

Minutes of Meeting of the Planning Board  
Village/Town of Mount Kisco  
Tuesday, May 12, 2015

Chairman Cosentino called the meeting to order at 7:55 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, this is Tuesday May 12<sup>th</sup>, this is a Planning Board meeting, and the first thing on our agenda is the minutes of October 14<sup>th</sup>, 2014. Mr. Gibbons, you have gone through...

**Mr. Gibbons stated yeah, I move that the minutes of October 14<sup>th</sup>, be passed as presented.**

**Chairman Cosentino stated okay, do we have a second?**

**Mr. Mareschi stated I will second it, Chairman.**

**Chairman Cosentino stated will the Secretary poll the Board, please.**

**Upon Roll Call Vote:**

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

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

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

Mr. Mark Miller of Veneziano & Associates was present.

Chairman Cosentino stated okay, the next thing on the agenda is the formal application the Hearth of Mount Kisco, that's 270 Kisco Avenue. Would you identify yourself for the record, please?

Mr. Miller stated certainly, for the record Mark Miller with the firm of Veneziano and Associates, here tonight representing the Hearth of Mount Kisco. Status report, I'm very pleased to tell you that the sort of process or procedure that we talked about last month, has been working very well, we received comments from consultants last month. Our engineer responded to number of those comments and we've already gotten confirmation back that a number of the issues have been checked off the list. We are planning on making another submission by Friday, to knock off another 8 or 10 items. The ongoing process we're getting tremendous cooperation and because we want to winnow this down to maybe where we have 1, 2, 3 maybe issues that we really need to address with the Board, but we want all the other stuff out of the way, so that process is working very well. Give you an update on DEP, our engineers have been working with DEP to address the drilling plan, the DEP wants to witness, we have an agreement with DEP with respect to the location, and the drilling plan itself and we hope to be able to actually do the drilling in the very near future. Someone from our team will be in touch with the Building Inspector to talk about, to coordinate access to decide forward the drilling. DEP will be on site to witness the drilling, if that's what they want to do and we understand that, so that process is moving forward as well.

Mr. Hertz stated can you just explain that, what are you drilling for?

Mr. Miller stated DEP wants us to drill, this will be a layman's explanation, drill in the areas of the stormwater practices, to see how deep until we hit rock, and in a couple of cases, to maybe even below that if there is any issues with groundwater, within the rock. So, again they agreed on the locations and the manner, we're just waiting for the final confirmation of the day.

Mr. Sturniolo stated Mark, I have a question, a moment ago you mentioned you already addressed 8 or 12 comments already.

Mr. Miller stated correct.

Mr. Sturniolo stated are they DEP comments, engineering comments, planning comments?

Mr. Miller stated it's not DEP comments, they are comments from your Planner and your Engineer. And obviously we went after the low hanging fruit first to try and start checking stuff off. We met with our engineer just this evening, and he told us he will get another round of paperwork to Anthony by Friday, to hopefully check off a whole bunch of more of the issues, but it's comments from your staff.

Mr. Sturniolo stated thank you.

Mr. Hertz stated Mr. Chairman, can I just ask a question? And I don't know, maybe John can answer this. When an applicant does test drilling or something like that, clearly this is something in process, is that something that is bonded for, let's say for whatever reason they run into issues and the project is abandoned. Remediation of the site after, the site is a rough site, so getting any machinery up there is significant right, what do we do? How does that work?

Chairman Cosentino stated well I think that the engineer overlooks all of that, because it is engineering, so I would address that question to Anthony

Anthony Oliveri stated we haven't been involved in that, I don't know if they've into the Building Department for any permits, but we haven't been approached or coordinated with the drilling.

Chairman Cosentino stated well why are they doing something and we are not overlooking, who does this?

Whitney Singleton stated Chairman, you are entitled to access to the site and purposes of the application under their lease agreement.

Chairman Cosentino stated but is it that part of our review?

Whitney Singleton stated to go on to the property or [inaudible]?

Chairman Cosentino stated no, for the results and whatever it is.

Whitney Singleton stated well, if you want a copy of the results, you can request those of the applicant. I think the question Doug was asking, if we are doing test borings and they take down trees to get in there, what's our remediation.

Mr. Vigliotti stated exactly, exactly, that's a good point.

Anthony Oliveri stated they need to create...

Mr. Hertz stated yeah, I mean is there, they put up a bond, what's our procedure?

Anthony Oliveri stated they need to create access road, it could have a certain level of permitting. Have they done any of the drilling?

Mr. Miller stated no, as I indicated, our project people will be in touch with the Building Inspector.

John Landi stated right, and then we'll review the process of what they require to do, to get up there and do the necessary drilling and we'll review at that time see what remediation will be needed at that point.

Chairman Cosentino stated can you report back to this Board?

John Landi stated absolutely.

Chairman Cosentino stated we'd like to know what's going on, so if you report back to this Board so we know what's going on, on this.

John Landi stated I would imagine the drilling for the testing of stormwater management, which would all be part of the comments that the Engineer had.

Anthony Oliveri stated right and if you determine, John, there's a significant level of disturbance and you want us to look at it, we'll look at a plan for how they're going to access it, we can do that.

John Landi stated usually those drill machines are very small, they're on tracks, they go up, they do very little damage, and very small touch down.

Anthony Oliveri stated right, it depends on where they're drilling and the equipment and it may be very minimal.

John Landi stated right and in heavily forested areas, that's when they have to do more damage, but if it's more open, they do very little damage.

Mr. Miller stated we'll be working, our project team will be working with the Building Inspector to take care of that.

Chairman Cosentino stated Doug, do you have anything else that you want to bring up?

Mr. Hertz stated no, no.

Chairman Cosentino stated all right, Mark, I have just a few questions I want to get caught up on. Where are with the referral to the County?

Mr. Miller stated I have met with Chuck, I believe someone was in touch with Jan's office, it's supposed to be determined how many sets the County needs and they will be delivered to my office. I will prepare a cover letter and then deliver the whole package to Jan's office for delivery to the County.

Chairman Cosentino stated okay and you said that there's progress since our last meeting with DEP.

Mr. Miller stated well, that's correct, we have been working with DEP with respect to the drilling plan, both the locations and the methodology and we have an agreement on that. We're just waiting to confirm a date when everybody can be on the site.

Chairman Cosentino stated and this next question, I want to address to Jan and Anthony as for the comments. How are you with them? I know Mark said he had a few left. Have we been getting what we want?

Jan Johannessen stated we had an April 6, 2015 memo, the applicant submitted progress prints to us last week, the week before addressing maybe four comments out of our 26 or so.

Chairman Cosentino stated only four comments?

Jan Johannessen stated 4 of the 26.

Mr. Miller stated we wanted to get something as quickly as possible, we're anticipating the next submission will address significantly more.

Chairman Cosentino stated we need to work on that then. And what about Anthony.

Anthony Oliveri stated about the same four, or five comments.

Chairman Cosentino stated out of how many?

Anthony Oliveri stated out of about 30, I think.

Mr. Miller stated we're working on it.

Chairman Cosentino stated it's not too good.

Mr. Miller stated well, we want to get the information obviously to your consultants quickly, but we want it to be comprehensive, so that the questions are answered and we are not just kicking the can down the road.

Anthony Oliveri stated by the way in an email exchange with Chuck Utschig, I mentioned that if you wanted to be one on one with our office on the engineering comments going forward. He emailed me back today, that they will be doing that.

Mr. Miller stated that was much appreciated.

Anthony Oliveri stated we'll sit down with him one on one, go through comments that maybe, they're not sure about how to address.

Chairman Cosentino stated okay, we want to get them all done, and just a couple more. The stormwater, what about the stabilization? Not the stabilization, on the stormwater, what's happening on the capacity?

Mr. Miller stated that's largely I think a DEP issue, and that's what we are working on, we had a meeting with DEP...

Chairman Cosentino stated are you up on that?

Anthony Oliveri stated on the stormwater?

Chairman Cosentino stated yeah.

Anthony Oliveri stated I mean the bigger outstanding issues, I guess they're going to get back on was the water, the sewer. They addressed, they made a comment that they were addressing part of the stormwater on the site in that they were going to go through a pipe instead of an open swale, the plan wasn't there. I asked him that question in the email, so supposedly he'd going to get us the details, but the offsite stormwater, he mentioned in the email they're still looking at it, so that's one thing, they still have to address also.

Mr. Miller stated we spoke to Chuck about that this evening.

Anthony Oliveri stated okay, they addressed some of the phasing, staging, on site staging questions, couple of those questions. Most of the major stuff still has to be answered.

Chairman Cosentino stated and the last thing I have is the water pumps, what's happening on them?

Anthony Oliveri stated we haven't gotten anything new back on that.

Mr. Miller stated that's the other big issue that we talked to Chuck about this evening.

Chairman Cosentino stated because we've seen nothing on that, on the water pumps.

Anthony Oliveri stated we had that initial water report.

Chairman Cosentino stated yeah but that's it.

Anthony Oliveri stated right and that had some mistakes and it wasn't really sufficient. He said they're looking at that and this was supposed to come to me with something on that.

Mr. Miller stated with details.

Anthony Oliveri stated right.

Chairman Cosentino stated let me see if I got everything here. Construction staging, I guess you're going to take care of that.

Mr. Sturniolo stated I have a question, Mark, say in the last 9 months or so, have there been any change in the principles regarding this project?

Mr. Miller stated No, none whatsoever.

Mr. Sturniolo stated thank you.

Chairman Cosentino stated alright, I don't have anything else, does anybody else, Jan?

Jan Johannessen stated is it possible for you to provide us with specifications of the elevator? So we can have the Ambulance Corp. review the elevator and make sure that their equipment can fit...

Mr. Miller stated fits a stretcher or whatever, sure, absolutely.

Chairman Cosentino stated was the Ambulance Corp. sent a set of plans?

Jan Johannessen stated I am looking into that, I am not sure if they were involved in the review during the SEQRA process.

Chairman Cosentino stated usually in a building like this, they usually are involved in the review for that purpose of the elevators, hallways. Egress and ingress from interior. So yes they do look at that.

Jan Johannessen stated okay, we can make sure that that...

Mr. Miller stated in this type of facility, it's obviously an issue.

Chairman Cosentino stated also, I am sure the Fire Department has been looking at it.

Jan Johannessen stated the Fire Department has reviewed it and Rob Melillo is working with the Fire Department to finalize their comment letter.

Chairman Cosentino stated I realize there is a lot that has to be done here. I mean it will get done, but I am just saying there is a lot on the plate right now.

Mr. Miller stated we're working on it. We appreciate the ability to work with the Staff, as opposed to having to wait for one huge submission, we can move that along.

Chairman Cosentino stated Staff is doing all they can to accommodate you.

Mr. Miller stated we appreciate that, yeah, we know and we appreciate it.

Chairman Cosentino stated make sure that's in the record, minutes. Okay.

Mr. Miller stated thank you.

Mr. Vigliotti stated one minor point, up on Mountain Avenue, you installed on the site a proposed stonewall. It's there, but will that be removed at some point?

Mr. Miller stated oh, sure. I didn't even realize it was still there.

Mr. Vigliotti stated are you sure of that? Because there is no reason to have that there. You'll handle that, okay good.

Mr. Miller stated a bunch of rocks.

Mr. Vigliotti stated okay, that's it.

Mr. Miller stated thank you very much.

Chairman Cosentino stated thank you, Mark. Next thing on the agenda is Tommie Copper, BDM Properties, 28 Britton Lane/74 S. Moger Avenue.

**2. Tommie Copper (BDM Properties) – 28 Britton Lane/74 S. Moger Avenue\*  
PB2013-7, 80.24-3-1 (SBL)  
Site Plan**

Mr. Henry Kensing, Esq., Mr. John Diotte, and Mr. Peter Gregory of Keane Coppelman Gregory were present.

Mr. Kensing stated Good evening, Chairman, Mr. Vice Chairman and members of the Planning Board. My name is, Henry Kensing, the client, BDM Properties, John Diotte representing. Peter Gregory of Keane, Coppelman, Gregory, our engineers. We are very pleased to see, and thankful to my client and client's tenant, by the way my client's tenant, the representative for Tommie Copper are in the audience, Kimberly Mallott and Joe Carmen. Here to address any questions that the Planning Board might have with respect to

this application. As I said, my client and our tenant are very pleased to see the draft resolution, in possession of the members of the Board. It seems we are well on our way to gaining the approvals which we need. The only substantive issue that jumps out of the conditions set forth in the proposed resolution, refers to the required parking spaces on the site based on the uses of the various properties. It's suggested, I guess by Mr. Johannessen that perhaps required number of parking spots is 22, rather than the 19 we show, and I think we have been invited to look at the site to see if there are other parking spots available to us. We were over there before this meeting this afternoon, Mr. Diotte, Gregory, and the tenant and I am going to ask Mr. Gregory if he wouldn't address the issue of additional parking spots that we might show on the plan.

Mr. Gregory stated yeah, I believe we were able to determine that we have an existing asphalt parking area from the barn, as located on the rear on 28 Britton. And I think that based on the dimensions that we studied, we have the ability to pick up an additional four spaces outside of the barn in that parking area. We have the ability to fit, excuse me five spaces outside the building, we believe it will include one parking space in the garage if we needed to do so. So, I think that by and we can demonstrate that on the plan dimensional how that would meet code but by providing additional six spaces we can provide actually 23 spaces, which you can represent.

Jan Johannessen stated the Building Department came up with the final parking count which I believe is 22, you showed 19, that's the fine approach alternatively, you have that upper parking area that's existing.

Chairman Cosentino stated which is quite large.

Jan Johannessen stated you show, I think four or six spots there, in reality maybe that's used by more cars than that, and instead of the dimensioning them you could outline an area showing approximately X number of vehicles as currently used.

Mr. Gregory stated we can show that.

Jan Johannessen stated I think there is a couple of ways we can use pick up those extra parking spaces to show zoning compliance. So long as we are not using the six purchased spaces as the main.

Mr. Kensing stated those spaces continue to be purchased by our tenant and indeed our tenant has said that if necessary, they're prepared to purchase more, that doesn't seem necessary.

Chairman Cosentino stated I don't think there is, it's not necessary.

Mr. Kensing stated and you've seen their operational plan.

Chairman Cosentino stated but the property is what it is right now, I mean anything there is an improvement, I think this is a big improvement.

Mr. Kensing stated thank you, Mr. Chairman, I agree with that.

Chairman Cosentino stated I, myself, do not have anything, I read the resolution, I do not have anything on this resolution. I don't know about my fellow Planning Board members or Staff, Jan, I wonder whether you have anything else on this.

Jan Johannessen stated they addressed all the comments, I think the plan is in order.

Chairman Cosentino stated I just think we should take it off our plate and let it roll.

Mr. Hertz stated Mr. Chairman, if I may, and this is exactly on the same point. Whitney, item 3 on page 4, I think goes exactly to this. Conditions to be addressed. So from a functional perspective, should we vote to approve this, they'll just have to come back and satisfy Jan and the Building Department that it can accommodate.

Jan Johannessen stated yeah, I think as a condition of approval though, they'll revised their plan to show the required number of parking spaces to our satisfaction.

Chairman Cosentino stated yeah, we can do that as a condition of approval

Mr. Hertz stated just never seen a condition that kind of says 'unless a variance is obtained' sort of.

Jan Johannessen stated alternatively they can seek a variance.

Mr. Kensing stated I should have addressed that, we do not wish to seek a variance.

Mr. Hertz stated I assume not. Right, but you are comfortable that without a variance, in a...

Jan Johannessen stated we are comfortable to pick up three spots without a variance.

Chairman Cosentino stated and in saying that, I myself, I would like to get this off our plate and vote on this tonight and get it going so you people can start and doing what you have to do. I don't know how the rest of the Board feels but I feel just whatever we have to make a condition, make a condition and let this role.

Mr. Sturniolo stated Mr. Chairman, I have a question. Anthony, question, are we 100% comfortable with the photometric plan submitted as far as...

Anthony Oliveri stated yeah, I think a revised plan came up to...

Mr. Sturniolo stated adherence to code. Okay.

Jan Johannessen stated I think we had a couple of minor comments on the lighting plan which became conditions of approval, but I believe the applicant submitted a revised photometric plan last week to address those issues.

Chairman Cosentino stated yes.

Mr. Sturniolo stated thank you.

Chairman Cosentino stated so in saying that if there is nothing else that needs to be said.

Whitney Singleton stated could I suggest a revision to condition number 3, page 4. Perhaps I should say what the applicants said, perhaps that should be reworded to that the site plan shall be revised to demonstrate compliance with the property requirements delineated by the Building Inspector. Instead of in reference to the data, required numbers and any issue as to whether variance has been obtained.

Chairman Cosentino stated okay. John, did you say you had something?

John Landi stated no, no.

Mr. Hertz stated Tony, just a comment. Was this lighting plan, because I will be honest, this came in our packet and it says photometric lighting plan but it has no address, it has no section block in lot, it has no identifier whatsoever, except there is a very lightly stamped 74 in a corner. Which I can only assume might reference your property #74.

Mr. Gregory stated I can clarify that and give it to you, when I resubmit the final comments.

Jan Johannessen stated Doug, I think condition #2 might address that, the photometric plan be incorporated into the plans under the title block.

Mr. Hertz stated that's great, I was just guessing whose application this has absolutely nothing on it.

Mr. Vigliotti stated good guess.

Mr. Diotte stated I didn't pay enough money to get my name put on there.

Chairman Cosentino stated if there is nothing else, does somebody want to address the resolution?

**Mr. Vigliotti stated Mr. Chair, I would like to move to approve Change of Use permit for BDM Properties LCC, 28 Britton Lane/74-78 S. Moger Avenue, section 80.24- 3 lot 1, 2, and 23, application PB2013-7.**

**Chairman Cosentino stated motion made by Mr. Vigliotti.**

**Mr. Mareschi stated I will second it.**

**Chairman Cosentino stated on the question. Will Secretary call the Board, please?**

**Upon Roll Call Vote:**

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

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

Mr. Gibbons stated I am going to recuse myself since I am affiliated by the Mount Kisco Hebrew Congregation and we are the adjoining property, I think it's proper for me to recuse myself.

Chairman Cosentino stated not a problem. Congratulations, guys.

Mr. Kensing stated thank you very much, Mr. Chairman, I appreciate the cooperation of the staff.

Chairman Cosentino stated thank you, thank you for coming. Okay, the next thing is Mount Kisco Supply, 369 Lexington Avenue. Would you identify yourself for the record, please?

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

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

Mr. Monteleone stated good evening gentlemen, Anthony Monteleone, Monteleone & Monteleone, attorney for the applicant.

Mr. Demasi stated Lou Demasi from Goewey & Demasi Architects.

Mr. Sturniolo stated do you have business cards gentlemen, for Michelle.

Mr. Monteleone stated this is Robert Pasquale, the owner of the property. This gentleman is Marc Viggiano who is the proposed tenant for the warehouse space in the back. We have received the memos from Kellard and Anthony Oliveri and then to make initial comments, then I will go through the Kellard application. Ferguson has been operating out of part of those premises pursuant to a C of O. They've started work and it's been stopped on an additional part of the premises, which are shown on these plans. We would ask that the Planning Board allow the Building Inspector to issue a building permit for Ferguson to build out, provided and we will assume all risk and all responsibility if this site plan has not been approved as to Ferguson. So we are willing to do it at our own risk. We would like to have Ferguson who has been delayed for over a year, do their build out at this point.

Chairman Cosentino stated what do we have before us tonight?

Mr. Monteleone stated you have, that's part of the application before you, the completion of the total space that Ferguson will be occupying. Some of which is already approved, some of which the work has been stopped and that's what the area that we are asking for the building permit on subject to assuming the risk and certainly take that up. We have discussed that with the Building Inspector.

Mr. Vigliotti stated Tony, can you explain the relationship of Ferguson and Mount Kisco Supply on that site?

Mr. Monteleone stated well, they are totally independent. Mount Kisco Supply is on the south side of the building and occupies what has always been the hardware store and they have a small storage area behind it. That storage area may wind up being part of Ferguson, and in our revised plans we'll submit that to you. Totally independent from Ferguson, Ferguson used to be Davis & Warshow, Ferguson which is a worldwide company bought out Davis & Warshow. They have submitted plans I believe, to the Building Inspector for the buildout, we want to work with the Building Inspector to make sure that those plans meet his standards and if they do, that building permit, for them to continue their buildout. All of their buildout will include part of the warehouse space, but there will be a significant area of warehouse space, still will remaining.

Mr. Demasi stated that's broken down this way, here.



Mr. Monteleone stated that's a separate tenant.

Mr. Demasi stated this is the building here, and then what I had done was, I broke down spaces into either retail, storage, alt. storage and it's basically office space, retail, and storage in there. So the hardware store is this area here, with the storage area here, and then Davis & Warshow is all back they are looking to occupy a floor underneath which I didn't realize to begin with, but there are two floors you can get further in the back. So the area built up the top floor. Now they are looking to build underneath it.

Mr. Vigliotti stated the Davis & Warshow which is I guess retail bulk, is that is going to remain as retail to some extent?

Mr. Monteleone stated yes, it's going to remain exactly the same nature as existing, showroom.

Mr. Vigliotti stated exactly as it is now, okay, fine.

Mr. Monteleone stated only expanded, same thing, more appliance and more fixtures.

Mr. Demasi stated they don't need to store anything there, all their storage is in New Jersey, they just want a place to show pieces, a showroom.

Mr. Sturniolo stated I have a question, currently what is the top floor being used for?

Mr. Demasi stated top floor is in the back, because there is no top floor in the front of the building. There's bathrooms, there is a setup for a kitchen display and a place for people to have their lunch. That's in the back part, underneath was it the old Mount Kisco Supply and that's going to be converted into more kitchen area to show off pieces in part of their showroom.

Mr. Sturniolo stated so there is no office usage?

Mr. Monteleone stated yeah, there is, Bob, you have a room there, right?

Mr. Pasquale stated the hardware store has a small office upstairs, in the rear of the space.

Mr. Monteleone stated it's really not a second floor, it's a mezzanine kind of area...

Chairman Cosentino stated it's not a full floor.

Mr. Monteleone stated its very insignificant, it's very small, it really doesn't amount to much square footage at all.

Mr. Sturniolo stated will your new configuration will you be selling lumber?

Mr. Pasquale stated no.

Chairman Cosentino stated the hardware store is a hardware store.

Mr. Pasquale stated it's not going to change the business.

Mr. Monteleone stated the hardware store is going to stay exactly the way it is.

Mr. Pasquale stated Davis & Warshow and Ferguson, it's going to expand our showroom displays.

Anthony Oliveri stated which area is the area they want to build in now at their own risk, on the plan?  
Retail bulk, 1,412 square feet?

Mr. Demasi stated right, it's underneath the existing part that they have now. It's this way, Anthony, it's underneath, it's here, it's the 3,808, is where they've looking to buildout now.

Jan Johannessen stated are those floor plans the first floor?

Mr. Demasi stated first floor of this and then the back part is just, see where these two dotted lines are, that's the two story part and that's this part here.

Whitney Singleton stated that picture there, shows two different stories.

Mr. Demasi stated this is the second story with the warehouse in the back, this is the lower part of this floor.

Chairman Cosentino stated we got too many conversations going over here, this microphone is not going to be picking everything up, let's have one conversation.

Whitney Singleton stated the warehouse is the first floor?

Mr. Demasi stated yeah.

Whitney Singleton stated okay, but stuff in the front of that, is the second floor?

Mr. Demasi stated correct, yeah.

Mr. Vigliotti stated so, in clarification the buildout is building onto the existing Davis & Warshow, as far as...

Mr. Demasi stated behind it. But they already have the upper part.

Mr. Vigliotti stated I understand but the buildout is for which store? It's not for Mount Kisco supply, it's for Davis & Warshow?

Mr. Demasi stated yes.

Mr. Vigliotti stated okay, they got to have more storage and more display, that's the buildout.

Mr. Demasi stated no storage and more display.

Mr. Vigliotti stated okay, fine. The second story will remain consistent to what it is now?

Mr. Monteleone stated yes, I think so, it will remain the same.

Mr. Vigliotti stated okay, so that's not going to be built out, and elevators up, it will be more or less bathrooms, kitchen area for employees, and a little office.

Mr. Demasi stated they do have a handicap lift because that's where their bathrooms are, that's already in place.

Mr. Vigliotti stated so I just want to clarify what the buildout really meant, so it has nothing to do with, you are talking about wanting to move forward with the buildout is the warehouse is, that's one another burner.

Mr. Monteleone stated exactly.

Mr. Vigliotti stated okay.

Jan Johannessen stated but you'd be converting warehouse to a showroom?

Mr. Demasi stated no, the warehouse in the back is going to be for Two Men and a Truck.

Jan Johannessen stated I think the Ferguson buildout that you want to build at your own risk, is not warehouse right now?

Mr. Vigliotti stated that's where they stored pipes...

Jan Johannessen stated storage to showroom.

Mr. Pasquale stated that's where our counter space was and our interior bins, so to speak.

Mr. Monteleone stated it was where the retail supplies were, where plumbers would walk in and they'd order something and they'd go back. It wasn't really a warehouse, the warehouse was the separate entity, so yeah, you could call it the storing of plumbing materials, you want to call that a warehouse.

Jan Johannessen stated I think it's an important distinction because if that change is considered a Change of Use, required approval from the Planning Board, I don't think that a building permit could be authorized. Because of the nonconformities of the site, but it's not a Change of Use, it's going from...

Chairman Cosentino stated in other words you went in there as a plumber, you purchased stuff, they went in the bin, got it, gave it to you, and you left.

Mr. Monteleone stated its part of the retail operation.

Mr. Vigliotti stated okay, yes

Mr. Pasquale stated it consisted of an entry, a counter with counter people, behind it was the bin storage, and we have the sales office which is just right there.

Jan Johannessen stated so it might be helpful of you did like an existing conditions floor plan, compared against the proposed, so you can see that there's no change.

Mr. Demasi stated which Ferguson has already sent it to the building.

Jan Johannessen stated we needed this part of the site plan.

Mr. Monteleone stated okay and we're considering that as we just discussed as the old plumbing supply retail operation. So, we would like the Board to consider that and we'll agree that no C of O can be issued on that until site plan approval. Certainly, we are proceeding at our own risk.

Whitney Singleton stated Tony, back up for a second. You said that like it was a resolved issue. I want a clarification from the Board as to whether or not that's your position. You have an application that's coming as a formal application and he's asking to proceed with construction for a use that may or may not be a Change of Use. If it's a Change of Use, the Building Inspector cannot give him a building permit without tearing down the house and it would higher parking requirement.

Jan Johannessen stated well, if you submit the side by side floor plans, and allow the Building Inspector to make that determination.

Mr. Monteleone stated thank you. And part of our application, of course here today, is to take down the two-family house.

John Landi stated with all due respect Jan, I would prefer to hear the Board tell me that they'd allow me to go forward with it.

Jan Johannessen stated right, but we need the plans to make that determination.

Chairman Cosentino stated we can do that without the plans to make that determination.

Whitney Singleton stated I just want it to be clear that the silence of the Planning Board is not some sort of passive approval.

John Landi stated right, no, I understand that...

Mr. Vigliotti stated no, no, your point is well taken.

John Landi stated and I thank you for that because I was going to be asking that question next. I'm not issuing anything without an okay from the Board.

Mr. Vigliotti stated so it's my understanding, and I think several members of the Planning Board, that the house and garage is coming down at some point. I would be reluctant to move forward with the buildout unless the house and garage were taken down. In good faith, and in a step to move forward, what we don't want to have happen is, we get midway and all of a sudden now we don't want to take the house and garage down, we are not going to buildout the remainder of the warehouse. So we are thinking of moving in the direction that you want, knowing that the house is going to come down, you're going to create the parking that's necessary.

Mr. Monteleone stated well, certainly you cannot approve the Site Plan without a condition that the house be taken down within a fixed period of time. And the entire site plan including the warehouse area would be subject to, a C of O for that would be subject to the house coming down. At the same time, we're all acting in good faith here but the building, the two-family residence is income producing. We've already given some notification to the tenants but we are not going to notify the tenants that they have to vacate until we feel that we are far enough along, so that approval will come shortly and we can get them out and get the house down. As soon as they're out we'll take the house down, we are hesitant to remove them at this point, from a practical financial point.

Mr. Vigliotti stated I understand that. I just need to ask our attorney. Whitney, what has been said by Tony, what do you feel about that, which direction do we go with regard to taking the house down and garage?

Whitney Singleton stated the Building Inspector is legally precluded, with or without the authorization of the Planning Board Chairman, is legally precluded from issuing a Change of Use permit for a space that there is no site plan of record.

Mr. Monteleone stated but we're suggesting to you or what we are saying is that Ferguson is not a Change of Use. Ferguson is a retail operation, the old operation was a retail operation, and we're continuing a retail operation.

Whitney Singleton stated but Tony every retail operation has a component of office, warehouse, retail area, maybe even cafeterias. All Jan was pointing out was demonstrate to this Board that you are not changing from one use to another. The Building Inspector can't give you the permit.

Mr. Monteleone stated now can we submit those plans? We will work with Jan on it and we will work with the Building Inspector, so that when we come back before the next meeting that will all be in place and it's up to your board to make a decision. Is that workable?

Mr. Vigliotti stated yeah.

Mr. Sturniolo stated as long as everybody here at the table understands, using what Tony told us as a workable concept, it's not a guarantee or...

Mr. Monteleone stated no, no. We want to work with the Staff and I think that we think that we can work that out and have something before your Board in the next meeting when we are on the agenda. We will have the floor plans for Ferguson, as I said before, we will merge the two lots into a single lot as part of the final Site Plan approval. The survey will show the zoning line and determine if an amendment to the zoning map is required. We've ordered the survey already and we need to tell Rob that they want a topo on it too, its as flat as can be. We will set forth the wetlands on it and everything else. Lou will provide revised drawings. Lou will discuss parking as soon as I finish. The residential subdivision we have shown a footprint on the submitted plan already, for two residential lots in the building of residential homes of either one- or two-family. We need to do some work, fine tuning and all that, to determine whether we can...

Mr. Vigliotti stated Tony, on that I just want to ask Jan, I had some conversation briefly, we didn't really get into any detail. With regard to site coverage versus building coverage and how close are we to meeting code on that? I am thinking as I see the site, it's all macadam and all building, with a nice lawn in the front. Are we close on site coverage, building coverage?

Jan Johannessen stated I think we're waiting on some calculations but regardless whether they provide all the required on-site parking or they land bank, there's likely to be a coverage variance needed or some provision to the plan to pick up coverage from the residential parcel.

Anthony Oliveri stated I think when we pointed out, I think both of us did in our memos. When you do the calculation, you have to include land bank spaces in development coverage.

Mr. Demasi stated include that in there.

Jan Johannessen stated as if it was developed.

Anthony Oliveri stated that could be a future, it might be deemed necessary in the future.

Mr. Monteleone stated the parking, with the uses that are presently occupying the property and the one that we are proposing, they're all minimal parking needs. There aren't that many customers coming to Ferguson, there aren't that many customers coming to the hardware store, and proposed Two Men and a Truck moving business, is going to have a limited number of cars in and out and trucks in and out. The parking we are going to try to be code in every respect, if not, we think that land banking makes sense and we'll definitely have enough parking to meet the needs of the three uses.

Anthony Oliveri stated it probably will make sense for these tenants but you've got to look at the future and to meet the zoning requirements, you are not going to be over the development coverage.

Mr. Monteleone stated the top, in the future.

Anthony Oliveri stated if it's going to be, then you would have to get a variance.

Mr. Monteleone stated but every time you have a change in use, you have to come back to you guys anyway.

Whitney Singleton stated but Tony, that's the whole point, you're arguing that there's not a change in use. If this becomes a Klaff's or something of that nature, and is generating hundreds of cars per weekend. They are going to walk in the door and say, this is a home improvement center there's no change in use, and we're allowed here as of right. That's the whole point of being able to address it now.

Jan Johannessen stated they've shown, they've provided a plan that shows all the required number of parking spaces, and they provided a plan that showed a fraction of that, in assumed land banking. Now the Planning Board, if you land bank parking spaces, at any time will require the spaces, so that's why you have to include that area as part of your zoning analysis.

Whitney Singleton stated but where that's going to put you, just to take you one further step down the road. Where that's going to put you is in an excessively developed site, provide the parking for 20,000 square feet of building. You are going to have an impervious coverage that far exceeds the maximum development coverage of the zone and then you are going to call in a new question about your ability to spin off those lots in the back. That's where we're kind of trying to put everything on the table now, before it goes further down the road, because you already are like 80% without development.

Mr. Monteleone stated when you take down a two-family residence and we, some of that would be land banking and then would be green space, in addition. Some of them would be green space, period, others would be land banking of parking and in addition to the landscaping and the green space. And we'll work that out, we'll see what it comes out to be, we understand your concerns.

Anthony Oliveri stated do you know what the development coverage is, off hand, for the CL zone?

Mr. Demasi stated I am waiting for the survey to give me the existing coverage.

Anthony Oliveri stated as far as the zoning requirements.

Mr. Demasi stated zoning requirement? I don't have that.

Mr. Vigliotti stated just by widening the driveway with or without a permit, you're taking some of the site coverage that is green space and now it's macadam. You keep losing, where there's no gain.

Mr. Monteleone stated and by the way with regard to the driveway, we'll work with the Building Inspector in regard to how he wants that improved and we'll improve that.

Mr. Vigliotti stated I know you put the driveway and you put some 4x4 timbers, I'm not sure 4x4 timbers is the way to go for something that visible from the road. You would think there was some of the type of material that would be a little bit more sophisticated and I would encourage you if this 4x4 timber is in the back that go up two feet, that's up to the Building Department. But as I see it from the street it just looks like we just put them in there and it doesn't enhance the property by any means. So I just wanted to share that with you.

Mr. Mareschi stated will the entrance be the same, the front entrance?

Mr. Monteleone stated nothing will change. Single entrance for both businesses, no second entrance for either of them.

Mr. Mareschi stated okay.

Anthony Oliveri stated by the way is 80% of building coverage, and I guess you're showing with your full buildout of 54 parking spaces, like 94.5%, impervious. Now development coverage also includes gravel areas too, so you have to include the gravel area, like the driveway.

Mr. Demasi stated okay, I'll double check that.

Anthony Oliveri stated it looks like it definitely could get over, so, you've got to look at, maybe the rear residential lot. If those could be a little smaller and get some green space back there as well, to see if you can make that up percent. Otherwise you're looking at variance because it got to include all the parking.

Mr. Demasi stated let me ask you a question, if I get the existing coverage and its a certain number, and we stay within that?

Anthony Oliveri stated no, because you are totally different site, you're subdividing the site.

Jan Johannessen stated when you did your development coverage calculations did you include the residential piece or you stopped it at the proposed zoning district line?

Mr. Demasi stated I haven't even double checked the number is correct because it might have been just an older number that I forgot to fix.

Anthony Oliveri stated you just have to take the CL piece and what the development coverage is going to be, and the proposed conditions have to be under 80%.

Jan Johannessen stated you have to look at the residential piece separately, you might have to start playing with that line to pick up some.

Mr. Demasi stated and make the lot smaller.

Anthony Oliveri stated you may have room to play with those rear lots.

Jan Johannessen stated they look like oversized lots.

Mr. Monteleone stated we will include the lighting and the landscape in the revised plan. We naturally will replace the chain link fence upon approval, it can be a condition. We'll work with Jan and the DEP as far as submitting a necessary application. We'll add the wetlands delineation to the site plan and work with Michelle on it. We will do a short form EAF and work with Michelle in reference. Lou will now discuss Tony Oliveri's comments and I have here tonight the proposed tenant for the other space, and after Lou completes it, we will then address what that use will be.

Mr. Demasi stated Mr. Chairman, I want to go over like the existing for the parking condition that we came up basically. Talking with Staff, we worked out parking configuration by taking out the existing two-family house, and coming up with the required parking spaces that we needed, which is 54 parking spaces. So then we scaled it back a little bit saying that we are going to banking this area, bringing that back to green space, but I'm going to be counting that as part of the coverage later on, but here we came up with 41 parking spaces. So this we are going to bring back to green space but we're going to be allocating that for future parking and I think that parking scheme seemed to work best. If there is any comments on that I would appreciate...

Mr. Vigliotti stated your proposal is the bank parking spaces that abut Lexington Avenue.

Mr. Demasi stated no, abut the property next to it which is here. Lexington Avenue runs across that way/

Mr. Vigliotti stated now the house, as I see it, is here.

Mr. Demasi stated yes, the garage is back there.

Mr. Vigliotti stated are you proposing for parking right up to the Village property line?

Mr. Demasi stated no, not in any circumstance. Here, with the 54 parking spaces that I am required to have, I was going to make this lawn space.

Mr. Vigliotti stated okay, I guess what the Board maybe looking at is similar to the grass green space that you have in the main part of the building, it would be nice to carry that to the property line and use that as land banking, so it has a green, plush look.

Mr. Demasi stated As much as we can, I mean the existing curb...

Mr. Vigliotti stated and we can talk about that, as we get closer to that.

Mr. Demasi stated but the existing curb cut is here, I have the two handicaps spaces, so I'm not going to be touching that. Where the houses and the existing driveway, that's what we are going to turn back into green space.

Mr. Vigliotti stated yes, okay.

Mr. Monteleone stated that's what we would spin into grass.

Mr. Demasi stated and then the two lots in the back we're going to allocate as residential. We are required to have a buffer zone, so I think this buffer zone is going to increase and that's going to become landscape banked and add to my green space, to hopefully get to less than 80%. As far as the comments from Anthony, I don't have anything that I had questions on, so.

Mr. Monteleone stated Anthony, you have some input on your comments? I think that Lou will work with you, I think most of them are workable...

Anthony Oliveri stated yeah, the engineering details have yet to be submitted, so.

Mr. Demasi stated and as far as the details for like dry wells and cultex stuff, we're actually, hopefully be taking away some, so we will still need to provide some drainage with that.

Anthony Oliveri stated well, as far as the Village is concerned you end up with less impervious then we're fine, but you got to look, I think this is the Designated Main Street Area, so you're dealing with DEP. You can't do a trade off with DEP. If you change anything from green to impervious you're treating that water. So keep that in mind.

Mr. Monteleone stated fortunately, we're changing impervious to green.

Jan Johannessen stated well for the expansion of that driveway, for instance, that's going to throw you to DEP, right there.

Anthony Oliveri stated and it's likely that the Planning Board is going to want to see...

Mr. Monteleone stated oh, you mean on the other side, okay.

Anthony Oliveri stated yeah, but it's likely the Planning Board is going to want to see the driveway paved to that width and not left as a gravel area, partially. So you are going to probably have to treat and that's all in the DEP, you've got to look at that.

Mr. Monteleone stated DEP doesn't consider paving stones to be impervious, right or pervious.

Anthony Oliveri stated they look at certain, gravel they do. I'm not sure the Planning Board's going to approve for the driveway, just paved to a certain with and having a gravel area like that, I'm not sure they would want that.

Mr. Monteleone stated okay, well maybe gravel, in fact I work out at the gym across the street and there is a little kid throwing the gravel, so I don't think we should do gravel.

Mr. Pasquale stated no, the plan is to repave the driveway. There is a drain at the end...

Mr. Monteleone stated whether it be mulch or whatever. We'll address that, it's hard to satisfy DEP but we'll somehow work that out.

Jan Johannessen stated the residential zone isn't, I don't think in the Designated Main Street, you're spared in that.

Mr. Monteleone stated okay, gentleman, at this point then I would like to introduce Marc Viggiano. Mark is the owner of Two Men and a Truck. He presently has a location in Port Chester and I believe he has another one in Millwood that he wants to move here. He did do a letter and if I may I can give each of you a copy of it and it includes copy of his website. And Mark will be willing and happy to answer any questions. Basically he will be putting an office there, as his letter indicates and selling moving supplies out of that office, as well as booking customers. And he presently has 8 trucks, those trucks will not be at one location in any given time in most situation, they will be split between the two locations. He does have some employees who will be on site in some time, in addition to the sales person. And the warehouse area would be accessory to the retail and Mark has a business plan here from the franchise or himself, and will be happy to discuss any of that with you.

Mr. Vigliotti stated what's the size, Marc of the truck?

Mr. Viggiano stated 16 foot and 24 foot.

Mr. Vigliotti stated 16 to 24.

Mr. Viggiano stated they're your regular straight box trucks, look like a Penske, you'll see on the street.

Mr. Vigliotti stated do the pods fit inside or is that another truck?

Mr. Viggiano stated inside.

Mr. Vigliotti stated how are the pods brought off the truck?

Mr. Viggiano stated well, they are actually, pods are actually built within, the the truck is a straight box truck, so that stays as it is. So if you wanted storage, we would ask how much are you looking to store and then build the structure inside the warehouse and that becomes your unit, so they're plywood boxes that we construct as little or as much as you need.

Mr. Vigliotti stated the pod is not brought to the site and brought back, it's built to specifications, custom built.

Mr. Viggiano stated yeah.

Mr. Vigliotti stated will the trucks be visible, will they be parked behind the building or are they going to be visible to Lexington Avenue?

Mr. Viggiano stated they are actually going to behind the existing garage and then there is the driveway, so it kind of funnels. So from a site line you are kind of, we're not real visible at all.

Mr. Vigliotti stated as Tony, you know, we had couple of local movers in town for years and years and years, and those are trucks were be visible and unsightly.

Mr. Pasquale stated this is clearly well tucked in behind the garage and along fence line.

Mr. Vigliotti stated I think that is something we'll need to see on the plans.

Mr. Monteleone stated yeah, basically it will be behind the retail operation of Ferguson, and it won't be visible.

Mr. Monteleone stated show me where, if you would show the Board where the trucks would be stored.

Mr. Demasi stated 1, 2, 3, and 4.

Mr. Vigliotti stated what's here?

Mr. Demasi stated that's an existing garage.

Mr. Pasquale stated the only visible is the width of the driveway.

Mr. Vigliotti stated you can recall the two or three moving companies and how that looked.

Mr. Monteleone stated and there is still one here.

Mr. Vigliotti stated alright.

Jan Johannessen stated you pull up to the loading dock and unload them by hand to the storage unit?

Mr. Monteleone stated Marc, can you go into some of the parameters of your operation and the requirements of your franchise?

Mr. Viggiano stated so, we are a franchise, we have a franchise agreement with our home office that states that we have certain components on premises. Such as truck parking, a retail store which a customer can come in, ask questions, pick up supplies, book a job, so there has to be staff that's on the site to service any of that walk in traffic. So that's pretty much and then there's the regulation of how our trucks are lettered, how we appear to the public, so uniformed, trained employees, all have be background checked, drug screened. So we run an operation. If you had to take a look at McDonald's, where the French fries have to be the same way, every time, no matter where you are throughout the United States and if you can't pull to those standards, home office comes in and closes up your shop.

Chairman Cosentino stated I have one question. Now since a family is going to store whatever they have into these compartments, how many compartments do you feel you can have there, approximately?



Mr. Viggiano stated well, a compartment typically is 5x10 or 5x5, so depending on if you said it's a standard home, you may have 15 boxes, 5x5x8.

Chairman Cosentino stated so that's what you are going to have in this warehouse, about 15 boxes?

Mr. Viggiano stated oh, no, it's going to vary, that's for one house, so it will vary as sort of like it ebbs and flows as people need their items they will come in.

Chairman Cosentino stated that's what I am talking about. That's what I was going to get at, now the homeowner can come in at any time in the day.

Mr. Viggiano stated no, they are by appointment only. If we were a private storage facility you would then have traffic at any given point. Our storage is really a service, but it has to be by appointment only with our staff on premises, to access those storage units. So it's not as if you go to Westy or U Store It or Public Storage, where you have a contract with that storage facility and that storage locker is technically your property. In this instance, we are holding their property and they must come through us to gain access.

Chairman Cosentino stated so you call, you're really not going to deny them for coming to picking up.

Mr. Viggiano stated no, we need to know ahead of time, with at least 72 hours.

Chairman Cosentino stated so you would tell 10-15 people a day to come back and forth and pick up.

Mr. Viggiano stated we have to reschedule, we wouldn't allow it, because we would have to overstaff to accommodate that kind of traffic. So we are going to let people know and there is a fee for it, so that's what also helps people minimize the number of trips back and forth to storage. So for every trip we need to cover our cost for our men to be on the facility property to gain access and you know, service the customer.

Mr. Monteleone stated I think primarily they're a moving company and they are going to move from one place to another. As an accommodation when someone is moving out of one house and can't get into the other one for a week or two weeks, then they're going to store, how much long term storage do you have?

Mr. Viggiano stated the way traditional storage works, long term storage could be years and years. We don't have that, I mean we have usually one of year is the longest we have ever had anyone. And that's usually because they're building a house, it takes six months, get the stuff in, get the stuff out, closings are happening quicker than they can get the build done, so that kind of stuff. And usually scales down and then they leave sort of the incidentals, that at some point they have to pick up at a later date.

Chairman Cosentino stated so some place maybe at 5 o'clock the gates are closed, everybody goes home till morning 6 o'clock.

Mr. Monteleone stated exactly.

Mr. Vigliotti stated are you a 7 day a week operation, or 5 days?

Mr. Viggiano stated we are 7 days but it's really to service the customer because some of our customers only get one day off, which is Sunday. And those weekends, those Sundays they are so light, it's so infrequent. We leave it as an opportunity to customer to say, that's the only day I have off, can you move me?

Mr. Vigliotti stated Marc, your proposed square footage, what you're proposing, is that larger than Port Chester, or Millwood, or the same, or close?

Mr. Viggiano stated I would say its pretty close, our Port Chester office is maybe a little bit bigger than this.

Mr. Vigliotti stated not the office, so to speak, I am talking about storage of pods.

Mr. Viggiano stated oh, the whole space, I would say it is pretty compatible. The Millwood operation is a bit spread out, it's not as clean, and that's why we are looking to move here. Things are going to be much more organized and easier to manage for us, but I would say they are compatible.

Mr. Vigliotti stated so how many pods are there in Port Chester?

Mr. Viggiano stated there are no pods in Port Chester. Port Chester acts just as an office for our customers to come and go, it's a convenience, so they don't have to travel all the way to Millwood.

Mr. Vigliotti stated alright, so how many do you have in Millwood, just trying to get a sense.

Mr. Viggiano stated we don't actually have pods, we actually have lockers. We have six.

Mr. Vigliotti stated okay, still doesn't help us to know, still trying to get a sense of how many pods.

Chairman Cosentino stated I think it goes back to what I was saying, it's really a moving business. If somebody is going to move and are not close yet they are going to say 'can I store my stuff at your place and I am going to be closing in two or three months', it's an accommodation with fee.

Mr. Viggiano stated it's a service, we provide it, when someone wants to do this, they are usually already in a position that they need help and they want to deal with one person, 'can you do my move, can you store my items, can you pick up my items, and then move me into my new place?'

Mr. Vigliotti stated one last question, the home office, their business plan for your proposal, as a Two Men and a Truck franchise, do they have in their proposal maximum or minimum number of trucks that must be stored at your site?

Mr. Viggiano stated no, the minimum number of trucks is two.

Mr. Vigliotti stated okay. Is there a maximum?

Mr. Viggiano stated there is not a maximum because it's United States, you can go to Arizona and you know, rent property for far cheaper than you can at Mount Kisco, so you can get acreage and you know...

Mr. Vigliotti stated it's coming back in six months and saying the home office said we need more, we need 14 trucks.

Mr. Viggiano stated so each franchise is individually owned and operated. So they can't put restrictions on us that we can't meet financially, we wouldn't be in business.

Mr. Vigliotti stated okay. So, it's unique, you use a franchisee versus the home office.

Mr. Viggiano stated home office wants to basically make sure that we are following protocol and standards, so it's really about control and not damaging the brand.

Mr. Vigliotti stated okay.

Mr. Mareschi stated what are the hours, Marc?

Mr. Viggiano stated So, our hours in the morning typically it's from 7 and 5 o'clock, between 7 and 5 you know, but our trucks will roll out by 7:30, we have a half hour window where the guys will come in and exit. They usually come back at any given time throughout the course of the day.

Chairman Cosentino stated is there anything else?

Whitney Singleton stated do you have take other franchisee's trucks on deliveries, like U-Haul and Ryder?

Mr. Viggiano stated no, only our trucks, that becomes an insurance...

Jan Johannessen stated did you mention the number of pods or storage units that you think you are going to have inside?

Mr. Viggiano stated it's really hard to tell at this point. We have the space that's what we are most concerned with can the space actually accommodate.

Chairman Cosentino stated you probably have a house 2,000 square feet, and next day you have a house 5000 square feet.

Mr. Viggiano stated exactly, sometimes you have a studio apartment, sometimes you have just a certain room because we're working with contractors that are doing partial renovations and you just have to move a room out. So if someone is just doing a living room you are like, okay, let's get the sofas, let's get the chairs, let's do the renovation, four months later the stuff goes back in.

Mr. Vigliotti stated are you providing facilities for dumping, meaning they open a pod and say, we don't want this couch anymore.

Mr. Viggiano stated we take it to the dump, and it's a fee that we bring back to the customer.

Mr. Vigliotti stated so, you are not going to have on site?

Mr. Viggiano stated no, we do not allow it.

Mr. Sturniolo stated but you would pick up junk and go directly to a dump site?

Mr. Viggiano stated that is not a service we provide, if a customer says, 'hey, I have got a bunch of stuff to throw out', there are other companies that are out there that provide that service, that's not what we do.

Mr. Vigliotti stated so you wouldn't be bringing, this is a whole new concept for the Village.

Mr. Viggiano stated sure. You have a college junk hunks or something, Junk Luggers, those are the guys that you call for that purpose.

Mr. Vigliotti stated so, you wouldn't be bringing back couches to your site, that they say, you know, I may want to throw those out down the road. Would you have storage for stuff like that?

Mr. Viggiano stated we could do it overnight, we could leave it on the truck and the following morning have to bring it to the dump but we would be charging them to make that dump run. Yeah, the dump is going to charge us to drop it off.

Mr. Vigliotti stated so absolutely, no outside storage, no outside facility to take, nothing outside the building. We certainly don't want to see next to a dumpster.

Mr. Viggiano stated just our trucks. Our home office would not allow that.

Mr. Vigliotti stated and neither do we.

Mr. Viggiano stated yeah, that's what damages the brand.

Mr. Pasquale stated that's three of us, neither would I.

Jan Johannessen stated number of employees.

Mr. Viggiano stated depends on scale, summer is our busy time, so we ramp up a little bit but your internal employees you're going to have sales person, operations person, office manager and then probably like a floater, someone who kind of helps out all three departments. And then if you want to say on an average two men per truck, literally two men and a truck, so you have about 8-10 but on staff you are probably going to have 14 to 16 guys, so you don't burn out individuals.

Jan Johannessen stated so you might need 20 parking spaces just for your staff.

Mr. Viggiano stated that's the beauty of this site is we have the train. The guys coming in from the train, driving in, so we have guys that are going to be carpooling, taking the train, or also are local.

Chairman Cosentino stated I wish you wouldn't have said that, because everybody says that.

Mr. Viggiano stated that's one of the reasons why we like the area.

Chairman Cosentino stated the only thing you left out is a motorcycle or bicycle or scooter or something like that.

Mr. Vigliotti stated in the city they will walk three-quarters a mile for parking space or to work, in the country they won't walk more than two blocks.

Mr. Viggiano stated even if we needed parking...

Mr. Vigliotti stated well, it would be designated per employee anyway, so it's going to be designated.

Mr. Viggiano stated and does it matter that when our trucks leave that creates, for each parking space if you said you had two men and two cars, basically you can backfill where the truck parked and that's where you can have your two parking spaces.

Chairman Cosentino stated that's a parking space.

Mr. Vigliotti stated that's what Frito-Lay does in town, that's a parking space. It works 90% of the time.

Chairman Cosentino stated alright, look, you have a lot of homework to do here, Tony.

Mr. Monteleone stated right, we do.

Chairman Cosentino stated I would suggest that you meet with Jan

Mr. Monteleone stated we will.

Chairman Cosentino stated whoever you have to meeting with, the Building Inspector and do some homework and come back here.

Mr. Monteleone stated we will.

Chairman Cosentino stated so we can help you out here.

Mr. Monteleone stated thank you very much.

Chairman Cosentino stated thank you. Next thing on the agenda is Timber Ridge Condominiums, is there anybody here for Timber Ridge? Okay.

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

Mr. Stefan Vasiescu, of Timber Ridge and Mr. Luigi Demasi, of Goewey & Demasi were present.

Mr. Vasiescu stated good evening everybody my name is Stefanita Vasiescu, I am the President of Timber Ridge Condominiums. I want to apologize for our attorney, Mr. Martabano, he is unfortunately sick. So we try to do with the presentation without him tonight.

Mr. Demasi stated as best as we can.

Mr. Vasiescu stated and Lou Demasi is our architect.

Chairman Cosentino stated all right, why don't you tell us where you are, and I'll tell you what, is somebody from staff that can tell us what's happened since the last time they were here, just for the record.

Jan Johannessen stated they went to the Zoning Board and got their variances.

Mr. Demasi stated last time we were here you recommended that we sit down with staff and work out a plan with them. So that's where we are at with that, we sat down with staff and they recommended for us to get certain plans done, which we tried to do and come up with topos, steep slopes and we had gotten the variance from the Zoning Board of Appeals.

Mr. Vigliotti stated can you go with the variances that were issued? I am not familiar with them.

Mr. Demasi stated so zoning, so Whitney is going to help me out with dates, but basically this setback line here was, I think rezoned in 1987, Whitney?

Whitney Singleton stated I don't know.

Mr. Demasi stated so sometime after this condo was built, so in here and here was 30 feet. So in doing the new decks, we're trying to expand the existing deck, so in doing that, we have to get a variance for expanding the existing decks.

Mr. Vasiescu stated so if I may, on this side of the plan it was 80 foot, on this side was a 30 foot. Of course, the buildings, as you can see, they were actually not in compliance. The Zoning Board wanted to, they gave us a break here, they gave us 35 feet on this side, and originally, it was 15 feet on this side. We

met with them several times on the site, we rearranged the decks, the best we could so we would minimize the impact. We started from 10 by size, the width of the building, we ended up with 8 with 15 though the whole property to be uniform, there were couple of...

Mr. Vigliotti stated what's the size?

Mr. Vasilescu stated 8x15, this is the final size. The width is 15, the depth is 8, right now the depth is 5 and the width varies between 12, 14, 16 and we found common ground. We had 3 units here that even with all the buffer that was offered to us, they were too close to the property line. At the end the Board decided to give a special variance as you see that this line is not straight here for those two units. Of course as the Board mentioned and we have it in writing, it's just for the purpose for the deck, not to build anything not to put any other utilities or it's just for the enlargement of those three decks. We finish with the Zoning Board, we met with your staff, we got their input on how we should present ourselves to you and we came, we submitted those plans. Today, however, I received those two memos from the Village Engineer and the Village Planner, that we'll need to review and address, all those issues that are mentioned here. And of course we would like to know your input to see if anything we need to address, explain.

Chairman Cosentino stated who are using for landscape architect?

Mr. Demasi stated we have been entertaining Stephen Lopez from Pleasantville.

Chairman Cosentino stated do you have a plan of his?

Mr. Demasi stated no, we've just spoken to him recently, but our question to the Board is do we think that landscaping is necessary knowing the...

Chairman Cosentino stated you're going to need lot of landscaping.

Mr. Demasi stated a lot of landscaping.

Mr. Vasilescu stated how can we approach this so we know what to require from the architect?

Chairman Cosentino stated well, you can work with Jan on that.

Mr. Vasilescu stated okay, I think Jan suggested that a site visit would be the best first approach, like going on site and see exactly where we stand and make some notes and then we go with those notes with the architect and he is putting a plan, and then you'll review it, maybe a second site visit, whatever.

Chairman Cosentino stated Jan's right, we should do a site visit there.

Jan Johannessen stated I haven't been up there, I mean I drive by it but I haven't walked the site.

Chairman Cosentino stated we would like to go together.

Jan Johannessen stated you could bring the landscape architect.

Mr. Vasilescu stated yes, we will bring the architect, we will bring Lou.

Chairman Cosentino stated so find out when the architect can go there.

Mr. Vasilescu stated why we do not see you can see there and we will make the architect to meet us.

Chairman Cosentino stated I like that, I like it. Why don't we schedule this, I don't know, Monday, Saturday, Thursday, got to be a Monday, a Thursday. It should be a Monday or Thursday because some of these fellas on the Board here has difficult making them. Sol, can you make it Monday or Thursday if possible?

Mr. Gibbons stated I think next Monday, we have a holiday.

Chairman Cosentino stated just in general Monday, doesn't have to be next Monday.

Mr. Vigliotti stated I can't make either day next week but I can otherwise.

Mr. Vasilescu stated so Memorial Day then.

Mr. Mareschi stated yeah. That should be fine.

Male Speaker stated Monday or Thursday or both

*Site walk schedule discussion. Site walk is scheduled for May 21, 2015 at 8:30 am*

Mr. Sturniolo stated Joe, just addressing to my fellow Board members. Traditionally, in this case, we are talking about landscape architect, would come up with a set of plans. We would see them, staff would see them, there would be comments made and adjustments made to the existing plans. In this case, we're now kind of like creating it ourselves from scratch. Granted there's going to be your landscape architect present, and I am just wondering...

Chairman Cosentino stated and Jan.

Jan Johannessen stated they need to come up with a design, Anthony is absolutely right, and then the Planning Board should react to that design.

Chairman Cosentino stated by then there should be a design.

Mr. Sturniolo stated and then it would be appropriate time, in my opinion to go out and...

Chairman Cosentino stated the only problem is this is a little unique, you know it, I know it, okay. I think we have to see what we are up against, and we need to tell the architect of what areas we want something.

Jan Johannessen stated areas that you want screened, as far as specifying.

Chairman Cosentino stated that's right, because we are not dealing of a new site, we are dealing with a site that's there already with many decks.

Jan Johannessen stated if the Planning Board wants to identify their concerns to the landscape architect, so the landscape architect can address them, that's fine.

Mr. Vasilescu stated that's what we need, as you said, areas, like this area and that area, then we we'll ask him to come up with a solution and then you'll analyze the solution.

Chairman Cosentino stated we know what we want after we look at it. We can work with it then, but for him just to bring in the plan, it's not a new site, a new building where we say, okay, bring in the plan because there's four sides, okay. This is different, we need to look at what is there, where the decks are and what we need, maybe one deck needs something that the other deck doesn't need.

Mr. Demasi stated the decks are already there too, we are just expanding the decks.

Chairman Cosentino stated that's why we need to be there. The footprints are going to stay the same on some of them. I don't know...

Mr. Demasi stated the footprints are all changing. The view is still the same from the deck.

Mr. Vigliotti stated but as the decks get larger, the use will increase.

Chairman Cosentino stated I don't know, I myself I appreciate that but I like to see it the way it looks now.

Mr. Vasilescu stated that's what we need to do and Jan will be there, and then we will talk about...

Chairman Cosentino stated I really like to see what is there now.

Mr. Hertz stated and Joe, while I hear Tony, I think I agree with your position that all we really want to do is identify the areas that we want them to work on and then he will come up with a plan, ideally.

Mr. Vasilescu stated that's exactly what will happen.

Chairman Cosentino stated this is little more unique than what we'd normally been doing.

Mr. Vasilescu stated that's what we will do.

Chairman Cosentino stated okay it's the 21<sup>st</sup>

Mr. Demasi stated Thursday at 8 o'clock.

Chairman Cosentino stated 8:30.

Mr. Sturniolo stated I have a question, nothing to do with the landscaping but when Timber Ridge was initially built were all the decks cantilevered?

Mr. Vasilescu stated yes, absolutely all of them.

Mr. Sturniolo stated and what's going to happen now?

Mr. Sturniolo stated the decks that are cantilevered, some of them are not cantilevered, some of them have fittings but all of them are going to be cut because I can't have it cantilevered anymore. And we're going to be putting new footings or new piers and those piers are going to be 12 inches, in some cases 2, in some cases 3.

Mr. Sturniolo stated is it going to impact the ability to navigate the roads as far as large trucks go?

Mr. Vasilescu stated no, they're all in the backyards, and our backyards are kind of inaccessible right now, so it won't create any additional...

Mr. Demasi stated so the road coming up is this way, here. And all the decks are on the outside.

Mr. Vigliotti stated so my understanding is all of the existing decks will be taken down, and new decks will be installed?

Mr. Demasi stated correct.

Mr. Vigliotti stated question is, how are you going to access the backyards to get to the decks?

Mr. Vasilescu stated through the sides end of the buildings end of the buildings and by hand.

Mr. Vigliotti stated so you are not coming up from the back side, on Village property?

Mr. Vasilescu stated no, it's impossible that's why when you visit the site you will realize that it's actually one way, you can go around this way or around that way.

Mr. Vigliotti stated I noticed that, I just wanted to see. Are you going to have a staging area?

Mr. Demasi stated each unit is going to be done like blocks, let's say, we'll do this block first, then that block.

Mr. Vigliotti stated okay, so the Homeowners Association, are you mandating that every unit is getting a new deck, or is it an individual decision?

Mr. Vasilescu stated absolutely. No, this is a Homeowner's Association. The decks will not belong to the unit owner, it is common property, maintain the building, whatever we have to do.

Mr. Vigliotti stated does that by the Building Department because it's a new construction, larger decks does that mean tax structure may change?

John Landi stated tax structure has nothing to do with building.

Mr. Vigliotti stated okay, but that would have to go through the Assessor's office.

Chairman Cosentino stated it's not livable space.

John Landi stated correct. Any building permit gets copied to the Assessor's office.

Jan Johannessen stated are you going to pull multiple permits...

Mr. Vasilescu stated it was decided 8 of them, and we are required to do one building at a time, complete...

Jan Johannessen one building, not one unit.

Mr. Vasilescu stated one building, there are 8 buildings, one building at a time, issue the permit, issue the C.O., move to the next one, continue until completion.

Chairman Cosentino stated just let me correct myself, let me rephrase what I said to your question. That's not our department, across the hall, as far as assessing of a deck. It's a possibility that when there's an improvement, a tax rate may go up, I don't know that's not our department, so you know...

John Landi stated Jan, you review the plantings, trees and stuff, you're going to make sure, I don't know if they are going to submit it to use also, for fire break?

Jan Johannessen stated for fire break?

John Landi stated yeah, for fire safety setback, separation.

Jan Johannessen stated it's going to be in the site plan, so you'll have an opportunity to review it.

Chairman Cosentino stated Tony.

Mr. Sturniolo stated question, would you mind repeating the answer you gave Mr. Vigliotti, about the cost of these decks, who is going to pay for this?

Mr. Vasilescu stated the Homeowners Association.

Mr. Sturniolo stated the association is going to pay for it.

Mr. Vasilescu stated yes.

Mr. Sturniolo stated whether an individual owner wants a deck replaced or?

Mr. Vasilescu stated no, he doesn't have a choice. All the decks will be replaced.

Mr. Sturniolo stated they will be replaced. No ifs, ands, or buts.

Mr. Vasilescu stated yes.

Mr. Demasi stated they need to be, they're rotting.

Mr. Vasilescu stated more than that, because as I mentioned the zoning and the structure and because those three decks were so close actually, they could not be enlarged and do not create this friction into the community. Actually the Zoning Board gave a special modification for those three unit owners, so they have it enlarged, so there is no such thing, 'that I am contributing to this project but I am not getting anything', so everybody is getting. Another piece, just to give the information on how it went, we came down to 15x8 same thing to keep everybody kind of in the same size, so there is no, 'I got bigger, you got smaller, why and why not you?' So, Zoning Board spent three years on this, making sure that at the end we don't get in something that we don't want to get into.

Mr. stated so your Homeowners Association is paying for the replacement of all the decks, regardless of what an individual homeowner prefers.

Mr. Vasilescu stated correct.

Mr. Sturniolo stated thank you.

Mr. Vasilescu stated you are welcome.

Jan Johannessen stated Stefan, the area underneath the decks, to survey shows in some cases there has been gravel, others identify it as a patio.

Stefanita Vasilescu stated yes.

Jan Johannessen stated are any of the surface types changing?

Mr. Vasilescu stated no, I explained before, and it's a good question because it's in the memo, and I saw it. What's happening there, there are two types of decks I am calling them, one is that raised which means underneath you have a sliding door, so those people on the basement have a sliding door they walk, and at that point when they walk outside, they find themselves on a patio. The size of the patio shadows the exact size of this existing decks, the ones that you will visit on Thursday. The other type of unit is like mine for example, that does not, the deck is much lower, let's say 5 feet off the ground and I have just the window



and underneath the deck shadows a gravel box, so we had wood before, now we have Belgium block and you will find gravel for the water and whatever other purpose was there. So those are not changing and because this issue was questioned through the Zoning Board process, we decided to repair all of them, bring them in compliance and we ask the surveyor to specifically mention it on the plan. So it was there, nobody can change, nobody can do anything after this will be submitted.

Mr. Sturniolo stated who is responsibility for the maintenance of the deck?

Stefanita Vasilescu stated Homeowners Association.

Jan Johannessen stated is this size of the patio and the gravel area going to be pushed out to be consistent with the new deck?

Mr. Vasilescu stated never. It's in stone now, before it was in wood, that was easily moved and gravel was spilling, now it's stone, doesn't go anywhere because that's another item that HOA is maintaining.

Chairman Cosentino stated is the gravel going to accommodate the width of the deck?

Mr. Vasilescu stated no.

Chairman Cosentino stated I heard you say shadow.

Mr. Vasilescu stated shadow the existing one.

Chairman Cosentino stated the deck with the door is possibly smaller then.

Mr. Demasi stated the patio.

Chairman Cosentino stated I understand.

Mr. Vasilescu stated and actually, there is only one unit that will not get lost because it's already the size and when you will visit our point, you will see it's 8x15 deck and underneath you'll find small patio, whatever, yeah, so that would be the case for all the units from now on.

Mr. Vigliotti stated will all of the decks have staircases?

Mr. Vasilescu stated no, the ones that are elevated, the ones that have the patio, with the sliding door that does not have. The one that are lower, let's call it the gravel box, they have stairs because they are 5 foot or 3 foot or 4 foot off the ground.

Mr. Vigliotti stated how many will have stairs?

Mr. Demasi stated whatever has stairs now will have stairs, there's a good amount...

Mr. Vigliotti stated so if there are stairs, you're replacing the stairs.

Mr. Vasilescu stated absolutely.

Mr. Demasi stated so all these units here are high up they don't have any stairs, they are not going to have stairs, same thing with here and then back here.

Mr. Vasilescu stated here, those have stairs, those have stairs, those have stairs, no stairs, stairs.

Mr. Vigliotti stated so whatever's there will be replaced.

Mr. Mareschi stated how many decks total?

Mr. Vasilescu stated 49 units and I would like to say 45, I need to count again, unit one doesn't have, unit 8, and unit 42, and there is another one.

**Female Speaker** stated 13

Mr. Vasilescu stated so 45 out of 49

Mr. Mareschi stated you are replacing 45.

Mr. Vasilescu stated yes, 45 existing replacing 45, total number of unit 49.

Chairman Cosentino stated well Stefan, you did great, appreciate it. Okay staff, we're going to meet up there on 21<sup>st</sup>, we'll see you at 8:30. We appreciate you coming in, thank you.

Chairman Cosentino stated okay, next thing on the agenda, 326 Lexington Avenue, just identify yourself for the record...

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

Mr. Peter Gregory of Keane, Coppelman Gregory and Mr. James DeFrancia, owner, were present.

Mr. Gregory stated my name is Peter Gregory with Keane, Coppelman, Gregory Engineers of Mount Kisco.

Mr. DeFrancia stated Jim DeFrancia, Lexington Avenue Realty.

Mr. Gregory stated well we're here continue our conceptual review for our Site Plan application. Since the last time that we were formally before the Board, we were directed to meet with Mr. Landi and Village staff to work out some issues that we, it's very difficult property. And at that time we were looking to incorporate 328 Lexington Avenue to assist in getting access to the rear of our property. As a result of our meeting and working with staff we decided to take 328 Lexington Avenue off of the table and develop a plan that shows everything being contained solely at 326 Lexington Avenue. The plan that we prepared and submitted for review proposes utilizing a 9.5 foot strip along the, I guess, which would be the western side of the building, to access to the rear of the property where five parking spaces would be created to the rear of the site. And the front of the property would be reconfigured to provide a sixth space as well as we were considering a handicap accessible parking spot on the front. Access continues to utilize the same curb cut that's there now. And then one of the things we were asked to look at was our site coverage. We had tried to provide some pervious area around the rear of the property and incorporate some landscaping in the front of the property to help reduce our site coverage that currently exists. I did get a copy of the memo, particularly item number three, that talks about development coverage, the existing development coverage on the property now is 96.45%, where only 80% development coverage is permitted. We're in the CL district. The plan that we are proposing by providing the additional pervious area, actually now proposes 84% coverage, which is still exceeds the 80% but only by 4%. So I think at this point in time based on what we have come up with, we would like to continue with formal site plan application and work out some of the other issues that we may have with the Building Inspector and staff.

Mr. Sturniolo stated John, a question, do you see any glaring problems with what Peter just said about going back to this new approach, so we say?

John Landi stated again I made a memo on it and I have problem with a couple of the parking spots. I really want to be more comfortable with how they came up with their parking calculations. I believe there are five spots, that you came with parking calculation had an [inaudible].

Mr. Gregory stated that's correct, we were referring back to the previous use, which was the fitness center.

John Landi stated for a fitness center that size, I mean that will give you what? 3 and 2.

Mr. Gregory stated I believe that was what is was interpreted originally to be.

John Landi stated that's an unrealistic number, for a fitness center, for that square footage. But then again, anything they did in there would be based upon that number, and if they made any changes, they would be in front of the Board again.

Jan Johannessen stated was the parking calculation based on the participant level of the prior gym?

Mr. Gregory stated yes, it's based on staff and the number of clients, it wasn't a fitness center. I don't remember exactly, personal training studio.

Jan Johannessen stated participant level, but where did you get the participant number from?

Mr. Gregory stated I think it was based on. I think it was correspondence that we had from the previous owners who were looking to utilize that space. I guess there was a lot of conversation going back and forth at that time, between the Village and owners.

Mr. DeFrancia stated at one time I think, we had 9 spaces, it was 3 trainers, training 3 people, and then 3 people waiting to transverse.

John Landi stated since they separated the two, does the apartment on the other building still come into play.

Whitney Singleton stated separated the two.

John Landi stated there's two lots there 326 and 328. 328 has a residence in the building.

Whitney Singleton stated what I am seeing here, your proposal to develop just this lot?

Mr. Gregory stated that's correct.

Whitney Singleton stated impacts the lot next door, isn't the required parking in the middle of the travel lane?

Mr. Gregory stated no.

Jan Johannessen stated they park right up against the building.

Mr. Gregory stated they park up, but that does not confirm with the Site Plan approval that had been issued for 328. This would require that it reverts back to what was approved when site plan was granted.

Whitney Singleton stated 328 is which one?

Mr. DeFrancia stated the south side.

Whitney Singleton stated so you are saying that site is currently not in compliance with its site plan?

Mr. Gregory stated no, it's not. There was an approval that was issued at that time, a required curbing to be installed along the property line, with parallel parking spaces parallel with that line, with I believe, seven parking spaces on the opposite side that was perpendicular to the access coming in from Lexington.

Jan Johannessen stated did that Site Plan identify uses of the property?

Mr. Gregory stated yes.

Jan Johannessen stated did it identify the residences on the second floor?

Mr. Gregory stated I don't believe it did, at the time.

Mr. DeFrancia stated why would 328 be addressed?

Whitney Singleton stated why would it be addressed? Because you're parking for 328 is on the adjoining property.

Jan Johannessen stated when you drive by the parking, they park right up against 326, the building and the access drive to the back of 326, is through 328, so 328 is not operating in conformance with the site plan.

Whitney Singleton stated it seems very difficult to deal with one of these site independent of the other. That's what I am trying to say. It's both individual of the sites collectively they both need to be dealt with, Peter, I don't know how you're going to deal with it, it seems as though there's been a lot of gravel put in the back of the property, over here.

Mr. Gregory stated there is gravel to the rear of the building on 326.

Whitney Singleton stated that didn't previously exist. Its not part of the site plan.

Mr. DeFrancia stated that gravels been there for long, long time.

Whitney Singleton stated not for more than 10 years I hasn't, not according to the aerial photographs.

Jan Johannessen stated at some point they were before the ZBA and they got interpretation on the driveway width. At that point in time the rear of that lot was not developed and the driveway wasn't developed,

sometime between the date of that variance or interpretation and now they built that all out without coming to the Planning Board.

Mr. Gregory stated and paved that area between the property line and the building on 326.

John Landi stated I don't believe, also without the benefit of a permit, all they have is an interpretation with no permit.

Chairman Cosentino stated they got a variance.

John Landi stated they don't have a permit.

Jan Johannessen stated they got an interpretation on the driveway width.

John Landi stated that's all they got was an interpretation.

Jan Johannessen stated that is not authorization to build out that.

Whitney Singleton stated it just seems like a very difficult situation to me right now, with different uses, and puzzle pieces that are separated like this and then leading through to the parking on the front and side, parking in the back, and what's paved, what's gravel and how you got there. It really seems to me that you need something, you seem to be on a path to deal with properties, in their totality and now seems as though we're doing surgery on one eye and ignoring the other.

Anthony Oliveri stated at the very least I think, you have to include, if you're bringing the other property into compliance with the site plan, you have to include that here, show how that existing site plan is going to work now with this, at the very least.

Mr. Gregory stated initially that's the way we looked at it, we looked at being that we have common ownership between the two properties that we looked at studying both together. At that time we felt that it is going to complicate how 328 is being utilized.

Anthony Oliveri stated I think we are looking at a new site plan, I'm saying you have to show the existing that works with this and that existing site plan is going to be brought into compliance with that existing site plan.

Jan Johannessen stated you should submit the 328 site plan on record and show it here.

Mr. Gregory stated show the configuration of what was, how the...

Jan Johannessen stated yeah but I think if there's uses on the second floor of 328, that weren't part of the original site plan that could be an issue.

Mr. DeFrancia stated for now the original site plan from '86 or '87.

Jan Johannessen stated yeah, unless you've got permits for the residences on the second floor.

Mr. Vigliotti stated how any residents are on the second floor?

Mr. DeFrancia stated one.

Mr. Vigliotti stated one family? One resident?

Mr. DeFrancia stated yes. There is on record in the Town, that there is a second floor residence existing and that was grandfathered in from years and years ago. Whether or not it is compliant with '87's site plan that I don't know.

Whitney Singleton stated what do you have downstairs in this building?

Mr. DeFrancia stated 328, an office.

Whitney Singleton stated and what office is that?

Mr. DeFrancia stated Equipolous Multi-Service.

Whitney Singleton stated and how long have they been there?

Mr. DeFrancia stated 2 years.

Whitney Singleton stated and what was there before them.

Mr. DeFrancia stated my office, electrical contracting office, and a residence upstairs.

Whitney Singleton stated yeah, there's not supposed to be any change in the use without completely eliminating the nonconforming residential use.

Mr. DeFrancia stated we didn't have a change of use, an office moved out and an office moved in.

Whitney Singleton stated it's been an office since the beginning of time?

Mr. DeFrancia stated it used to be a, I think it was a butcher or chicken shop or something of that nature in the beginning of time.

Chairman Cosentino stated Mr. Silicado.

Mr. DeFrancia stated Mr. Silicado was born in the residence upstairs. He raised his family there and I think there it was...

Chairman Cosentino stated the only thing I just said and its legal question, Whitney. I really shouldn't get involved in legal questions, but if they did the whole parcel, are you saying marry one to the other Jan, is that are you saying? The only reason I am saying that, if he grants maybe an easement, what if he wants to sell one building.

Jan Johannessen stated I don't think there needs to be an easement, I just think that 328 has site plan, it's approved by the Planning Board. He needs to just show that on this plan, to ensure that what he is proposing at 326 works.

Mr. DeFrancia stated if 328's site plan is approved, the 328 site plan is there now.

Jan Johannessen stated right now, it's not because 328 is not being used as approved, so we want to see how that's all going to change.

Mr. DeFrancia stated but we are proposing putting the curb.

Chairman Cosentino stated with the 9-1/2 foot driveway.

Jan Johannessen stated I think we'd like to see the parking layout for 328, so we can see how this whole operation works. But it's very possible that 328 Site Plan that was approved in the '80's was a good plan and could work on this site but it's hard to look at 326, without looking at 328.

Mr. Gregory stated I believe we submitted the previous plan, in the previous submission for 328, as well as 326 is just one open floor area, they did show floor plans for the existing uses that are currently there.

Whitney Singleton stated Peter, what are you going to do with the site plan for 325, with the existing parking calculations? I mean is that going to box you into a...

Mr. Gregory stated 326, yes, it is.

Whitney Singleton stated it's going to box you in.

Mr. Gregory stated yes, so the idea would be that, our feeling was that if you could site plan approved and refer back to the previous use, then any Change of Use coming in would have to come in for a special, it would have to be a reasonable use or tenant for that space.

Jan Johannessen stated but you understand that anything other than the gym after Site Plan approval, you'd to come back to the Board.

John Landi stated Whitney, even if it was a gym that wanted to go back in but had more than 5 people, would it have to come in?

Whitney Singleton stated yes, it's got the two and the one. He's got one space per two participants, at peak utilization and then one space per trainer.

John Landi stated so there would only be allowed five people in that building at once.

Whitney Singleton stated depends whether you're counting a trainer...

John Landi stated yeah, you have to count the trainer, that's the Code, you have to count the trainer too.

Whitney Singleton stated what I'm saying is the math depends upon whether you are counting somebody as participant or trainer. The trainer requires one parking space for himself, participant only requires half. But the point is that while it sounds like I am being difficult trying to find a path here. What good is it to address this issue, if we are not looking at the other moving parts that exist?

John Landi stated I agree.

Whitney Singleton stated I don't want to be in a situation where they get a great tenant, then they come back in here and say we only have five parking spaces.

Chairman Cosentino stated that's the problem, it's being punished but it is what it is there. He's got a vacant building and he can only fit five in it, in over 2000 square feet.

Whitney Singleton stated and at the same time Chairman, you're being asked to plan for a site where you don't know the occupancy or use is going to be...

Chairman Cosentino stated exactly. You are 100% right.

Anthony Oliveri stated have you looked at what kind of use that can go in that requires five spaces.

Mr. Gregory stated we have had some interest in potential tenant.

Mr. DeFrancia stated we've gone from 12 spaces to 8 to 6, and now somehow we are at 5, I don't understand how 5 came in. But five really limits the possibility of tenants coming in.

John Landi stated well, the calculation for your handicap spot up front, was incorrect and to make it correct, you lose one spot up front.

Anthony Oliveri stated the handicap in front is not going to fit with another space. You're only going to be able to fit just the handicap. It's 9-1/2 by 8.

Mr. DeFrancia stated that's where it comes up with five.

Jan Johannessen stated you are going to have five and a handicap, so six spaces.

Mr. DeFrancia stated if we move this parking lot, as part of my calculation for a tenant, its six spaces.

Anthony Oliveri stated the handicap counts.

Mr. Vigliotti stated the concern I have, is you have a driveway that's 9-1/2 feet which means only one car can move in or come out. If a car is coming out and one is coming in, it's going to force the car that's coming in to back out.

Chairman Cosentino stated he was granted a variance for that.

Whitney Singleton stated no, he was granted an interpretation, I don't know whether the Code changed from that...

Mr. Vigliotti stated it's just a concern I have, I don't have any answers, the answers we can get from Staff. The question I have, is a car is coming in and a car is leaving, and they're both at the side of the building at the same time, somebody has got to back out either in Lexington Avenue or back into the parking space to allow the car to get in. Its just kind of, you can't have the kind of business or business plan that's going to have a lot of activity. I bring that up to you, so you are aware of that, it's not a secondary road, tertiary road, it's Lexington Avenue, and back out to accommodate a car leaving, is going to be very, very dangerous.

Mr. DeFrancia stated they would have to go out into the parking lot in the back.

Jan Johannessen stated does 328 have the required number of parking spaces that it needs?

Mr. DeFrancia stated it does, I think there is 11 on the approved site plan and the building has the office, the residence, and the warehouse.

Mr. Mareschi stated and in the gym at 328 upstairs at one point?

Mr. DeFrancia stated upstairs, a portion of them.

Jan Johannessen stated do you know when you got the interpretation from the ZBA, at that point in time were the two properties under the same ownership?

Mr. DeFrancia stated no, but that was by the previous owners James King, and the bridal shop was there for many years, after the Ink Spot.

Mr. Vigliotti stated that was probably a very good use, the bridal shop. How did you find the bridal shop was a use, compared to the gym?

Mr. DeFrancia stated I was not the owner then.

Mr. Vigliotti stated oh okay.

Mr. DeFrancia stated the bridal shop entered from the firehouse, before the ambulance corp. was built, when the ambulance port was built, his access got cut off.

Jan Johannessen stated but there is no wiggle room on where this curb...

Mr. Gregory stated no, that's another issue because there would be parallel parking spaces on the 328 side with the 9-1/2 driveway, passing alongside of it and just a curb separates,

Jan Johannessen stated you can't push this curb further into 328 to widen that access aisle, without...

Mr. Gregory stated no, because then we would, if there is flexibility in the aisle for 24 feet, yes we could, right now we have a 24 foot...

Jan Johannessen stated it might be a better situation to reduce the aisle width on 328 to have a narrower...

Anthony Oliveri stated it's still going to be one way.

Mr. DeFrancia stated would I be selling 6 inches from 328 to 326, or just granting them to use 6 inches.

Jan Johannessen stated an easement.

Mr. DeFrancia stated an easement to use 6 inches and make it 10 foot driveway, which is what you've been saying all along.

Jan Johannessen stated maybe it's not 6 inches, but if the Board has concern about that width of that driveway, since you own both properties.

Mr. DeFrancia stated if I don't lose any of the 11 spaces on 328, when I move over the 6 inches, I don't mind doing it.

Chairman Cosentino stated it's something to be worked out, it's just a matter of you ingenuity.

Anthony Oliveri stated and as long as all the uses on 328 are legal.

Mr. Hertz stated how do you protect the sides of the cars that are parallel?

Anthony Oliveri stated that the residence was done legally, otherwise that would have to go with any change to the site.

Mr. DeFrancia stated done legally from 1930, there has always been someone there, I don't know what you mean by?

Anthony Oliveri stated on 328 if the residents upstairs, as long as it was done legally...

Whitney Singleton stated what he is saying is it preexisting, nonconforming use, but what the Code says whenever you have a Change of Use or a site alteration, you need to comply with, and you have a preexisting residential in a commercial zone, you need to conform.

Anthony Oliveri stated I'm saying that would have to go on a site plan change on 328.

Mr. DeFrancia stated well, I don't think 328 is going to sell 326, 6 inches.

Chairman Cosentino stated you know what you have to do. Look, we can go here all night and not get an answer because it is too many questions to it. You need to work with probably Jan on this, well mainly the Building Inspector too. Work something out where you can come back and say, look, we've merged the two and done a 6-inch deal or we did something to accommodate. At the end of the day you are still wanting to have six parking spaces.

Mr. DeFrancia stated is the concept of our 6 spaces and our entrance, and our curbing and our grass, all look okay?

Mr. Hertz stated it makes me nervous, how do you get out of space 1? If you've gone in there head on, how do you get out?

Mr. DeFrancia stated it appears the same as 2, 3, 4, 5.

Mr. Hertz stated 2 can pull back that way but 1 can't, 1 has to pull straight back, and then what do you do? You have no room to, you got 22 feet, and there is no turn space.

Mr. DeFrancia stated maybe this one little curb here, can come over a little bit to create a little bit help.

Mr. Gregory stated we are just trying to juggle between the coverage and parking,

Chairman Cosentino stated you got to work on this and come back, we want to work with you.

Mr. Vigliotti stated we've got a little closer.

Mr. DeFrancia stated we went from 96% coverage to 84%, your feeling is will we be granted variance on the 4% left over.

Jan Johannessen stated that has to go through the ZBA.

Mr. DeFrancia stated that's the ZBA decision?

Jan Johannessen stated because remember the existing condition of 90 whatever percent wasn't authorized. You never received Planning Board approval to make those improvements, so while it's an existing condition, it's not an existing legal condition.

Mr. Hertz stated another thing that occurs to me and I don't know which access is like, what handicap access is like in the rear. But if you are looking at the use of the space, two best spots in the front, if you are talking about constant use, I mean the narrow driveways are real concern. So if there was handicap access to the building in the rear, if they are right in this handicap spot is turning into one spot not two anyway, the handicap there put two functional spots up front.

Mr. DeFrancia stated were' we told that the handicap spot had to be in a macadam area, and there's not macadam in the rear. It's gravel.

Jan Johannessen stated you'd have to pave it and you're in the DEP watershed.

Mr. Hertz stated I didn't catch that detail.

Mr. DeFrancia stated that's a disaster avenue.

Mr. Gregory stated all right, so we will look at the, considering both working together again, and seeing if we can come up with a better configuration for access and maneuvering on the site..

Jan Johannessen stated Pete, one thing, when you alter the handicap parking space and you have 9 foot 6 inch handicap spot and 8 foot aisle. You're going to pick up some area there.

Anthony Oliveri stated but you are not going to pick up enough.



Jan Johannessen stated yeah but that area should be landscaped.

Anthony Oliveri stated you'll get a little close to your development coverage, a couple of percent.

Mr. DeFrancia stated some of my proposed landscaping is on the Town grass, it doesn't help me on coverage but it's okay that I do plantings on your property for curb appeal.

Mr. Vigliotti stated I think you need approval from the Town and typically the Town has given approval. Okay.

Mr. Gregory stated thank you for your time, appreciate it.

Chairman Cosentino stated thank you, let's work this out, alright. Alright the next thing on the agenda is the minutes of the Mount Kisco Beautification Committee, it was a nice letter. That's it. Do we have a motion to adjourn?

Mr. Mareschi made a motion to adjourn. Mr. Vigliotti seconded the motion.

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

The meeting adjourned at 10:00 pm.