kisco seafood and sushi, barbeque we don't have any in Mount Kisco, so we're trying to bring a barbeque, just like we wouldn't do a crepe station, we have a place in Mount Kisco. We don't want to do Greek, because we already have a Greek restaurant. So what I'm trying to do is use the local people. And to your question about the station, like a barbeque would be serving brisket, ribs and things like that, but they would not be preparing them here, they would prepare them on their own site. They would get their own Board of Health approval, and then basically there we go to cook and hold the same ways we do in the restaurant, and they would slice and put it in the sandwiches and serve it here. As it is now part of our business with the delivery right now, probably about 70% of our business is delivery. So we will deliver their food too. So now from home, you can order sushi, pasta, salads and everything else from one location.

Jan Johannessen stated is it a cafeteria style?

Mr. Albanese stated you would order at each one and you would pay at each one and then sit down until the food is served at the counter.

Jan Johannessen stated and each one of the, they're all going to have separate tenant signs?

Mr. Albanese stated yeah, they're own little signs, Mount Kisco Seafood would have their own signs.

Jan Johannessen stated on the outside?

Mr. Albanese stated no, on the inside. We're going to go under the Food Hall.

Mr. Grandberg stated we took the existing column line, you can see it in the middle under the Eatery, and we're using that column to create signage for people to see what's inside. Discreet, small, but it will...

Mr. Albanese stated almost like a blackboard.

Mr. Grandberg stated bring you into the space.

Mr. Vigliotti stated we're not going to see signs on the windows?

Mr. Albanese stated no, we're looking for a clean look.

Mr. Hertz stated so there will be some food prepared on site?

Mr. Albanese stated on our side we're still going to prepare food.

Mr. Hertz stated but the other side will be brought in and...

Mr. Albanese stated and with the renovations, there's no changes to kitchen, our kitchen stays the same. And then on their side, it's basically cook and hold, so there's no hood systems or anything else like that.

Mr. Vigliotti stated it's an interesting concept.

Mr. Albanese stated in the City and throughout the United States, it's very popular and growing. This will be the first one in Westchester.

Mr. Grandberg stated okay. So, we submit a formal application then.

Mr. Albanese stated one question, can I submit the plans to John, Building Department.

Chairman Cosentino stated you're got to setup a meeting with him check with Michelle. You've got to setup a meeting and she'll set you up on where you have to go and when you have to go and what do you have to build.

Mr. Albanese stated okay.

Chairman Cosentino stated very important person.

Mr. Albanese stated Michelle?

Chairman Cosentino stated Michelle.

Jan Johannessen stated when the outside vendors deliver, I think it would be important for you to identify under the formal application where they're going to park to provide their deliveries to the business.

Mr. Albanese stated you mean when they come in the morning and bring in their own stuff?

Jan Johannessen stated yes.

Jan Johannessen stated okay.

Mr. Hertz stated we've often asked for a narrative for an unconventional kind of thing or a new model if you will. We want to understand how it's going to function in terms of when deliveries come, who does it, what the number of vehicles, the type of vehicles, how that's all going to look, so we can understand the flow.

Jan Johannessen stated the Oriental Foot Reflexology, I think located just down in the same building, and they actually have to park in the Border's parking lot. And then, they have their employees come in on like a shuttle bus. I think the Planning Board had a condition in the resolution that that all occur on municipal lot. I think it's just important you identify how the deliveries take place because when they double park so close to the intersection, it's a problem.

Mr. Albanese stated the only good thing is that most of the deliveries are going to be made first thing in the morning when they come in, they'll bring it in, put their stuff out and then go park wherever they're going to be parked for that day.

Mr. Mareschi stated you're going to have a bar in here at all Isi?

Mr. Albanese stated yeah, beer and wine, we have a beer and wine license now. We're going to do local beers on tap, wine and maybe a little amaretto or something.

Mr. Grandberg stated okay, thank you.

Mr. Albanese stated thank you very much. Have a good night.

Special Discussion

Tesla Discussion

Mr. Bradley Hoffman and Mr. Lenny Peak of Tesla Corporation were present.

Chairman Cosentino stated okay, special discussion we did The Hearth already. Tesla, now let me be very clear on this. Gentleman, how are you today?

Mr. Hoffman stated so there's two reasons we're here. Obviously, we requested to be here so that's the first and foremost. So that memo that I sent you last week in regards to our TCO and our, I apologize failure to complete necessary items as regarded the Planning Board. And then, secondly, Lenny represents the East Coast service manager, and we want to talk about the trucks, which have been completely re-routed to our facility in Milford are being carried here individually as indicated in the resolution.

Chairman Cosentino stated I just need to ask one question, and I think it's fair. Why when we did the resolution, we said no trailers and then you continue to bring trailers in?

Mr. Hoffman stated I think in the early stages, we did bring single and double car carriers that were in, we were anticipating. In that time, we were in four digit VIN numbers and how we have way more, we're into about 80,000 VIN right now, we've sold a lot more cars than we thought. So our delivery team just essentially stuffs trucks down our throat and we can't do that, so it wasn't done intentionally to piss off the Village, it just sort of started happening since it became an issue...

Chairman Cosentino stated I think your fine is up to \$40,000 already, is that true?

John Landi stated it could get there quick.

Chairman Cosentino stated we've got to get rid of the trailers. We've got to go by the resolution, because where they're being unloaded is not fair to the person next door, not fair to the traffic coming down, it's a busy road. So as per your resolution, go back to the single carriers and just see what you can do with them.

Mr. Hoffman stated so we have both...

John Landi stated Mr. Chair, if I may, they have been told there is zero flexibility anymore. Next time we see it, I am shutting it down.

Chairman Cosentino stated thank you.

Mr. Hoffman stated so our trucks are not going to that address anymore. Our address indicated currently is Milford, our store in Milford. At the same point, we're trying to gather an arrangement with another piece of property closer, not in the Village to unload there. It's actually in Bedford Hills, but it's not in Mount Kisco, and then bring cars over one by one.

Chairman Cosentino stated I don't care what you do in Bedford.

Mr. Hoffman stated so right now we're trying to come to an arrangement with one of our Vendors in Bedford Hills, which allows car carriers, and we will bring the cars over individually.

Chairman Cosentino stated whatever you do there is up to you. Okay, the other issue was, Jan, I need some help here, what was the other issue?

Jan Johannessen stated Temporary C.O.

Mr. Hoffman stated I apologize, after I spent many a year, like almost a year here with you guys every week, I got to shipped off to China to oversee development in mainland China. And some of my colleagues may have been slightly delinquent in following up on things. So, I am back on the East Coast, I understand the requirements of the three open items for the as-built survey, which they did in December, but they did it wrong, so we had H. Stanley Johnson correct it and submitted last week. I haven't got any feedback from Jan yet.

Chairman Cosentino stated did you receive that Jan.

Jan Johannessen stated we did receive it, yes. I think what needs to happen is a final site inspection, we haven't inspected the landscape that was installed we need to do that.

Anthony Oliveri stated yeah, we'll just need to make a visit.

Chairman Cosentino stated they're doing a good job.

Mr. Hoffman stated and then the Backflow Preventer was recertified last week and there is...

Chairman Cosentino stated did you receive a certificate on that?

The Secretary stated yes, we did.

Mr. Hoffman stated the last item that's incomplete right now, is the invoice specifically to the plants ordered. Our contractor is Mother Earth, who is right next to us on Kisco Avenue. He has provided me with all invoices but is not what Jan wants, he wants to see the plant and the cost of purchase. Which I have not, I believe, that's what you want.

Jan Johannessen stated no, all I need to do is do an inspection and I'll compare what's out there to what's on the plan.

Mr. Hoffman stated okay.

Jan Johannessen stated if you can submit the plant invoice, that would be helpful to verify what was installed.

Mr. Hoffman stated it's not as detailed as I believe you're going to want it. So, my alternate would be is if we can get a licensed horticulturist to verify that that's actually what's there or if your site inspection suffices.

Jan Johannessen stated let's start out with the site inspection, we'll take it from there.

Chairman Cosentino stated good, does that satisfy all of your needs.

John Land stated well, I'd like to say I am happy seeing you're back, although I did not work with you to do this, but I personally have been to your site several times and then blown off, and I don't appreciate that and I will not accept that next time. When I ask for things to be done, I expect some type of response and not just be ignored, and I expect that to be told to whoever is there. I've come several times personally, like I said and asked for this, and I guess under threat of shutting you down is why you're here now.

Mr. Hoffman stated I'd be here anyway.

John Landi stated if you're called away, again. I want to know that this is going to be carry forward that it's not just you handling all this for the Board. They're going to give you a TCO, you're not done.

Mr. Hoffman stated understood.

John Landi stated and I don't, again, I didn't appreciate when I want there to be blown off and nobody answered my calls, at all. I am not happy about that.

Mr. Hoffman stated understood.

John Landi stated thank you.

Mr. Hoffman stated you have my address and cell phone on there.

John Landi stated I appreciate it.

Chairman Cosentino stated Whitney, do you have anything?

Whitney Singleton stated I don't know, I feel as though I need to shout. Just the deliveries is the big issue, and I want to clarify something and I'm not trying to gain the system or anything. The reason that you had represented, when the issue came up about the deliveries was because of limited capacity of the site to handle trailers, and that's it's absolutely prohibited in our Code to deliver in a fashion that you've been delivering lately but with the car transporters. There's no probation against you using something other than a single trailer, you just can't back into or onto the street. So if you can use a vehicle that can deliver on your site without having to back into or from the street you're fine to do that. I know it's a tight site, so that's why we inquired about it early on. You cannot back into or out of the site onto the public street.

Chairman Cosentino stated I mean, we're not picking on you because this all with dealerships right down 117 that were unloading in the street. They get summonses now.

Whitney Singleton stated so it doesn't say that you have to use your single trailer system that's actually out at the site, I saw.

Mr. Hoffman stated no, I understand. There could be like a 5th wheel, 3 car trailer, they can still turn around on site.

Chairman Cosentino stated if they can unload inside and turnaround, use it.

Mr. Peake stated which is actually what we're doing with our parts now. We're making sure that the freight companies are using a truck small enough that can turn around in the lot and pull out of the lot, and if I may just so all of this isn't on his responsibility. I oversee service before the Northeast so I will be here to ensure that everything that you'd require of us.

Chairman Cosentino stated well, he's been great, except he goes away.

Mr. Peake stated I won't let him go away anymore. He's chained to the East Coast.

Whitney Singleton stated so your Board needs to entertain his application for; before John can issue another temporary C.O., your Board has to agree.

Chairman Cosentino stated the Temporary C.O. is up?

The Secretary stated yes.

Chairman Cosentino stated so what he's asking for is an extension on the Temporary C.O.?

Whitney Singleton stated correct.

John Landi stated I guess it would be a reissuance, it's not an extension, it's a reissuance.

Whitney Singleton stated yes, that's correct.

John Landi stated you cannot extend a TCO, you can only reissue one.

Chairman Cosentino stated well, reissue one then.

John Landi stated okay, they have to pay for it.

Whitney Singleton stated but your Board needs to do that by motion, Chairman.

Chairman Cosentino stated alright, somebody want to make a motion, with that we reissue a Temporary C.O. to Tesla.

Jan Johannessen stated what time period? Usually you specify a length of time.

Chairman Cosentino stated John, what time period?

John Landi stated what do you think you need? What's left, just the plantings?

Mr. Hoffman stated I have everything submitted right now.

Whitney Singleton stated it can't exceed 90 days, Chairman.

Chairman Cosentino stated 90 days then. Fair enough?

Mr. Hertz stated I make that motion providing that...

Chairman Cosentino stated motion was made already by Mr. Vigliotti, you'll second it.

Mr. Hertz stated I'll second it providing that they provide a model x...

Chairman Cosentino stated Right on the question. Will, Secretary poll the board please.

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

The motion carried by a 5 to 0.

Chairman Cosentino stated gentlemen, thank you.

Mr. Mareschi stated thank you guys, have a good night.

Chairman Cosentino stated alright, we got the minutes of the Beautification Committee, we've read them. New York Metropolitan Transportation Council, and site plan amendment. We have motion to adjourn?

Mr. Mareschi stated yes, Chairman. I'll make that motion.

Chairman Cosentino stated we've made a motion to adjourn second by Mr. Gibbons.

Chairman Cosentino asked for all in favor. The motion carried by a vote of 5 to 0.

The meeting adjourned at 9:25 p.m.