

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

Chairman Cosentino called the meeting to order at 7:36 pm in the Municipal Building.

Members Present: Chairman Joseph Cosentino
Vice Chairman Anthony Sturniolo
Ralph Vigliotti
Doug Hertz
Mike Bonforte
John Bainlardi (Alternate)

Members Absent: Enrico Mareschi

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

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

Chairman Cosentino led the Pledge of Allegiance.

Minutes

Chairman Cosentino stated the first thing on our agenda will be the minutes of September 1st, June 9th, September 9th, September 22nd and February 24th. We have a quorum for all of these. Do I have a motion for the dates I've just given.

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

Mr. Hertz seconded the motion.

Upon Roll Call Vote:

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

Motion carried by a vote 6 to 0.

Chairman Cosentino stated okay, the next thing on the agenda will be Timber Ridge Condominiums, would somebody come up and please identify themselves for the record.

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

Mr. Charles Martabano, Esq, Mr. Lou Demasi, architect, and Mr. Rich Volpe, Treasurer for Timber Ridge.

Chairman Cosentino stated alright gentlemen, as you know there was one detail here that I wanted to go over, in here, I think it said that the fence was going to be the color of the house and I thought we were going to leave it natural, was I wrong.

Mr. Demasi stated the fence is going to be natural.

Jan Johannessen stated the color of the decks are going to match siding.

Mr. Hertz stated that's 18, the color of the decks shall match the exterior paint.

Mr. Martabano stated I think Lou can attest to this, I think we actually gave you samples of the colors because the deck is actually made of Trex, so you can't have an identical paint match but we did give samples of it and it's going to closely match what the exterior is.

Mr. Hertz stated Joe, on condition 11, the fence shall be treated, sealed with clear coat preservative.

Mr. Martabano stated and while we're on condition 11, I had a chance to speak with Jan before the meeting because the way that this is presently written, it says that basically we have to put the landscaping in prior to actually replacing the decks and I think that's what you want, I think you want the opposite because if you put the landscaping in, then try to do the construction after it, you're going to probably damage the landscaping. So what I suggested to Jan is that we simply revise that so that we say that the landscaping will be prior to the issuance of the certificate of occupancy for that group of decks.

Chairman Cosentino stated as a condition, you mean.

Mr. Martabano stated in other words, instead of before the construction of the decks, you may not even to get the equipment back there because the landscaping wraps around the building. Its probably going to be a springtime project, to be honest with you Joe. We don't want to trash the landscaping and Jan said that if you're amendable to that, he and I will work the language out.

Chairman Cosentino stated I don't want you to put the landscaping in and then have it die and then come back and have to do it all over again.

Mr. Martabano stated and we don't want to damage the fence, so we'll work that out. The only other thing is on conditions 12 and 13, the condition is, I think at the top, written correctly prior to the issuance of the last certificate of occupancy, we want to substitute last as opposed to the next phrase is final, in 12 and 13, so that's going to be done at the last certificate of occupancy and again I can give Jan some language I've suggested and I think Jan was okay with last too.

Chairman Cosentino stated as long as all the conditions are met.

Mr. Martabano stated we have to demonstrate all conditions have been met before we get the last C.O.

Chairman Cosentino stated Whitney, do you find any problems with that.

Whitney Singleton stated unfortunately, I'm kind of being hit with this all at once, if we could just back up for a second, condition 11, what you're saying Charlie is you're not going to have screening in place prior to the construction therefore the public will be able to see the ongoing construction from Route 117.

Mr. Martabano stated it depends on at what point in time it takes place, if it takes place when there's foliage, they're not going to see anything because the foliage is so dense, so I don't think you will but the more important thing is if you remember that landscaping, it wraps around the building and I don't think unless we went onto Village property which we don't want to do, I don't think we physically can get the equipment up there, so we're just suggesting that that be deferred until we complete the work.

Whitney Singleton stated whatever the pleasure of the Board is fine but I want the Board to decide that, not that we'll work it out with staff. That should be something the Board decides.

Mr. Martabano stated only in respect to the language, I said if they're amenable to it then Jan and I would work on the language.

Whitney Singleton stated with regard to 12 and 13, if I'm understanding you correctly, you want to substitute the word last C.O. for final and then what happens is the obligation evolves upon the final unit, only the final unit can't get its C.O. until all the work is complete, everyone else will have a finally issued certificate of occupancy saying all conditions of approval have been met, when in fact that's not the case.

Mr. Martabano stated well if you remember, one of the things when we were before the ZBA, where this condition was also expressed in the ZBA resolution, we want to point out that this may take, we're going to hope that its completed within one season but it may take more than one and if a unit owner wanted to sell their unit, we had to have a final C.O., if you want to come up with another method, I'm perfectly fine with that. My whole point was that I didn't want to get confused between the language last that's in the caption and final which is in the two conditions. I was trying to clarify that.

Whitney Singleton stated well no property, single-family home, commercial property or anyone else is going to have a final C.O. until the work is complete.

Jan Johannessen stated the work is complete, the conditions relative to the submission of an as built survey for the entire property.

Whitney Singleton stated right but what I'm saying is what happens if everybody except for the last unit owner has a final certificate of occupancy and there's no compliance with the outstanding conditions by the HOA.

Mr. Martabano stated well we're certainly not looking to punish the last owner, if you want to suggest some other language, its fine.

Mr. Hertz stated how are you imagining doing this in terms of building permits, is this going to be done under one permit.

Mr. Martabano stated no, as a matter of fact the way that's actually structured from the ZBA resolution to your resolution is that we're going to apply for a building group, let's say units 1-12 is in two buildings, that we're going to do a group, all of the decks have to be done, then we get a C.O. for those buildings and before we even gets a building permit for the rest of this, that's the way this resolution was setup and that's the way the ZBA resolution is setup.

Mr. Hertz stated so how many blocks.

Jan Johannessen stated 8 or 9.

Mr. Vigliotti stated Charlie, that units that back up to 117, is that phase 1 or the last phase.

Mr. Martabano stated we didn't talk about that and you structured the resolution so that we can, if we want to start in the middle, we can start in the middle but we can't start in the middle and also start on the end, we have to do one group at one time. Ralph, you also say that we have to give you a phasing plan so to speak, as part of your conditions that we have to tell you for each land disturbance or whatnot, we have to give you that plan, so we will do that when we apply for the building permit.

Mr. Vigliotti stated Whitney's point is well taken, I would think that phase one would be the 12 units and then you put the landscaping in and if its done correctly, you're able to move on and its out of the way then. If you start anywhere else...

Mr. Demasi stated it really depends on the season.

Mr. Vigliotti stated well you're going to start in the spring, do the planting, as soon as that phase, what we're calling the phase one, as soon as those 12 units are done, put in the landscaping, get your C of O for the 12 units and then move on to the next phase that you may have place. This way that's behind you. If you start anywhere else, spring becomes summer and then it may not fit right in to get the landscaping in. I'm just trying to help this along.

Mr. Volpe stated we have a timeframe as well, all the units that have the variance, have to be done by a certain time as well and we have more up on the hill that have a variance as well, I don't know if we'll be able to accomplish all of them.

Mr. Martabano stated as the Chairman indicates, we can always get an extension of that.

Chairman Cosentino stated I don't want to hold you up, if counsel agrees with the wording on the resolution Whitney and it's a condition of approval, I don't have a problem on passing this resolution tonight but if there's a legal problem, I don't want to do it.

Whitney Singleton stated the issue here is the issue that your Board frequently grapples with and that is enforcement of outstanding conditions, plain and simple, that's what it comes down to and there's a lot of lamenting over unfulfilled promises from the past by your Board, so it's your Board's call. You could put something in that say, as Mr. Bainlardi was turning to me and asking, that there's not final certificate of occupancy for each building until there's full compliance with the plans approved here and all conditions of the resolution, or provide as an alternative for there to be a bond to ensure completion of those items.

Chairman Cosentino stated the ZBA gave their blessing as a group on all the houses, so I think that the C.O.'s that are issued should be on the block that you're presently going to do.

Mr. Martabano stated that's not how condominiums are setup, each condominium has a separate certificate of occupancy for it, one of our concerns was a unit owner wants to sell, doesn't have a C.O., can't sell his unit, that's a problem and that was actually discussed with the ZBA. The only unusual condition, unless you tell me different, condition that you're concerned about really is the landscaping, so if we agreed to do that phase first, would that resolve the problem. Other than that its normal as-built, just what we do with

everything and so the only real condition I think they're concerned about that's different is the landscaping, unless I'm missing something.

Mr. Sturniolo stated Jan, to answer Charlie's question, if we look at page 3 of 5 and underneath condition number 5, tell me when you have it in front of you, is that standard "boiler plate" or is that key to what we've been talking about for the last five minutes.

Jan Johannessen stated condition number 5, that is a standard condition of your resolutions.

Mr. Sturniolo stated regardless of what the application is, that would still remain.

Jan Johannessen stated yes, that's just stating that the site plan can't be satisfied until conditions 1-4...

Mr. Vigliotti stated the landscaping has been at issue and we have resolved and I think its going to work but with that being said, we want to make sure that that landscaping is in place and is of the right size and of the right quality of trees before you move forward, I think as one member of the Board, the first phase should be the phase buffers the green space on 117 and the decks are completed and then the installation of the trees are completed and then you move on with the rest of the project because then I think it becomes easier. We're not dealing with landscaping really after that.

Mr. Martabano stated I think we're actually saying the same thing, I guess the question is, would everyone agree to the first phase.

Mr. Volpe stated I think so.

Mr. Martabano stated why don't we just do it that, we'll do the units which call along 117, which are units I think 1-12 first, we'll complete the landscaping, then move on.

Mr. Vigliotti stated this way we know the landscaping is done, its of the right quality, the right size.

Mr. Volpe stated I think we've agreed upon what trees what we're using and that sort of thing, so that won't be an issue.

Mr. Mareschi stated that's the right time to plant too.

Chairman Cosentino stated there's a lot that's been said just now, Whitney are you satisfied.

Whitney Singleton stated I'm satisfied where we are with condition 11, where are we with condition 12 and 13, I still don't know what the solution is. Charlie raises a valid point that nobody can get a final C.O. for the entire development absent completion of all of the conditions of approval and unit 1 may be done in January and getting landscaping and fencing it and unit 72 may be done the following fall, so where does that leave unit 1.

Mr. Martabano stated I have an idea, the way this is written would indicate the last C.O. but we're doing it by building and the resolution says that we can't get it until, so I think at that point what we say certificate for the units in the building last constructed or whatever.

Whitney Singleton stated we can do that so if you have 7 units in a building and you've replaced the decks in that building and you're in the process of putting in the trees, you can't get a final C.O., you finish the trees and provide an as-built.

Mr. Martabano stated I think that's fine, I think we can work it out, we know what we're doing.

Anthony Oliveri stated the as-built may be incremental then and you update the as-built when you're applying for C.O.'s.

Chairman Cosentino stated so Whitney you will add that into the resolution and everybody's happy.

Mr. Martabano stated I think we're good, yes, I think it satisfies everybody.

Chairman Cosentino stated we have a resolution before with the condition that the counsel for the applicant and counsel for the Village will redo 11, 12, and 13. Do we have a motion.

Mr. Vigliotti stated Mr. Chair, I'll move to approve the amended site plan for Timber Ridge Condominiums, Armonk Road, 80.73-1-8, application PB2014-0267, November 24, 2015.

Mr. Mareschi seconded the motion.

Chairman Cosentino stated on the question.

Upon Roll Call Vote:

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

Motion carried by a vote 6 to 0.

Mr. Martabano stated thank you very much.

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

Mr. Taylor Palmer of Cuddy & Feder and Mr. Mark Aarons, Mr. Doug Epstein and Ms. Carrie Deleo of Modell’s were present

Chairman Cosentino stated 154-162 Main Street, would you come up and identify yourself for the record please.

Mr. Palmer stated good evening Mr. Chairman, Members of the Planning Board, my name is Taylor Palmer, I’m with the law firm Cuddy & Feder on behalf of the applicant. Tonight I am Joined by Mark Aarons of Modell’s, as well Doug Epstein and Carrie Deleo. Tonight we’re before the Board to seek Special Use Permit Approval for the premises as identified for stores and shops for the conduct of retail business and we’re here before the Board because the location exceeded 8,000 square feet.

Chairman Cosentino stated I understand there’s going to be some minor changes and when I say minor, they’re minor.

Mr. Palmer stated that’s correct, the Planning Board attorney has had discussions with William Null of our office, Cuddy & Feder, regarding a few conditions particularly related to the hours of operation for the proposed facility for the first tenant, including the truck deliveries, we’ve changed the deliveries from 3 deliveries a week to 4 deliveries a week, as well as the peak times, the deliveries will not be between, will only be between 9 p.m. and 8:30 am.

Mr. Sturniolo stated where are you referring to this in the resolution.

Mr. Palmer stated page two of three.

Jan Johannessen stated the changes are highlighted in yellow.

Mr. Palmer stated number 14 was referenced by the Chairman, that references the number of truck deliveries that will happen and the hours at which they will, that was also changed on page 2 of 3, as one of the whereas clauses.

Chairman Cosentino stated why don’t you go over them one more time on the changes, as far as the others, we went over, let’s go over the changes to the resolution.

Mr. Palmer stated the first change that we have, if we’re looking all together at page 2 of 7, there is a whereas clause at the end of the document that indicates whereas in connection with tenant 1, truck deliveries will occur no more than 4 times per week and shall occur and be completed during off peak hours between 9 pm and 8:30 am.

Chairman Cosentino stated so what we did, we went from 3 to 4.

Mr. Palmer stated and extended to 8:30, we requested 9 but agreed to 8:30 as requested by the Planning Board’s consultants.

Whitney Singleton stated if we could just pause on that for a second, it previously said 7 am and the reason it said 7 am was because the applicant represented to your Board that it might take up to an hour and a half to two hours to complete the delivery. Therefore, since the condition itself, condition number 14 says that the deliveries shall occur and completed, the word completed was a problem, so they wanted to make sure that they were out of there, if they got there at 7, they wouldn't be completed by 7, so we put in 8:30, it wasn't intended to enlarge the time, it was just simply to encompass the time for delivery that the applicant had disclosed to your Board.

Chairman Cosentino stated understandable. Let's go from 6 to 7 on number 19, the hours of...

Mr. Palmer stated the applicant, as you may know, with Thanksgiving coming around, as requested that the Board, although it has agreed to the hours of operation between 9 am and 9pm Monday through Saturday and 10 am to 7pm on Sunday, which has not been changed, the request is that notwithstanding those particular hours, that during the holiday season which will be from Thanksgiving through to New Years, that there is an additional two hour leeway for those operations obviously with things like Black Friday and other days during the holidays when it really is the peak time for stores along Main Street. Hopefully brings more shoppers to the other stores as well.

Mr. Vigliotti stated when you say Thanksgiving and New Years, are you saying Thanksgiving Day or starting on Black Friday.

Mr. Palmer stated it would be between Thanksgiving Day and New Year's Day.

Chairman Cosentino stated any questions on 19.

Mr. Vigliotti stated I have a question on 22.

Chairman Cosentino stated let's go to 20 first, I think there's a change under two hours, you want to explain that.

Mr. Palmer stated yes, the original resolution that was prepared indicated one hour, because there can, if there are up 100 people as provided in the resolution, two hours would be an appropriate time just to make sure that anyone if they were getting an autograph, would have time and we wouldn't have to kick them out if Mariano Rivera came down the street from his Toyota dealership.

Chairman Cosentino stated if there's any objections by any Member of Board, please speak up. I don't have a problem with that. Mr. Vigliotti, you have one on 22.

Mr. Vigliotti stated 22 and just one other, the offsite parking of fleet vehicles is prohibited, that's offsite, what about onsite, have we discussed that all as far as a fleet of vehicles onsite.

Jan Johannessen stated do you have fleet vehicles.

Whitney Singleton stated I think there was a mix up in the language there, I think it should either off street or onsite, not a confluence of the two.

Mr. Vigliotti stated so we're going to add that in, yes.

Whitney Singleton stated their site includes the parking in the back, so it would be off street parking.

Mr. Hertz stated you could just strike it all and say the parking of fleet vehicles is prohibited.

Mr. Palmer stated except during business hours, I guess would be...

Chairman Cosentino stated I think Doug is right, I think we'll just strike it off.

Mr. Palmer stated okay.

Mr. Vigliotti stated now, it says here on a whereas, whereas in connection with tenant 1, truck deliveries will occur no more than 4 times per week, that's page 2 of 8, and it goes on, so we're saying tenant 2, according to the square footage, may not have to before this Board and I'm not sure of that but my questions would 7,997 square feet is less than 8,000 which a Special Use Permit may not be needed, I don't know that, so my question is, tenant 1 may not come before this Board and many of the conditions that we have for Modell's would not necessarily be enforced for tenant 2, would I be correct in that.

Jan Johannessen stated yes because tenant number 2 isn't part of the Special Use Permit.

Mr. Vigliotti stated okay, so is this the time, my concern is that a new tenant which would not need a Special Use Permit, would go directly before the Building Department and the question of number deliveries may not come before this Board or any other agency and any others where we we're just talking about tenant one.

Mr. Palmer stated if I may Mr. Vigliotti, the tenant 2, if they wanted signage or any other exterior modifications would have to come before this Board and that is explicitly within the contents of this resolution and further, we actually had additional changes that were discussed with the Planning Board attorney which go to number 27 which is on the last page, that specifically deals with the conversion of that particular location that's not a retail use, specific to a restaurant or office use. If I may, I can certainly read it if it's not provided already in the updated resolution, additional language that was suggested there to ensure that if there were changes to zoning, consistent with that location...

Mr. Vigliotti stated is that the resolution that we just got.

Whitney Singleton stated yes.

Mr. Vigliotti stated I'm not familiar, we just got it 15 minutes.

Whitney Singleton stated Ralph, even though that language does partially address it, it doesn't fully address it. If somebody goes into partial tenant space 2, as a retail use there is not limitation on the number of deliveries or upon the hours during which they'd get deliveries. If you wanted to address it, you could make 14 an a and an b, one for tenant number 1, and one fore tenant number 2 and put in the same exact language and then make a provision that if that's not acceptable to your tenant, they're going to have to come back to your Board.

Jan Johannessen stated well you can just strike the words tenant number one and then that condition number 4 would apply to both of them.

Whitney Singleton stated no but then it would limit deliveries to 4 times per week collectively.

Jan Johannessen stated or we could say 4 times per week per tenant.

Whitney Singleton stated that's fine.

Mr. Palmer stated okay, so 8 total deliveries but 4 per tenant, understood.

Chairman Cosentino stated anything from staff.

Jan Johannessen stated just the modifications to condition number 27, anything other than, if I'm reading this correctly, anything other than a retail tenant for space number 2, would come back to the Planning Board for a Change of Use permit or Special Use permit.

Whitney Singleton stated they may have to, it doesn't necessarily mean that they do. They have to come for a Change of Use permit, correct, yeah.

Chairman Cosentino stated okay, gentlemen, we have a resolution before us for Modell's on 154-162 East Main Street, do I have a motion.

Mr. Mareschi stated yes Chairman, I make the motion for Special Use permit for 154-162 East Main Street, 80.25-2-9 and the application number is PB2015-0309, November 24, 2015.

Mr. Bainlardi seconded the motion.

Mr. Sturniolo stated I have a question, the Planning Board and the Village Board received numerous documents, one in favor, one against, this applicant and we've gotten copies of all that, has anything new that we have not seen, as far as comment from the public.

The Secretary stated no sir, all comments were forwarded the Board.

Mr. Sturniolo stated okay.

Upon Roll Call Vote:

Mr. Mareschi - aye

Mr. Bainlardi - aye
Mr. Vigliotti - aye
Mr. Hertz - aye
Mr. Sturniolo - aye
Chairman Cosentino - aye

Motion carried by a vote 6 to 0.

Chairman Cosentino stated congratulations to Modell's and hope you're successful.

Mr. Palmer stated the Planning Board consultants were very helpful in assisting with the process and we truly appreciate that Board's consideration in weighing all the issues.

Chairman Cosentino stated we appreciate that.

**c. Martin Goldbaum – 117-119 Main Street (Hello Flower Market)
PB2015-0296, 80.25-3-5 (SBL)
Site Plan Approval**

Mr. Martin Goldbaum, property owner was present.

Chairman Cosentino stated the next thing on our agenda is Martin Goldbaum, 117-119 Main Street, Hello Flower Market. Good evening, sir.

Mr. Goldbaum stated good evening.

Chairman Cosentino stated we do have a resolution here for you sir and I think we've gone through this resolution and I think we just have to vote on it, am I correct counsel.

Whitney Singleton stated correct.

Mr. Hertz stated Joe, can I just ask a question. Did we have a required, there's a neg. dec. in here, do we have to vote separately on the neg. dec.

Jan Johannessen stated the neg. dec. is not for Goldbaum, its for another project.

Mr. Hertz stated I know, its for the one we just did.

Jan Johannessen stated I'm sorry, that's incorporated into the resolution that you adopted, you don't have to adopt it separately.

Chairman Cosentino stated we have a resolution here for Mr. Goldbaum. Do we have a motion.

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

Chairman Cosentino stated motioned by Mr. Mareschi, do we have a second.

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

Chairman Cosentino stated on the question.

Upon Roll Call Vote:

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

Motion carried by a vote 6 to 0.

Chairman Cosentino stated thank you, sir.

**d. Mercedes Benz of Mount Kisco – 333 North Bedford Rd (Former Wine Enthusiast)
PB2014-0285, 69.50-2-1 (SBL)**

Amended Site Plan and Change of Use

Mr. Peter Catizone of Catizone Engineering, Dr. John Collins of Maser Consulting, Mr. Chris Buonanno of Estate Motors, and Mr. Neil Alexander of Cuddy & Feder were present.

Chairman Cosentino stated Mercedes Benz of Mount Kisco. Good evening Dr. Collins.

Dr. Collins stated good evening.

Mr. Catizone stated Pete Catizone with Catizone Engineering. Since we last met we submitted an updated site plan which shows basically all of the components to the project, we have the Field House in this location here, we have the Cosentino platform, we have Estate Motors with the reduced number of work stations of 29 which equals 27 lifts, we have the piece here with the amended access so that all of the access is internal and there is not access at this location. We've also provide an updated zoning table, which has a revised parking, now with respect to the revised parking, we also went ahead based on previous comments from the Building Inspector and we identified that there would be 30 fleet vehicles, we've added this 30 to the required parking spaces and at this point we are proposing, we've also added dumpster locations, subtracted those parking spaces where dumpsters are currently placed, we will formalize those with proper enclosures, so where are now is the parking demand is 1,023 and we will providing 833 external spaces, as well as 29 interior spaces and that gives us a shortage of 161 spaces, which we feel could be shared parking for the site. We did receive comments from the Building Inspector which we will address, we have a couple questions with some of the numbers but I'm sure we will come into consensus, his parking numbers are slightly different than our but we will surely come into agreement with that. There are some variances required, there is currently a variance that has been granted for the U-Haul spaces here, fleet vehicles between the roadway and the building of which is serves, so there has been a variance for 10, there will be an additional 7 so that variance will be for 17 and per the Building Inspector's memo, we need to include the other fleet vehicles. So what we're going to is we'll block out 13 more spaces in this area so its easily enforceable all the fleet vehicles for the entire site will be parked in this area which is kind of close to the front of the building but far enough away where they're not a customer space that's closer to the building.

Mr. Sturniolo stated excuse me, how are you going to memorialize those other spaces you were just talking about.

Mr. Catizone stated we'll block them out in this manner and those would be the spaces identified for fleet vehicles.

Mr. Hertz stated meaning signage or how will you keep other vehicles for parking.

Mr. Catizone stated we can use signage, we can use a different type of striping, some type of hatch that says fleet vehicles, I think that is a little better than signs, they're not as prominent but whatever this Board wishes, is the signs are more preferable we'll say fleet vehicles only, if now we'll use a hatch with some painted lettering on it or a combination of both.

Mr. Sturniolo stated if somebody went to the Building Department and wanted to look up his file, what would they see in a file cabinet that you verbally described.

Mr. Catizone stated so we have this dark line around these spaces with a note that says U-Haul parking, we can identify these with some type hatch or box and just identify it as fleet vehicles. So if someone pulls the site plan from the file, they will see that these areas are designated for fleet vehicles.

Mr. Sturniolo stated they won't be numerically marked.

Mr. Catizone stated the thing is with U-Haul, let's say just as an example, the Diamond Property's trucks and the whatever else, I think that's easy, they have a fixed number of trucks, they'll park there at the end of day, those trucks are usually out at other sites during the day, so they're coming back at the end of the date. With U-Haul, there might be two trucks here and some tow behind trailers, so we can numerically mark them but...

Chairman Cosentino stated I want to be very clear on this, what you want to do is designate parking for the U-Haul trailers.

Mr. Catizone stated it's for any fleet vehicles, for example, if you look at the zoning table here.

Chairman Cosentino stated when you say any fleet vehicle, are you saying storing cars there.

Mr. Catizone stated Grand Prix has 4 vehicles that they use for their business, Diamond Properties has 5, Dasko has 2, so these are vehicles that are part of the use, so whether they're vehicles that perform deliveries for any one of these...

Chairman Cosentino stated okay and how many vehicles are we talking about.

Mr. Catizone stated we're talking about in total 30 vehicles.

Chairman Cosentino stated I don't know whether and I have to address this to counsel, when you designate parking for fleet vehicles, do you not take these parking spaces away from the total count.

Whitney Singleton stated yes and Mr. Catizone is proposing to do that. They have a deficit of parking of approximately 200 spaces and his proposal is as long as he's going to work with the Board, with regard to the double counting of spaces, he might as well disclose on his application the full breadth of what he's asking. He's done exactly what the Board has asked of him, he's requested all of the components of the application and incorporated it and reflected it on a set of plans just within the ML zone, within the CL zone, and within the zones in Bedford so that you can do an analysis of the property for the parking requirements for the individual uses, collectively and with and without fleet parking. Our Code does require that if you're going to have fleet parking, those are additional required spaces, not just mixing in with the other use, where they are and how they're treated on the site is up to your Board.

Chairman Cosentino stated my only question to that was that if they have a deficit in parking now, it's going to be bigger, for instance, Reader's Digest, they rented out hundreds of cars to the hospital, to the medical group, to whatever, they found that it was a violation of their site plan because when your allowed or you need 12,000 cars and you've leased 250 parking spaces, now you're in violation of your site plan, I'm just trying to compare. Now, you'll be taking 30 more spaces when you already have a deficit of parking, I don't know if that's good business.

Dr. Collins stated I would look at it, I don't know what the Code says, but those vehicles would be on the lot anyway, so whether they're...

Chairman Cosentino stated but only those cars can be parked there and John Public cannot drive down there and parking his car, so you lose 30 parking spaces in a prime area that's being used.

Mr. Catizone stated those 30 are added to the overall parking.

Chairman Cosentino stated they're added but being taken away.

Dr. Collins stated the other way Mr. Chairman, is not even to have a designation area.

Chairman Cosentino stated I just wanted to bring up the point, it's not in the form of a complaint, it's a form of that I think it should be mentioned that when you designate 30 parking spaces for one person, you're taking those parking spaces away...

Dr. Collins stated you're excluding other people from parking there.

Chairman Cosentino stated when the 30 that you're taking, is in a prime area, where the gym is, in that upper area right there. I can understand if those 3 parking spaces were north but you can't have them north because of course, Mercedes needs them and we understand that also. I just wanted to bring that up that I think you may be hurting yourself by taking 30 parking spaces and designating them to one individual.

Mr. Catizone stated this is not one individual, these are vehicles...

Dr. Collins stated one type of vehicle. Fleet vehicles, not matter who the user is.

Mr. Catizone stated fleet vehicles for several users but per the Code, we have to identify those.

Chairman Cosentino stated I understand but I just needed to bring up that John Smith can come in here and say I have 75 parking spaces, according to the square footage, I need 75 parking spaces but I have fleet vehicles that I want to designate to myself. So now he no longer has 75 parking spaces, you take for instance the medical group right now, there's signs saying no parking, they're designated to one person which actually shouldn't be there because its complete parking. You have a problem parking there because people go there and see the sign, no parking which really shouldn't be there.

Mr. Catizone stated we would love not to assign them but for enforcement reasons the Building Inspector has requested that we depict on the site plan areas where those fleet vehicles will be parked. Again, since Mr. Diamond is in the audience here, we'll take his business as an example, these are vans that...

Chairman Cosentino stated I understand it wants to be done but I just wanted to have it on the record that....

Mr. Hertz stated well Joe, from a practical perspective, if we want those spaces to be available to the public, we need to understand how to count them and if U-Haul is using spaces from a rent out perspective, where they need to know where their things are, that's one thing. For fleet vehicles, if they're going to be, ideally those fleet vehicles are going to be in use during or may be in use when other people might want those spots, its best that those spots aren't blocked off so that the public can use those.

Chairman Cosentino stated I'd like those spots to be utilized.

Mr. Hertz stated what's the count for U-Haul and what's the count for all other fleet vehicles.

Mr. Catizone stated its 17 for U-Haul and 13 for all others.

Mr. Hertz stated so we're really talking about potentially taking 17 spots and blocking them off and leaving 13 that somewhat fluid.

Mr. Sturniolo stated and use a generic phrase in this that describes the parking spaces.

Chairman Cosentino stated I sort of like the word reserved instead of...

Mr. Hertz stated we don't have to mark them at all, if we want the public to use them, why mark them, why not just indicate them on the site plan.

Mr. Bainlardi stated designate them on the site plan but don't mark them in the field, isn't that what's going on out there right now. Fleet vehicles are parking and they park where there's a space.

Mr. Catizone stated let's say that a vehicle comes in to pick up some materials and deliver it to a site and he parks right here because its closest to but is he in violation, I like the idea of not making them.

Chairman Cosentino stated well if nothing's marked, he's not in violation. So if its not marked, everybody can park there, you can park there for reserved or whatever you want to call it but I just think that its better for Jim Diamond to have more parking than what your presenting here.

Dr. Collins stated I would agree.

Mr. Bainlardi stated I think, the only thing I would add to that though is that if the Building Inspector is asking that it be designated because for enforcement purposes, he needs to understand that the Board's decision is we're going to mark them on the plan because we need them but we're not going to mark them out in the field.

Chairman Cosentino stated he's not going to be in violation, which I agree.

Mr. Sturniolo stated so we should at this point just start moving forward.

Mr. Vigliotti stated before we move forward Tony, I have a question on the parking. We kind of brushed with a very wide brush to shortage of 161 spaces and you just pretty quickly said its shared parking, I think we need more of an answer as far as where is it being shared, what are the businesses that you believe will allow you to present to the Board and the Board's approval to accept shared parking and I don't think you have moved in that direction. I want to read paragraph 6 from the Building Department, this is from the Interim Building Inspector, it says the last approved which was Rockin' Jump received approval September 10, 2014, the parking count at that time was 940.93 which the applicant had provided 799 on the site, now with the application and the correct parking count up to this point, the applicant shows 1,023 required spaces, this is up from the 940, with 815 outdoor spaces and additional 29 indoor spaces. His last sentence and there's a couple of sentences in there, the applicant is looking to double count 179 spaces, that's the shared at this point in time with the past approval, the applicant asked the Planning Board to double count 149.93 spaces which is an increase of 37.17 spaces. What he's saying is when Rockin' Jump came before us, there was a shortage and there was the discussion of shared and here we are again beyond Rockin' Jump with Mercedes and we have more of a shortage and we're saying that we're going to share more.

Mr. Catizone stated if I could address that very quickly, the numbers that we feel are accurate and Rob and I missed each other phone calls today so we were not able to discuss the numbers but the numbers that we believe are accurate and again I'm sure we will come into agreement at some point, we believe that his number of 1,023 is spot on but we are providing 833 plus 29, so would total is 862, the shared is 161...

Whitney Singleton stated can you explain to the Board how you get from 799 to the 823.

Mr. Catizone stated sure, let me go through the plan and let me get back to the parking count for Rockin' Jump as well but there are a couple things, we received a survey which was performed December of 2014 and we went out and we counted all of the spaces and what we found is that there were not 799 spaces, there were 805, most of those spaces, those differences happened in this area [referring to plan], the survey did not seem to accurately reflect the Canine Kindergarten improvements but that number as a basis was 805. Then with the Mercedes application, this area was previously loading docks, so we're picking up spaces here and then based on that we did another site observation and identified all the dumpster locations, here's one that are occupying parking spots, there are several here [referring to plan] and we subtracted those from the parking count, so we feel confident with our number of 833 for the proposed condition and we went through the numbers with Rob in the past and we also kind of came up with the same 833, he has a different way of figuring it out, we subtracted the Wine Enthusiast spaces and then added ours but its not, the way the Zoning is written, it's not as simple as that because of the fact of 1/250 for the first 10,000 plus 1/275 over 10,000 so that kind of creates that difference between our calculations and Mr. Melillo's calculations but again we feel that the 833 is accurate, I wish we could have spoken but regardless of the number if we could just continue on that thought process. The Rockin' Jump had a shortage of 142 spaces but let's remember that the Rockin' Jump did not include the fleet vehicles, it did not subtract the 10 U-Hauls and it certainly did not include the additional 13 fleet vehicles that exist on the site today. So we feel that we've done our due diligence to make sure that we're compliant with the Code on this issue. What we're talking about here with our analysis we have an increase of 20 spaces versus the 37.17 but again if you take that 37.17 increase and you start taking into account the fleet vehicles and the spaces occupied by dumpsters.

Jan Johannessen stated I think you have better information and a better parking count with this application than you did for Rockin' Jump and that coupled with the fleet vehicles is showing this increase but it's just because Rob and Pete have spent so much time, they reviewed all the floor plans, its refinement of the plan and it's a more accurate depiction of what's out there than we have with Rockin' Jump.

Mr. Hertz stated can I asked a question, I know you're trying to integrate all of the site plan elements into one site plan and I missed a meeting and maybe this was covered by I know that a prior meeting, there was discussion of the new entrance and including that within the site plan, the additional roadwork, the realignment of the other entrance. That is not on the site plan, can you just talk through that.

Mr. Catizone stated that is a separate property, it is really not part of this application, Im not sure whether they closed on that property yet, we discussed this in great lengths with staff but the applicant's position was that at this point in time that it would not be the right thing to do to include it on this application since the applicant does not have ownership or control of that property at this point.

Chairman Cosentino stated makes it less complicated.

Mr. Catizone stated and that particular property will come in at some point with its own application which may be beyond the scope as far as we're, whether the existing buildings are going to stay which is probably a no, whether access would come in from this road or come in from Ice House, there were too many moving pieces, too many unknown elements, we left that out of this application.

Mr. Vigliotti stated however, Ice House Road and the improvements seems to have helped drive the application forward at a quicker rate. We discussed that Ice House Road is at an F level and with the lack of improvements but the new applicant coming forward with the number of road trips and so on, it would be worse than an F. We had talked that if you own the property that the light that actuates for that Subway would help to improve the level F but not owning that property it stays an F and becomes worse. There is a connection, so until you own that Subway property, I don't think you can go forward with the State to say let's remove that light so we can move traffic up and down North Bedford Road at a quicker rate to move the F to a better level, so there is an interconnection. When we had a staff meeting, I was a little bit excited that we're moving forward, this could work but it all comes down to that light that you don't own the site and I don't think you can go to the State and ask them to remove the light until you own the site, we're at an F and its an F- and I think it would have brought it up above the F to a much better rate of movement there.

Dr. Collins stated I have a number of traffic issues to go through, including that one. I think there's more than a complication with respect to showing that, there are current leases on that property that even if you owned it, it preclude that from occurring instantaneously, so that's a separate issue.

Jan Johannessen stated I thought during our staff meeting we agreed that the change from the 5th phase to the 4th was going to be analyzed and that the improvements to Ice House Road were going to be analyzed from a traffic perspective only, they weren't going to be shown on a site plan per se but for the purposes of SEQRA and to avoid segmentation issues, you were going to analyze improving that road. I also thought that we discussed that the reduction of that phase from 5 to 4, we thought that the timing was going to work out that that was actually going to be part of the application and that you would likely that property or control that property by timing of approval and that would actually be something that was going to be linked into this application as a mitigation measure.

Mr. Catizone stated you're absolutely right, the removal of the 5th phase, not the roadway realignment, is part of this project and is stated as such in the EAF.

Dr. Collins stated Pete, are you finished with the site plan, I don't want to interrupt, you're on a roll.

Mr. Catizone stated I think we're finished with the Building Inspector comments. We received comments from the Planner...

Dr. Collins stated understand one thing about the parking, what's he's been talking about are the zoning requirements, et cetera, there was a draft study and it was referenced in Jan's memo, dealing with the actual existing operation, the number of vehicles parked actually, we had done a report 4 to 6 months, sent it to Seth and never heard a comment back a draft, that basically showed there's more than sufficient parking even with and that constitutes the rationale for the shared parking, the fact that in effect, the zoning is one thing but actual demand, parking demand for the various uses on the site are met with Mercedes, what I'll do, not hearing any comments back from Seth, I'll take the draft off that and reissue it tomorrow or Monday.

Mr. Catizone stated the applicant had conducted a parking count for a period of time to show what the parking utilization was which is consistent.

Dr. Collins stated they show there's adequate parking on the site.

Mr. Catizone stated there's some EAF comments which we will address, we hope that we can get consensus on which I think is Dr. Collins' presentation on the number of lifts that are proposed under this application.

Mr. Sturniolo stated this one that you're referring to.

Dr. Collins stated there is a November 5th memo and then a November 23rd. I'll go over those.

Mr. Catizone stated we'll address the EAF comments, we need to add Architectural Review to the agencies that we need approval from, there were a couple of items that we feel were relatively minor in the EAF and the only gorilla in the room is the drainage, lighting, and landscaping which we hope to push forward and have something submitted to the Village Engineer in a short period of time.

Mr. Sturniolo stated so that would address Seth's comments.

Dr. Collins stated Seth had done a set of comments back in October, which were responded to after some clarification and that was responded to in a memo that is dated November 5th and basically the memo had a number of items and I'll go through the type of confirmation, he wanted some technical clarification where it's a lead leg phase on the signal, whether or not the actual timing up at the driveway to the north, the signalized driveway by Pier 1 is operational at a 60 second cycle, we've addressed all those issue, although they are more technical in nature. He wanted confirmation on several things, one of which was the distribution why we had a slightly different distribution than currently exists and part of the reason is, one, the location of the currently Mercedes ownership, it was basically a 10% different shift, the existing shift is basically a 60/40, we used a 50/50 split in our analysis and just for the Board's purpose, a 10% difference means 4 or 5 vehicles, so we're not talking about drastic magnitude. We felt because of the location of Mercedes where it currently is and they are moving down so they have customers up to the north, secondly with respect to how the Saw Mill Parkway operates and how people from the south would reach Mercedes, I myself go up to Green Lane and come back but when I return, I make a right turn out and go to Preston Way to Kisco Avenue and hop back onto the Saw Mill because I can't go south by heading north, so there's a slight variation because of the way the roadways operate in the area and that we clarified in the report. There was some confusion with respect to the trip rate, it was okay in the morning and it was okay in the

p.m., he had some question about the sales and whether or not the current Goldens Bridge operation which we counted both on a weekday and Saturday, included preowned sales and it does, so the sales that currently occur, the information that we got for the sales included both new and preowned vehicles. So even though we disagreed with his wanting to increase the trip rate more, we actual increase the trip rate by the vehicles he requested and we reanalyzed that location. His bottom line when he got to the end of it is that we were maintaining a level of service but as Mr. Vigliotti pointed, we were increasing the delays on the Ice House Road route and we did that deliberately because we didn't want to take away time from 117 and we said since we have a site and it's going to generate the traffic, if in fact it does generate the traffic, we want the driveway to experience the delay and not Route 117 and we went further on by saying there are certain minor timing changes that we could do and that was also included in this analysis. Right now there's a traffic green time allowed for the left turn movements that are not being used, we're taking that additional 4 seconds and instead of putting it onto the driveway and improving the driveway, we're actually putting it on to 117 to get better operation of 117 because it was our feeling based on discussions with Seth and some of the Board Members, he's critical with respect to, he's looking at the driveway but I'm looking at 117 for the normal people who are not associated with the site. We included that in our November 5th memo and we live up to everything in that particular memo. The next memo, there was some discussion because the way the model runs and because of the offset intersection, we were getting 2 different intersections occurring at the same signalized location because the way the model says, it assumes that there's two stop bars out there, there's not but it assumes. So we went back and forth with Seth, we came up with different methodologies of mimicking or modeling the intersection in such a way that we got rid of that condition and we only have one print out. One was bringing everything together as a 5 phase intersection and the other one was doing something else. We agreed as of a week ago today that we would, after sending information back and forth to Seth, that we would run as a 5 phase, we did and that's included in the November 23rd memo that was sent to Seth and the Board yesterday. We ran it as a 5 phase intersection, in fact we got better answers than what we had predicted previously because we had run as an offset. To that particular model, we use that for comparison, we also ran what happens if I eliminate one of the phases, so the 5 phase went to 4 phases because of the action on 309 or Subway and that improves it even better. We can get Ice House Road improved because we can give some of that time back to ice House Road but even better we can give more time back to 117 by elimination of that phase. The only thing we didn't do because I wanted to get his reaction to that whole memo was to do that last one and do the third phase and that's even going to show better and it shows that when I got to the 4th phase, not only can I do the 27 bays that we're talking about as part of this application but it would support not only the 27 bays but the 36 bays that we talked about before. We've covered all the bases, the only one I have do is the last one that will show even better conditions...

Jan Johannessen stated that maximum trip that was imposed.

Dr. Collins stated the maximum trip count, the way that reads in the resolution for the site, 333, was there are 450 trips allowed and 10% buffer on it and it says we come back to the Board if in fact we exceed that and I look at it we're back in front of the Board right now. We're going to be exceeding it by 5, 6 vehicles, in fact the Board, as part of this application would recognize that fact that we're going to be exceeding it by those 10 vehicles and that was part of the resolution that said that if that occurs then we have to come back to the Board and we're here today.

Jan Johannessen stated is there anything in your report in writing just identifying what the new count is.

Dr. Collins stated we will cover it.

Mr. Vigliotti stated John, when we met at the staff meeting, I got a real quick instructional piece on 5 phase versus 4 phase and actuations and left turns and right turns. It seemed as though at the end of the meeting when we talked about going from 5 phase to 4 phase that the 4 phase would support the 26 cars and there was a comfort level with that and we left and everybody somewhat excited so it's that 4 phase, unless things have changed since that meeting, you brought that out on the table that if we went from 5 to 4 at 309 N. Bedford Road, eliminated that and go from 5 to 4 and that would be enough to sustain...

Dr. Collins stated I think we get 26, 27, I forget which one, that can exist currently and can exist with the 4 phase, we also went one step further, we said with the 4th phase, you guys should go to 36, leaving that aside for now, let's talk about the 26 or 27 bays. If the real intention is to maintain 117 in its current or maybe better than it is today and you say whatever happens to the driveway, its sacrifice, people get to know when to go, when not to go et cetera and I think my answer is it's going to work out because we're not talking about that much difference in traffic, we're not backing away from the 4th phase, or going to the 4 phases, it's a question of the ownership of the property. The ownership of the property, the 4th phase can be done even with the tenancy, the leases because we can't take the building down but we can work with the State to be at a different time.

Mr. Vigliotti stated at the meeting, Seth was feeling a comfort level when we started but he wasn't feeling that comfort level until we started talking about going from phase 5 to 4 phases, then the comfort level changed.

Dr. Collins stated remember Seth wants to get everything to work fine.

Mr. Vigliotti stated we're more concerned about 117.

Dr. Collins stated 117 works under the 5th phases by sacrificing the driveway works under the 4 phase better and we actually get Ice House Road working better.

Mr. Vigliotti stated are you and Seth in agreement.

Dr. Collins stated he's been on vacation but let me put it this way we are getting closer to the agreement because we've back and forth with the modelling, I don't see any stumbling blocks except for including that 3 phase in the analysis but I want to get the 4 phase reviewed first.

Chairman Cosentino stated John, I need to keep in mind that very shortly, we're going to have an applicant before that's going to be going to the State for a signalization on 117 and that's the renovation of the building where the Christian Book store is and the car repair place. We took a site visit up there and what is interesting is that he's taking part of his building down and as far as egress and ingress he wants to put the driveway a little more north and get signalization from the light that's already there by Pier 1. It's interesting in the fact that you now have ingress and egress of the old entrance of the old Grand Union, how that's going to affect that, I don't know but he is going to the state and trying to do something. My question is, is there any way that could tie into what you're doing.

Dr. Collins stated if the Board would ask the, we would love to come in opposite the north driveway of the site but we don't control the property. If the applicant, if he's included in all the pieces, wanted to look at the joint access, I don't see any reason why that couldn't happen.

Chairman Cosentino stated at this point we don't know, we did do a site visit but I think it's interesting just to see what he's going to do and maybe...

Mr. Bainlardi stated so that is this access here.

Dr. Collins stated that's a bonus but I won't be able to do anything for this application.

Chairman Cosentino stated no, probably now but I'm just saying maybe Jim Diamond would be interested even though he doesn't own the property, he may be interested. Its worthy of a conversation.

Mr. Catizone stated this portion is part of Diamond Properties.

Anthony Sturniolo stated we've been through this before and what was waiting for the Planning Board's expectation was this report that John blessed, for lack of a better term, about what Seth wrote down and that's where we are with the traffic flow because the application is going to stand on its own merits and at a level 4, as if Ice House Road had not plan to it, once it comes in and when it does come in then it's all bonus money or gratis because you can improve the flow even greater and that dove tails back into the amount of lifts and the storage underneath the lifts, so the comments from Seth need to be recognized and shown on paper and then the other parts will eventually flow into the bottom of the funnel.

Dr. Collins stated we've taken his comments and given him a response to each comment to make sure we're all on the same page. He has to come back and weigh in on it, I think right now though, maybe since I'm basically at the end, I'm going to ask for the potential for the Board to set a public hearing since I think we are almost there with respect to Seth and getting his response in. Every time I talk to Seth, I get the feeling he doesn't know when the response, I think by setting a public hearing he knows he has to get the comments in by then.

Chairman Cosentino stated I will have to talk to staff on that.

Jan Johannessen stated before we get into that, have to had any communication with the DOT, have you seen the letter that the Planning Board received from the DOT.

Dr. Collins stated I didn't see that letter, I know I talked to the DOT when we were talking about that light but nothing was memorialized because we don't own the property.

Jan Johannessen stated they provided a comment memo when we did our Intent to be Lead Agency distribution.

Dr. Collins stated I'll take a look at it but DOT doesn't react until we own the property, some action has to occur.

Jan Johannessen stated I don't think it had anything to do with changing the phases, I think it was just response to the application. They have comments that need to be addressed as part of the SEQRA process.

Dr. Collins stated we'll take care of those. They have a new regional director, by the way.

Jan Johannessen stated my only comment to the public hearing, Mr. Chairman, is the Planning Board really shouldn't be accepting new materials after the close the hearing, so if you schedule a public hearing which I've no concern with, you can't close it until you have everything and we're missing some pieces of the puzzle, we're missing an application, the wetlands permit application, the wetlands permit requires its own public hearing, we need that application to actually be filed. We need to wrap up the EAF and we need to get the comments satisfied from my office, Anthony's and Seth's and I don't think a lot of our comment are that significant but there's things like lighting, landscaping, the site plan components that have been kind of put on hold until we dealt with the traffic issues, so I just caution the applicant on scheduling the hearing because it may be, the Planning Board might be forced to keep on adjourning that hearing until all the information is supplied. It's really on your end to get us the information that we need.

Dr. Collins stated I think if we look at January, we have the ability of December to get that information in to clarify, get all that in.

Chairman Cosentino stated get all that information in, it's a help to us but we don't have the information, we can't act.

Mr. Vigliotti stated I don't think we can set a public hearing.

Chairman Cosentino stated we're not going to right now.

Mr. Catizone stated the next meeting is December 8th which obviously we haven't submitted anything so it might be too soon for the public hearing but if we push January 12th...

The Secretary stated they haven't set a schedule for 2016 yet.

Mr. Monteleone stated when is the January meeting.

The Secretary stated tentatively, January 26th.

Mr. Monteleone stated I can assure your Board that we will have everything that Jan's asking to you by December 15th. So if we could set a public hearing for January 26th, I know we can get everything Jan wants into him with plenty of time for review and we're going to be working with Tony with regard to the engineering and I think by the 26th, your Board and us and your staff will have more than information on hand to hold a public hearing which will be informative and basically have all the data needed. One final point is Mercedes Benz has been very patient because Estate Motors has been with Mercedes for 40-someodd years and there's a valued relationship but they're wondering why is it taking so long and I have justify to them that your Board is doing its homework. So all we're really asking is if we can have a public hearing schedule and if unfortunately it has to be adjourned, it could be but at least we can tell Mercedes, here we are, we're moving forward.

Chairman Cosentino stated Tony, as you can see, I've had you on every agenda I can possibly put you on, we've been answered every time you came in here, we've been going through information that you've given us, as of tonight but when my Planner tells me that you need more information to setup a public hearing, he is our professional also.

Mr. Monteleone stated I understand that, I'm saying we will give him what he needs more than ample to review...

Jan Johannessen stated you can't close the hearing until you have the information.

Mr. Alexander stated Chairman, I think rather than make an impassioned argument or anything, I think we're just going to beg. In all candor, I think what Tony is alluding to is taking a step so we have something to report back, especially since, we appreciate that your schedule is not set, set it out for January

26th, at least we can have something to report back. It doesn't bind you, I don't think Jan is saying starting is not binding.

Chairman Cosentino stated I want to work with you, I have to turn to you on that.

Mr. Alexander stated you're great, that's why I'm saying, I'm just begging...

Chairman Cosentino stated I don't have a problem in scheduling a public hearing as long as you understand what they want and can get it done and in return, they can complete what you need.

Jan Johannessen stated there's no harm in scheduling the hearing, the harm comes when you close the hearing, if you don't have the information, the applicant is going to have...

Chairman Cosentino stated I don't have a problem, I don't think the...

Whitney Singleton stated well the last time your Board scheduled and closed a public hearing, it presented a problem. Its up to your Board whether you feel you have adequate information to conduct a public hearing, I don't know all the specifics of what John's talking about. The question is, are you and the public going to have sufficient information from John, you just got some yesterday and from Seth and from everybody else to properly allow the public to evaluate the impacts of this project.

Chairman Cosentino stated I can't answer that question either, that's why I'm relying on Jan.

Whitney Singleton stated if you would rather as a compromise, you could consider the scheduling of a public hearing January, at your December meeting, to see what information has come in.

Mr. Alexander stated we could come back, I think part of what John's saying too and I don't want to put words in your mouth John is that giving Seth a realistic timeline of 60 days from now to work with, will help finish this process and force closure on all the open issues, so you guys can do your work. I think giving him a certain level of rope that's enough rope, 60 days is quite a bit of rope...

John Bainlardi stated Seth is our consultant, why is Seth holding us up, if Seth doesn't perform, then Seth goes.

Chairman Cosentino stated that's not for you to say or for me to say but you're right but I can't, I don't want to talk about it.

Whitney Singleton stated can I comment on that because I do see some the emails, while I'm not directly involved in that, it's not per se a question of Seth not performing. It's a question of Seth responding to John Collins' information and it seems to be from my, as I'm watching the information go back and forth, there's a lot of but I want further information on this and that.

Chairman Cosentino stated Whitney, I have a question and I guess I want to address it to you also. I may not have a problem setting up a public hearing to expedite this, do I have guarantee or does this Board have a guarantee you're not going to come back to us and push the time limit.

Mr. Alexander stated the time limit is from the closing, its 62 days after a public hearing, if you want a commitment from me, yes.

Chairman Cosentino stated as Chairman, I need a guarantee that you are not going to come back to this Board and say you need to make a decision in 30 days or whatever it is.

Mr. Alexander stated you have my word.

Mr. Monteleone stated you have my word, as well.

Mr. Vigliotti stated Mr. Chair, just for the record, I think we're putting the cart before the horse, we can get Seth to do his job, he's doing his job, he was at the last meeting that we had which was two weeks ago, if we need to expedite this to make it happen a little quicker, we can do that, we don't need to put in place a public hearing so Seth can get his information in within 60 days, I think we're really, we need to get everything that we need in place before we schedule a public hearing.

Chairman Cosentino stated the public hearing is not going to stop us from doing that. We can do the same thing.

Jan Johannessen stated there's not disadvantage of getting public comment at this point in the planning process but you can't close the hearing until they address all the comments.

Mr. Alexander stated universally understood by our side of the table.

Mr. Monteleone stated we will not ask for closure until you're satisfied.

Chairman Cosentino stated exactly and I think the idea of this whole public hearing is so you can go back to Mercedes and say you have a public hearing.

Mr. Monteleone stated the Planning Board is moving ahead, we've resolved a couple of major issues with a come minor glitches, traffic and parking.

Chairman Cosentino stated going back to what you said Ralph, the public hearing doesn't get closed, we just work with the applicant, we have the guarantee on that and we go on as we were going to do as if we didn't even schedule the public hearing.

Mr. Vigliotti stated I just think we have a lot of issues, we're getting to end but we still have a lot. It's like we're addressing them sitting on a fire.

Dr. Collins stated until we satisfy the Board, the Board isn't going to close the hearing.

Chairman Cosentino stated we can take as long as we want, we have a guarantee from counsel, let the scenario continue so they can do what they have to do.

Mr. Sturniolo stated are we 100% clear that we know what marching orders we want to give Seth and we know answers we want to give them and I don't think we should cloudy it up with anything that has nothing to do with his field expertise.

Dr. Collins stated he already has the information I sent him, he has the 5th memo and he has the memo I sent yesterday even though it was late because we didn't get the comment back from him until last Tuesday but the information as it relates to the parking study we'll do, the information as it relates to the 3 phase signal, we'll do, we'll put that in a memo and the fact is that my goal is to get everything submitted to this Board and to Seth, from my end, December 15th, which is two weeks from now and that gives Seth a good month, even with the holiday, to get in his comments prior to the public hearing.

Anthony Oliveri stated you have to understand that the traffic is a lot further along than the rest of the engineering, the traffic is at its last stages here. The rest of the engineering, the drainage, the wetlands permit, the lighting, the landscaping, hasn't even come in yet so I think focusing on this thing about Seth is not really the issue. The other stuff has to come in obviously, I don't see a problem opening the public hearing and leaving it open, it might be more of a disadvantage to the applicant, so understand the site plan issues have not been addressed at all, really.

Mr. Sturniolo stated if Seth is going to be narrowly focused on the traffic, the other issues that are outstanding, over and above traffic, who is going to babysit that, who is going to make sure that X, Y, and Z have been submitted and answered.

Anthony Oliveri stated we do that, we each had a memo at the beginning of this process.

Jan Johannessen stated our comments are out there.

Chairman Cosentino stated I think there's a dialogue right now between John and Seth, that has to continue, including Jan within that dialogue.

Mr. Alexander stated Anthony, your point is completely understood and something I think we all, at the last staff meeting, even acknowledged which is that there are those other big issues, we wanted to make sure that wasn't going to cause a reconfiguration further down the property, now it sounds like we're pretty all solid on that not occurring and as a result we can dig down into the SWPPP issues and those things.

Anthony Oliveri stated it was itemized early on.

Mr. Alexander stated we appreciate what you're trying to do right now but very clearly, we have no surprises on that, we know, Peter knows very clearly what Anthony needs and we have held off on that to make sure, we're 95% of the way there on the traffic and parking issue and now that we're there at 95%, we know that the balance of the site isn't shifting because access and things of that sort aren't really shifting and as a result we now know, the site really, I'm not diminishing the stormwater issues but its not a

green field, it's been development, we're doing incremental development that has to prove out, no question about it but it's area that's been...

Jan Johannessen stated the DEP could take you 4 months to get through.

Mr. Alexander stated that could take a while.

Jan Johannessen stated this Board isn't custom to conditioning those types of approvals.

Mr. Catizone stated the DEP will not review this SWPPP until there is a SEQRA determination from this Board, so we could submit to them but they won't even look at it until there's a SEQRA determination.

Whitney Singleton stated well speaking of that, this is the first meeting where we're getting your new application, correct. Does your new application seek an area variance from the Zoning Board of Appeals.

Mr. Alexander stated yes it does, two.

Whitney Singleton stated So how are we going to be dealing with SEQRA if we have another involved agency who wants to be lead agency.

Jan Johannessen stated we coordinated already, they deferred and the ZBA was listed as an involved agency because we expected there could be some variance.

Whitney Singleton stated we have correspondence back from the ZBA stating that.

Jan Johannessen stated yes, they signed the Lead Agency agreement form. Realize that the public hearing notice is 15 days, we should decided...

Mr. Alexander stated I think what we're all liking this to is a dinner reservation, we're making the reservation, we're going to do our part, we're promising you that if at any point you're not comfortable with that, we understand.

Jan Johannessen stated let's just talk about your submission deadline. What is the submission deadline for the tentative January meeting.

The Secretary stated January 5th.

Mr. Sturniolo stated that's one our agenda to discuss our calendar.

The Secretary stated yes, sir.

Jan Johannessen stated that would give us plenty of time to notice for a public hearing.

The Secretary stated 10 days for a mailing, 15 for the newspaper.

Chairman Cosentino stated okay, we're going to need a motion on this...

Whitney Singleton stated I have a suggestion, Michelle, when is our next staff meeting.

The Secretary stated you do not have one scheduled, currently.

Whitney Singleton stated I presume we will be having a staff meeting before January, if we are, we should make sure that's its coordinated that Seth can be present and this can coordinated with you.

Chairman Cosentino stated okay, in doing so, if there's nothing else from staff, I'm going to need a motion for a public hearing.

Mr. Sturniolo stated Mr. Chairman, I make a motion that we schedule a public hearing for Mercedes Benz of Mount Kisco, 333 North Bedford Road with a Planning Board document number 2014-0285.

Whitney Singleton stated the Vice Chair made a motion, you need a date.

Chairman Cosentino stated but I need something in there within that motion to verify...

Jan Johannessen stated that the public hearing wouldn't be closed until all materials are submitted.

Chairman Cosentino stated amend you motion to include that.

Mr. Sturniolo stated Michelle, I am going to amend my motion to include that Neil Alexander and Anthony Monteleone, representing the application, the property owner et cetera, et all, have agreed to waive any kind of time period that would force the Planning Board to make a decision and a vote when they were not 100% comfortable with what's been submitted, the whole subject is about closing the public hearing and we all agree to leave it open.

Chairman Cosentino stated you have any issue with that.

Mr. Vigliotti stated can we have that read back, I want to make sure that this is correct.

Chairman Cosentino stated my question is do you have any problem with that language.

Whitney Singleton stated no.

Chairman Cosentino stated okay the motion was made by Vice Chair Sturniolo.

Mr. Mareschi seconded the motion.

Chairman Cosentino asked for a roll call vote.

Upon Roll Call Vote:

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

Motion carried by a vote 6 to 0.

Mr. Vigliotti stated on the question, the only reason I will move to support this is because of the last sentence which indicates that if the information is not totally in place at the public hearing, that it will adjourned or left open. That is the only reason why I feel comfortable with this.

Mr. Catizone stated thank you.

Mr. Monteleone stated we appreciate you accommodating us in this regard.

Chairman Cosentino stated thank you.

**e. Mavis Discount Tire – 182 & 90 N. Bedford Road
PB2015-0305, 69.66-3-22 & 23
Site Plan and Special Use Permit**

Mr. Matt Sheffield of DCAK-MSA and Ms. Josipa Rancic of Albert Pirro, Esq's office were present.

Chainman Cosentino stated please come up and identify yourself for the record please.

Ms. Rancic stated appearing as of counsel to Mr. Albert J. Pirro, attorney for the applicant.

Mr. Sheffield stated I'm Matt Sheffield from DCAK-MSA, we're the architects and engineers for the project.

Ms. Rancic stated we would also like to set this matter down for a public hearing, we do we feel that we made sufficient revisions as required by the Building Department and all the revisions as required by the pre-submission conference were made and our engineer will address any revisions that were made since our last.

Mr. Sheffield stated we received comments from staff, the engineer, the Building Department and the planner.

Chairman Cosentino stated Jan, have they addressed your comments at all.

Jan Johannessen stated they have addressed 90% of our comments. We have a couple of comments relating to the lighting plan that I think are easily addressed by the applicant, just coming into compliance with our lighting ordinance. They provided revised landscaping along the northerly property line, they supplemented the plantings within the landscape buffer along North Bedford Road, they provided a complete photometric plan, it just needs some tweaking, the one item that wasn't addressed, it was analyzed by the applicant but no changes were made where the request for an increased landscape buffer along North Bedford Road, I'll let the applicant explain but it's my understanding that it would affect parking and maneuverability of vehicles on the site but other than that comment and some minor comments on the lighting plan, our comments have been addressed.

Chairman Cosentino stated it doesn't sound like many, then.

Jan Johannessen stated we did have a suggestion that the proposed dumpster enclosure, the gate that they are proposing on the dumpster is shown to be chain link with white privacy slates, I just recommended a black vinyl coated chain link fence, just to be less obvious.

Mr. Vigliotti stated if I could speak about the landscaping for one minute. We had talked about increasing the landscaping buffer, it sounds like you may not be interested in doing that and I'd like to discuss that but if at the end of the day we could end up with some kind of hedge row that would provide some solid screening of the cars in that lot, that may be an answer to your client and for this Planning Board. There is a buffer there and it seems sufficient.

Jan Johannessen stated Ralph, they're proposing 3' tall hollies, if you wanted a hedge row...

Mr. Sheffield stated there are utilities in there that we need to avoid but we are proposing, if you do see here, typically these steeds holly can get to 6' tall with a spread of 4-6', so they can get rather large when given room to grown.

Mr. Vigliotti stated would you consider substituting the hollies with something else that may provide a 3' hedge that can be maintained easily, as opposed to a holly that spreads.

Mr. Sheffield stated I don't see a problem with that, if there is a suggestion...

Mr. Vigliotti stated that would screen as you're coming down Preston Way, you would see it screened rather than all the cars in the lot and so on, I think that would be a nice add on to that property.

Mr. Sheffield stated if there is a suggestion for a typical type of vegetation that would provide better screening.

Jan Johannessen stated we'll work with the applicant and select something that is appropriate.

Chairman Cosentino stated thank you Jan. Anthony, you have some comments here that I'd like you to go over.

Anthony Oliveri stated sure, I'm not sure the applicant actually applied for a steep slope permit, it obviously did trigger steep slopes...

Mr. Sheffield stated we did.

Anthony Oliveri stated the other thing I did ask for was some determination from DEP on whether or not you needed to do a SWPPP, I know you've got pervious pavers in there but...

Mr. Sheffield stated I did speak with them, I will find out what type of correspondence we can get from them regarding it, I mean we're reducing the amount of impervious surface as it is and our new surface is a checker block which DEP requires 50% surface voids and they don't agree with it.

Anthony Oliveri stated as long as they recognize that and I've seen them issue a letter stating that, work towards that.

Jan Johannessen stated they can give you a non-jurisdictional letter.

Anthony Oliveri stated right, we've had some comments on drainage, to clarify a few things on the drainage. I think one of the connections you're making is to a basin that's noted as being filled with silt, that would have to be a condition to get that cleaned out or if its done sooner rather than later.

Mr. Sheffield stated we're in the process of getting that cleaned out.

Anthony Oliveri stated we had the same issues as Jan on the lighting, which I think he dealt with but that was really about it. Sediment and erosion control, I don't believe it was addressed on the plan.

Mr. Sheffield stated I have a detail but I didn't show the location of the silt fence but that will be on there as well.

Chairman Cosentino stated Whitney, do you have anything.

Whitney Singleton stated nothing.

Chairman Cosentino stated Board Members.

Mr. Sturniolo stated I have a couple of questions, the plantings that you're talking about in the front, which everybody on this Planning Board whole heartedly supported, does any of it get into New York State DOT.

Mr. Sheffield stated no, it's all on the property. The property line is out here, the dark line and the hedge row is going to run along here, where we can put it where there's not utility boxes or anything like that.

Mr. Sturniolo stated as Mr. Vigliotti pointed out, coming down Preston Way, the row of plantings is not going to hide the entire site because you're still going to have Mavis Tire lit up, way in the back standing, if you look at the site line and then look at that angle, its going to be a far greater than if you were looking at the front of the façade with the plantings there, be generous with yourself and with this Planning Board and make that as desirable as possible along 117, the greenery because you've got the big advertising sign up there to compensate for something who's hunting around. My other question is, does the plan show the trailer color and its replacement as it goes in and out.

Mr. Sheffield stated when I stopped by there, the trailers from what they tell me are always either a white or beige, there's no...

Mr. Sturniolo stated there was bright orange all summer long.

Mr. Sheffield stated we'll put a note on the plan to say white or beige, I'll add that note.

Mr. Sturniolo stated we don't want to use the trailer as a vehicle for signage.

Jan Johannessen stated I believe you indicated that the exterior site lighting was going to be reduced by 70%, is that correct.

Mr. Sheffield stated reduced to 70%.

Jan Johannessen stated do they light the bays at night, the interior lights will be turned off at night.

Mr. Sheffield stated once they're gone from the building, they should be turned off.

Jan Johannessen stated a little bit out of the realm of the Planning Board, the elevations that were submitted of the building, I noticed that the Mavis signage above the bays wasn't shown on the elevations, is that being removed, is that intended or is that just, it had some kind of discount tire over the store but over the bays, there's not signage there, when we look at the existing condition photograph, there's a sign over the bays, is that going to be removed.

Mr. Sheffield stated to be honest with you, I will check and find out what that is.

Jan Johannessen stated have you been before the ARB.

Mr. Sheffield stated yes, they've already received approval from ARB, so I assume there's not going to signs above the bays and the sign would be there, I think. Originally what they had gone in for was just the building renovations and when they went to go get the building permit, the Building Inspector said well the site plan is not in compliance with what was approved so you need to bring that into compliance. They weren't planning on doing the site modifications.

Mr. Hertz stated just to tag on that, the plans that you're showing at the approved ARB elevations.

Mr. Sheffield stated yes.

Chairman Cosentino stated normally the ARB does not approve plans when its commercial until we complete the application but the fact is you were before the ARB before you came to us, so I can understand that.

Mr. Sheffield stated and they didn't know they were going to have to come before the Planning Board.

Chairman Cosentino stated this needs a public hearing, doesn't it.

Jan Johannessen stated yes.

Chairman Cosentino stated why don't we set it up for a public hearing.

Mr. Hertz stated that's a public hearing for steep slopes.

Jan Johannessen stated for both a steep slopes and special use permit.

Whitney Singleton stated can I just get a clarification and I know Rob's not here, I assume that the site already has an existing special use permit and has been in existence for a long period of time. I'd like to verify because its next to a restaurant that seats more than 100 people, its within 1,000' of another...

Mr. Hertz stated Whitney, assuming there is a special use permit for it, this special use permit hearing is to expand the...

Jan Johannessen stated to amend it.

Whitney Singleton stated yes but the point is that when you get a special use permit, there are restrictions on granting it and some of those restrictions are you can't be within 1,000' of another gas station or commercial garage, which they are. You can't be within 100' of something distance like that of a restaurant that serves 100 or more people and I've got to imagine that this predates many things that exist on that road, including many automotive uses, so I'm assuming that it either has one or is going to be deemed to have one but if we're going to say that we're amended it, we should verify that one exists.

Chairman Cosentino stated okay, since there's nothing else, do we have a motion here to set a public hearing for January 26, 2016. How does that sound, counsel.

Ms. Rancic stated that sounds good, we'll double check with the Secretary tomorrow.

Mr. Bainlardi stated I'll make that motion for Mavis Discount Tire, 182 & 190 North Bedford Road, PB2015-03305 to schedule a public hearing on the special use permit and steep slopes permit application for January 26, 2016.

Mr. Mareschi seconded the motion.

Upon Roll Call Vote:

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

Motion carried by a vote 6 to 0.

Discussion of addresses, the Secretary will check the Village record.

Chairman Cosentino stated thank you.

Jan Johannessen stated Chairman, would you like a draft resolution prepared by the January meeting.

Chairman Cosentino stated yes.

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

Mr. Scott Blakely of Insite Engineering, Dr. John Collins of Maser Consulting, and Mr. John Lopez of Devereux were present.

Chairman Cosentino stated Devereux. Identify yourselves for the record please.

Mr. Blakely stated Scott Blakely with Insite Engineering.

Mr. Pisciotta stated Matthew Pisciotta with Zarin & Steinmetz.

Mr. Lopez stated John Lopez with Devereux.

Mr. Blakely stated we're here tonight in support of the Devereux application, John Lopez is the executive director of Devereux, also John Collins is here, John has prepared the traffic study that was submitted with our recent application, we had addressed the consultants comments and submitted a traffic report to your Board and we are here tonight to review that application, answer any questions you may have and then talk about the next steps.

Chairman Cosentino stated did you get any copies from the Building Department.

Mr. Pisciotta stated we received memos from the Building Department, the Planner, and the Village Engineer.

Chairman Cosentino stated would one of you go over Rob's memo, since he's not here, so we can have it in the record and then Jan and Anthony go over your memos. The first memo is Rob's.

Jan Johannessen stated Rob's, a number of his comments pertain to that parking calculation, it appears that the, in the first comment he's identifying the parking count needs to be revised to credit themselves one parking space per 275 square feet which changes the total to 179, so he's saying you're going to 180 required spaces to 179, correct.

Mr. Blakely stated that's what's stating, that's correct.

Jan Johannessen stated and then I think the parking calculation for the project, basically what Scott did, they got brand new floor plans of the entire building, identified all the uses and square footages, compared that to the parking standards and came out with the required number of parking spaces, there's two uses that have off peak hours or hours that don't coincide with the other uses and the application is requesting that the Planning Board allow the joint use of parking spaces.

Mr. Blakely stated and if I can add to that, what we did with our parking numbers was excluded those two uses from the total, that's why our total is 106 and we had a sub note that references those two uses didn't coincide with the other uses but what Rob is asking us to do is just total these up and add everything together.

Jan Johannessen stated all of the information was there, it was just the way it was presented, that's all. I think that's understood and I think Scott and I talked about that today and that calculation just gets modified slightly. There was a comment about adding a loading space and that increases the parking from 179 to 181.

Mr. Blakely stated does a loading space count as a parking space, I don't believe it does.

Mr. Vigliotti stated it will end up taking a parking space, correct.

Jan Johannessen stated the loading space is allowed to be positioned in a drive aisle as long as it doesn't block a parking space.

Mr. Blakely stated so I don't think the loading space is part of the overall parking count.

Jan Johannessen stated it doesn't necessarily have to eliminate parking spaces.

Mr. Vigliotti stated is this the loading space that's located here.

Mr. Blakely stated there's actually two loading spaces.

Mr. Vigliotti stated is this one of them in the rear.

Mr. Blakely stated that's correct.

Mr. Vigliotti stated okay, now this loading space if it's a truck that's longer than 18 ½', will block the travel aisle, I just want to make a note of that. I don't know where the other is located, it may in the front that may not be as big of an issue as this. This is setup for a tractor trailer and if that tractor trailer is sitting there, making a delivery or anticipating a drop-off, it will block the travel lane and I just want to make that note.

Mr. Blakely stated it will partially block, the way we have it setup and that is a one way travelled access.

Jan Johannessen stated Rob goes on to comment about the Benefit Shop and its use classification, I think that's something you'll have to address with him.

Mr. Blakely stated the Benefit Shop is an auction, what they do is they have auctions on weekends and one day during the week and the traffic associated with them is limited, they have two employees that are there, what they do is, is they take photographs of the auction items, putting them online, the public does have the ability, if they want to come to the site to view the items but all of the items are listed online, they have online auctions and they have two live auctions on Sundays and on a Wednesday evening.

Mr. Pisciotta stated also just to add to that, any appointments to view the items have to be made by appointment.

Mr. Vigliotti stated I beg to differ, I've walked in several times, auctions Sunday, preview on the following days and I've gone into preview and we need to take that into consideration, it's not just the weekends and its an auction, it's a retail, you can go in and purchase something there, while its an auction, I'm not sure what that definition is, its sounds like it's a retail use to me but there is an association to potential customers or those that are previewing the auctions items prior to the auction with parking and as well as when they get close to that auction, two to four days before, it gets a little busy there, I'm not saying there's 40 or 50 cars but there's certainly not one or two that are parking, it could be 8 or 10 plus potential customers. The question I have is that auction house considered retail, how does that work.

Whitney Singleton stated that's a determination for the Building Inspector. I can say that auction is not a permitted use under our zoning, retail is a use that is recognized under our zoning but it is not allowed in this zoning district. I don't know how the use arrived at this site, whether an approval was granted by the Building Department.

Chairman Cosentino stated what is now allowed, sales or the auction.

Whitney Singleton stated retail is not allowed in the RD zoning district. Auction is not referenced period in our code and if the use is not expressly allowed, it is deemed to be prohibited. That needs to be addressed by the Building Inspector who is not here.

Chairman Cosentino stated he lists it there, doesn't he.

Jan Johannessen stated and then from a parking standpoint, I think the thrust of his comment number 3, regardless of the use designation from the zoning perspective, the code is silent as to how that should be, what the parking standard for that use should be and I'll ask Whitney to elaborate on that.

Whitney Singleton stated what Rob is saying is that to extent that it is a permitted use, it's certainly isn't necessarily a warehouse use and that your Board should make a parking determination, the applicant I believe has it as one space per thousand square feet where retail would be 1/150, the differential between those two parking totals just for that space is 32 spaces, so there needs to be a determination, if there's not a recognized use to the extent that is allowable and there needs to be a determination by your Board, what the appropriate parking would be for that use, if it's allowed. Rob's suggesting, it's not 5 for 5,500 square feet.

Jan Johannessen stated I think Rob's next comment or part b of comment number 3 is the hours of operation associated with the Benefit Shop, he pointed out a potential discrepancy with what was submitted and what is identified on their website. Devereux itself is comment number 4, I can speak to this, it is identifying that while it is an allowable use from a zoning perspective, there is no parking standard that really fits in nicely with their use and he's asking that the Planning Board identify or provide a parking standard for Devereux and what I think that should mainly be based off of is the number of employees and the number of fleet vehicles, from my understanding, there's very little visitors coming in and out of Devereux, there's 46 employees, there should be one space for each employee and then I believe there's 6 fleet vehicle, Scott.

Mr. Blakely stated right, 6 mini vans that they have for their use.

Jan Johannessen stated I think that makes up their needed parking, that's what the parking for Devereux should consist of, based on employees and fleet vehicles.

Mr. Vigliotti stated now we don't include and I think we should, it's a school, there are visitors, whether it be student interns, or other agencies visiting the school, a parent that's stopping by to drop something off, I don't see any spaces designated and allocated for visitors and whether it be two or six, that's for any school, there is parking set aside for visitors so I think we need to take a look at that. Deliveries, we have something in the front but I'm sure as a school that they will be receiving deliveries whether it be school supplies and/food supplies for snacks, whatever it may be, we need to designate parking spaces for those uses and I'm concerned about that. I have some other issues that we can discuss later but why don't you finish going through the memo.

Mr. Blakely stated I think John can talk to the requirement for visitor parking.

Mr. Lopez stated the visitor would be an infrequent parent, again, we're serving families from across Westchester County and New York City, so really only those that are served in the immediate locale.

Mr. Vigliotti stated you don't have college students that stop by to observe or state agencies who stop by to check paperwork out or other agencies that stop by, I find that...

Mr. Lopez stated again, it's infrequent.

Mr. Vigliotti stated where would they park.

Mr. Lopez stated we would have designate a space or two.

Mr. Vigliotti stated we want to make sure that the application has all of the pieces, if this is to move forward, it's got to have all the specifics in place.

Mr. Blakely stated and I think the discussion that we had with your Board at the previous meeting back in September, was that we probably need two spaces for visitors to designate.

Mr. Vigliotti stated I have been at the Millwood site and it seems to run pretty smoothly there because of the way that site is setup. I have seen one or two parents in the morning drop off their children, in illegal spots by the way because most of the spots are taken up, up front. So you have the occasional parent that's dropping off a child and whether they're using a handicap spot or another designated spot, that's real, as well as a parent who may be taking a child home that's ill, they get that call. So the one or two spots, I think we need to be very careful in what that number should be in a school of that size, although it appears to be small, there are associated needs for visitors and so on.

Jan Johannessen stated his last couple of comments, comment number 5 is just identifying the shortfall parking spaces, he's saying 69.41, so that's the number of spaces you need to double count and 6 is just addressing fleet vehicles which I think the past discussion was you're going to identify 6 spaces.

Mr. Vigliotti stated can you help identify where they would be located this evening.

Mr. Blakely stated I would assume they'll probably located in this back corner. The rear parking area is 56 spaces and this is really going to be designated for Devereux employees and their fleet vehicles.

Mr. Mareschi stated where would snow storage be.

Mr. Blakely stated snow storage would be off the curb lines, that is where its stored now.

Mr. Vigliotti stated now currently the parking spaces are 9' wide.

Mr. Blakely stated I'm not sure how they're striped in the back, what we're doing in this rear parking lot is true and leveling, resurfacing and restriping this rear parking lot.

Mr. Vigliotti stated I believe on something I saw and it might even be right here...

Mr. Blakely stated they are proposed as 9' stalls, correct.

Jan Johannessen stated Ralph, on that, the Code allows long term parking stalls to be 9' and short term to 9 1/2'.

Mr. Vigliotti stated what's considered long term.

Jan Johannessen stated its not defined but if you're going to be parked in a parking spot all day, from the morning to the night, I would consider that long term parking.

Mr. Vigliotti stated so any other business on Radio Circle Drive, they're parking spaces because its long term that it's a full day business, they're only 9' wide.

Anthony Oliveri stated not necessarily.

Mr. Vigliotti stated I want to make sure that we're following the code and I'm thinking long term is overnight, for a week but every business in Town has something long term, you come in at 9, you leave at 5. Now, is that parking space 9' along Radio Circle Drive or is it 9 1/2'.

Jan Johannessen stated it might very well be, I think the Code specifically identifies grocery stores, supermarkets as being short term parking space, they have to be 9 1/2' wide, I remember this coming up with Tommie Copper, which was primarily office and retail use. The Board determined that they could go from 9 1/2' to 9' because it was a long term use.

Mr. Vigliotti stated we need to address that in writing, I want to make sure that that's in place. The fleet vehicles will, what's the length of the minivans.

Mr. Blakely stated they're standard family minivans, 16'.

Dr. Alterson stated they're all Honda Odysseys.

Mr. Sturniolo stated Mr. Chairman, I'd like to underscore a point that Mr. Vigliotti mentioned before, he had made an unscheduled visit to your other facility and I had done so as well and there was no security check, there was nothing about where are going to park, how long are you going to be here, et cetera. So the parking situation the day I was there, left a lot to be desired and I'd like to not see that happen in Mount Kisco.

Mr. Blakely stated as part of our ongoing responses and gathering information, John Collins has done a parking accumulation study on the site that was just completed this week, we transmitted it via e-mail to Michelle, Anthony, and Jan today.

The Secretary stated it was forwarded to all of the Board Members, as well a hard copy.

Mr. Blakely stated I know it came in late, once we had done the parking study and made the determination that we were going to need to show these shared spaces, we had John Collins go out and do this parking study and it was just completed and that's why we forwarded it.

Mr. Vigliotti stated I'm not sure John has the right information with regard to trying to share the parking spaces, we just brought up the Benefit Shop which he's showing as 3 spaces and its not 3 spaces and John can only go by the information he has.

Mr. Blakely stated John is not showing a specific car parked for a specific use. What it shows is that at the peak use of this site right now which was determined to be 4:30 to 5:00...

Dr. Collins stated we counted the actual vehicles parked on the site, regardless of who they were parked for, we picked Wednesday because the church has an operation Wednesday evening and weekends don't count because...

Mr. Vigliotti stated what time of the day did you count, John.

Dr. Collins stated we counted from noon all the way to 6:45 pm to make sure we covered the sports use on the site that gets a spike right after school. That's included in the study, we actually show the parking areas, we broke the site into three different parking areas, Radio Circle, Lexington Avenue and then what we call the rear, the back parking area and we indicated how many vehicles are parked in each of those and we didn't reference whether it was one use or the other use, we just said these are the number of vehicles parked and what happened on the site was it showed between noon and 4 o'clock, there were at least 90 spaces open on the site at any time, sometimes a bit more, none less and what happens is as you get to 4 o'clock, that reduced to about 70 spaces because of the sports use students coming in.

Mr. Vigliotti stated what I observed at the Millwood site, I was there 3 times, is that some of the staff who need to leave early for whatever reason and I don't know, it could be emergency situations. They're stuck if they want to leave when the buses are in place if they're parked along the side of the building. Those

staff members that need to leave the Millwood site earlier than the buses or if the buses are in place and they need to leave while they're in place, they park on the outside edge of the parking lot because the buses will block them in but at least they have a choice here, there's no choice here. So staff members who are saying I need to get out today, whether it 3, 4, 5 or 10, they have to park out here, they're not parking in here, when those buses are sitting here, you cannot move for a half hour.

Dr. Collins stated and what we have done is we've indicated the number of spaces in each of those areas you talked about, I'll call it the Radio Circle side and it shows the reserve so if all of a sudden you had 5 people who had to get out at 3 o'clock when the buses were blocking, they may have to go out and move their car at lunch to make sure they're not blocked in and that's going to take up a space but there are spaces available and we can look through the report and make sure that occurs.

Mr. Vigliotti stated this is a very unique situation, this back lot, we can't assume they're going to get a call at 12 in the afternoon to go pick up a sick child, they may get that call at 2:30, okay and now they're being blocked, whatever it may be. WE have a very unique situation here, this is not typical.

Dr. Collins stated I would agree but my understanding is that the drivers stay with buses or vans, so if there was an emergency let's say, their parent had a heart attack and had to get to the hospital, the van would have to move and let the vehicle out.

Mr. Vigliotti stated the van can't move, it's just so tight, it's not going to happen. You need to set aside parking spaces, guys, this is not the best case scenario at all, its not, you need shared parking, it's a one way in, we're not even sure the buses can really travel around here, you're showing the buses to be tight like 2' apart, that's not the case at your site in Millwood, sometimes they're 2' or 8' apart.

Mr. Blakely stated the reason that we showed the buses the way that we showed them was a worst case scenario that probably will never happen, the fact that 24 buses would be on the site at any one time.

Mr. Vigliotti stated there are now, unless you're smaller, there are now, in June I counted 26-27, there's 24 now, we've counted the buses. What happens is your model is kind of awkward which is the buses line up, they queue, they wait, if its cold out the engines are going and at a time period, I think it's 8:30, one at a time they move up, instead of I got here at 8:05, can I drop my child off, no you have to wait another 25 minutes. I think perhaps if this is going to work, perhaps your model for drop off and pick up, needs to change because you have all these buses stacking up, now, if these buses are not careful, the last 3 buses could be waiting to get in and they could double up here, it's very awkward and you're coming out of a driveway, you're not using the light. The Chair had a quick conversation earlier saying we have a traffic light and we're not using the traffic light, we're coming out and making left hand turns.

Chairman Cosentino stated to help the situation, I was saying if don't like the egress and ingress, let them go where the traffic light is, go in that way.

Mr. Vigliotti stated there are more buses going to this site than the elementary school and the elementary school is coming off a light on East Hyatt, comes down the hill and there is someone directing traffic so they can make the left or right hand turn out. That's not the case here, so we have situation that's just very, very awkward. The Millwood site works very well, even though there's 6 or 8 buses that are out on the roadway there, waiting to get into the site because there's not enough room on the site, the same thing can happen here.

Chairman Cosentino stated go by way of the traffic, John, go in, make a left and go around the building.

Dr. Collins stated we could do that, I think your better answer is maybe look at the, maybe at least the drop off, so that it occurs at different times. There's two different keys, you've got the drop off...

Mr. Vigliotti stated the drop off is probably number one, that's creating some of the issues.

Mr. Lopez stated because its unique, its not like a typical school where you can let a kid off the bus and they'll independently go in the building.

Mr. Vigliotti stated you need staff to receive them.

Mr. Lopez stated staff is scheduled to be in, that's a situation we'd want to happen.

Chairman Cosentino stated I think we should recommend that we have a staff meeting on this.

Mr. Vigliotti stated I think we need a staff meeting.

Chairman Cosentino stated come in and have a staff meeting and hash this out. Find out what we can do. Maybe we can use the light, I don't know.

Dr. Collins stated I have no problem using the light but I was trying to avoid the vehicles circulating through the lot.

Chairman Cosentino stated they're going to be circulating through the back lot anyway. We just want to help the situation.

Dr. Collins stated I think you're correct, I think during the morning it's a different issue than the evening and we'll take a look at that.

Chairman Cosentino stated Michelle, set them up for a staff meeting.

The Secretary stated yes sir.

Mr. Vigliotti stated conversely you're talking about the morning now, if staff gets there between 8-8:30, I have observed this but it works here if they get there while the buses are there because there's still an opportunity to get around the buses to park, if the buses are in place and they start about five of 8 lining up, five after 8, there's 5-7 buses waiting, the early risers, they're there, reading their newspaper, staff is not going to be able to get in if they're late. They're going to know and most staff, as an educator myself, former principal, I've had the opportunity to deal with everything that you're dealing with, they're not even going to park here, you're going to find a third of the staff are going to say no way, unless you have it writing in contract, they've got to park. The point I'm trying to make is they don't want to be stuck in here, they don't want to arrive and not be able get in between, either they're going to get there a lot earlier which could be good...

Chairman Cosentino stated your name for the record please.

Dr. Alterson stated my name is Dr. Cindy Alterson, I'm the principal, I just want to correct the times that staff arrive. Most of our staff arrive at 7:15, we have a few staff that arrive 8:15 but the majority of the staff arrive at 7:15, not 8:30.

Mr. Vigliotti stated so those that are arriving on this site at 8:15, they're not getting in and whether its 6 or 8 staff, they're not getting in here because the buses will have taken up all of the spaces. They will and I think they'd more than happy if this door has access to park back here and come through or they're going to park here and walk between the buses or around the buses to get in, so it's a real issue. Part of the answer may be that you don't line all the buses up at 8:30 and you start to move the 24 to 26 buses. It works on the site you have now, it's not going to work here.

Chairman Cosentino stated okay, so we'll setup a staff meeting and get this straightened out. Mount Kisco Commons 195 North Bedford Road.

**f. Mount Kisco Commons – 195 N. Bedford Road (A&P/Target Building)
PB2014-0275, 69.58-2-1.2 (SBL)
Amended Site Plan Approval**

Mr. Jay Tuller of Rosenbaum Design Group, Ms. Jan Johnsen of Johnsen Landscapes and Pools, and Mr. Joe DeGiorgio or Urban Edge.

Mr. Tuller stated the application has gone through a little bit of a metamorphosis, originally the application to relocate the three trees on North Bedford Road was submitted back in July of 2014 and since that time it was requested that we submit an application that reflected the as built conditions of the site plan. Those two applications have now been combined, these are the trees by the bank, there are three spruce trees that were proposed to be located and in fact when that application first started, Jan Johnsen did appear before the Board and did give testimony on that and to the best of her recollection, she said that it was approved and she gave full consent to find the types of planting and the relocation of the spruce trees to the back of the property, so the options were either withdraw that application or combine that with the as built site, so that's the application that we now have.

Chairman Cosentino stated what was the reason for removing those trees.

Mr. Tuller stated the reason is that there was visibility problems to the tenant, so they preferred that those three trees in that corner be relocated, actually be removed so that the visibility to the property was improved and then put some low plantings in the front so it didn't obstruct the view from that point. Those

trees would be relocated to the back of the property which is back in this area over here, so those three trees that are on North Bedford Road, would come to the back of the property.

Mr. Vigliotti stated was there a permit to remove those trees early on or were just removed.

Mr. Tuller stated they weren't removed.

Chairman Cosentino stated what happen Ralph is, they came in to remove the trees to another area and we never heard from them.

Whitney Singleton stated there is more to it than that, they came in to basically cut down trees to gain visibility for the bank which is understandable from a business plan, simply because they grew. The problem was that because its one site plan for the entire property, it's become an opportunity to address all of the existing site plan issues on the property, catch basins, the broken curbs, the things that are in violation on the property, all of a sudden is going to become part and parcel of this application.

Chairman Cosentino stated and do we have a list of them.

Jan Johannessen stated yes, we conducted a site visit, the three of us and Rob, over the summer and we marked up the site plan of record with our comments and the discrepancies between that plan and what we saw out there and it was forwarded to the applicant.

Chairman Cosentino stated I think the Board should take a site visit there.

Whitney Singleton stated it would be a time consuming site visit.

Anthony Oliveri stated there are a lot of little items around the site and I think that marked up site plan was sent back to the applicant and we have a copy of it.

Chairman Cosentino stated I'd like the Board to take a site visit there because looking at it from a plan is good but actually looking at the site since there are violations...

Jan Johannessen stated there's landscaping missing, some of the crosswalks are broken up, curbs are broken up, there are landscapers storing their vehicles in the rear, there's a host of minor issues but collectively a bigger issue.

Chairman Cosentino stated I'd like to do a site visit here.

Whitney Singleton stated can I say one more thing before you schedule a site walk. The applicant is going to be in a unenviable position of trying to plant some new trees and saddled with the entirety of the property but I guess that's what you get when you own property, I don't know what they have there and they seem to have done a pretty good job of locating all the manholes and everything else, I don't know that that truly reflect the existing conditions in the field and secondly, they're asking you to approve as part of their application, the existing conditions as now the new site plan of record, sort of the tail wagging the dog, rather than the dog wagging the tail. They want their existing conditions to be approved as part of their site plan, rather than comply with the plan that was approved and just to give you one example, in the northwest corner of that property, I believe that there's a propane station, is there not, its not reflected on the plan.

Chairman Cosentino stated in the rear of Target.

Whitney Singleton stated is that in fact an as built plan.

Chairman Cosentino stated we need the site plan of record...

Whitney Singleton stated that's not approved.

Jan Johannessen stated Whitney, we took the site plan of record and we marked it up with all the discrepancies.

Anthony Oliveri stated we can supply the marked up plan at least to both the applicant and the Board.

Mr. Tuller stated I've seen the marked up plan.

Anthony Oliveri stated that will be a guideline.

Chairman Cosentino stated so what we want to do is a site visit there with that site plan, does the Board agree we should have a site visit there and look at everything.

Whitney Singleton stated I think what should do is you should take a plan of that size and go through it, right now it's a conceptual application.

Chairman Cosentino stated as a conceptual I'm saying that we should go there and look at it.

Anthony Oliveri stated the marked up plan may not have every last detail.

Mr. Tuller stated I can tell you that I actually walked the site yesterday just to make sure that the site plan we're submitted matches the site plan that you expected to see based on the mark ups and we did get the mark ups, I would say 98% of what you marked up on the plan is on the drawing, so I can tell you that the ramp behind the A&P is missing and there may be one or two trees that are here that should be shifted over this way, so we made an effort to pick up as much as we can on that plan, there are some things that for instance the brick walkways, they used to be next to this aisle, now they're moved over to this aisle. There is one over by Stop and Shop that is a color concrete versus a stamped brick, so you know those things are reflected on the plan so I mean I that's what I thought the exercise was, document the existing so that we can come in and get this as an approved site plan but...

Jan Johannessen stated on something like the walkways, there might have been a specific reason why the Board wanted at the time, a stamped concrete walkway, maybe it's not going to be acceptable that all the walkways are stamped except one, those types of things...

Mr. DiGiorgio stated I think it was for ADA compliance.

Whitney Singleton stated does your plan show the pervious parking areas. That should be shown.

Mr. Tuller stated no, it does not.

Whitney Singleton stated if this is going to be a new plan of record, it has to reflect what you originally approved. If they don't show pervious pavers back there...

Mr. Tuller stated what we were documented was the difference between the two, I'll use your word, the unenviable position that we're in right now is that the prepare of the original plans, Kellard Engineering, is now in a position because they really can't assist because they're a consultant to the Town. The original architect that involved with it, Sluder Landscape Architect, is no longer in business. The landscape architect that was signing and sealing the drawings, his license is no longer active, so what we're trying to do it to take and we're trying to solve it...

Jan Johannessen stated when was the last survey you had done.

Mr. Tuller stated I don't know.

Anthony Oliveri stated the ideal thing would be to have a current survey, a good survey and then edit that and change whatever might not be acceptable.

Whitney Singleton stated I think you lost part of your property too, I think there was a condemnation along Preston Way, so that may no longer be your property line, for the bridge abutment. All I'm saying is needs to be shown, conceptually, if they show you all of these things, are you okay with the concept of them redoing the landscaping in the front.

Chairman Cosentino stated yes, I don't think there's a problem from the Board here but we still want to walk the site.

Whitney Singleton stated I understand but remember we discussed the other day the purpose of the conceptual plan was to give some very candid feedback from the applicant.

Mr. Vigliotti stated can you just point out again where the three trees are located.

Ms. Johnsen stated right at North Bedford Road, across from Burger King.

Mr. Vigliotti stated if they are to be removed, couldn't they be replaced with hardwood trees in the same location, just to keep the 117 corridor green.

Ms. Johnsen stated yes, absolutely. The only reason I didn't show tall trees in that one corner was because of the tenants below, they really feel they have lost all visual clearance there.

Mr. Vigliotti stated it's a shame that they have to come down so they can have visual clearance, it really, really is a shame but a cluster...

Chairman Cosentino stated you could really make this look nice, I think the two trees need to be removed, I don't think this is bothering anybody.

Mr. Tuller stated the plan was to remove all three trees.

Chairman Cosentino stated the one in the rear, visually, its not hiding anything, as you can see from the picture.

Mr. Vigliotti stated rather replace these with three trees that no one is going to see, rather than to keep this bare, I think three beautiful flowering pear trees of a nice caliper...

Jan Johannessen stated a tree that has a high enough canopy so that you can look underneath it.

Mr. Vigliotti stated you can look through it and underneath it and the foliage isn't there all year round, I think it would be an asset to 117 rather than just a couple of little shrubs.

Mr. Bainlardi stated they wouldn't necessarily have to be relocated exactly where they are now, the object, frankly, these trees were just inappropriate to be planted there in the first place, given the fact that, what the use is, the use is a retail use and they want to have visibility from the street. So I think you can definitely achieve what you want to achieve, you just need to lay it out...

Ms. Johnsen stated I can add those trees within the plantings that are shown.

Whitney Singleton stated the regulations at the time this was approved, it was part of the Urban Renewal District and the requirements were that the buffer shall be landscaped that you can see no parked vehicles, so obviously that wasn't achieved.

Mr. Vigliotti stated whatever trees as decision is made on, a 2" caliper isn't going to really do much but I think a 3 1/2-4" caliper will give a statement look right away.

Mr. Tuller stated is there any way to consider not having any trees there and just landscaping it, as beautifully as was originally presented.

Jan Johannessen stated I'd like to take a closer look at it, maybe we can, if its not on that corner, maybe you can find some locations along North Bedford Road to put the trees that doesn't affect visibility.

Mr. Tuller stated it's a particular issue with, correct me if I'm wrong Joseph, one the tenants has a particular issue with the trees.

Jan Johannessen stated say its further up North Bedford Road, that you're just looking down on the side of the building, its not affecting their signage or their storefront at all, that would be a better spot than locating in the back of the property on the swamp.

Mr. Vigliotti stated as much as your tenant wants visibility and perhaps the Village and I don't mean to play this end, doesn't want to see the tenants there, it's a two way street here, that tenant is trying to get their way and the Village, maybe we don't want to see those stores, maybe this is perfect, its just a nice look for the Village, so there's a fine line here. There really is a fine line.

Chairman Cosentino stated there's a lot of things here that Rob, in his report...

Discussion of vacancies and leasing.

Jan Johannessen stated how tall are the evergreen trees.

Ms. Johnsen stated they're very tall 18-20'.

Jan Johannessen stated it can be difficult to transplant those size trees successfully. The Board may want to consider just replacing them with something that's probably going to end up doing better than trying to transplant a 20' tree.

Ms. Johnsen stated and I think their roots have all grown in together at this point.

Jan Johannessen stated somebody had mentioned actually physically relocating them somewhere else and that might not end up being successful. It can be very difficult.

Chairman Cosentino stated alright, so what do we do from here, set it up for a site walk.

Whitney Singleton stated they haven't submitted a formal application.

Chairman Cosentino stated we still want to take a walk after they submit. Submit a formal application, see downstairs in the Building Department and Michelle will set up a site visit. We will need the last site plan for the site and I think we'll work from there.

Jan Johannessen stated I would also serious consider trying to get an updated survey because that's going to be the best route. If the Board is going to end up approving a new site plan of record, that should identify everything that's out there.

Anthony Oliveri stated and normally we do require an as built survey at the end.

Chairman Cosentino stated and for their own good to have an updated survey because things have happened there.

Mr. Tuller stated do you need any owner representation when you walk the site.

Whitney Singleton stated we were just talking about that over here, it certainly might be helpful whether its at the site visit or not, that somebody is out at the site when Jan is there to collaborate on what the landscaping should be.

Ms. Johnsen stated I'll be there.

Chairman Cosentino stated we'll get the site walk set up. Thank you for coming. The last thing is...

The Secretary stated your 2016 meeting schedule.

Chairman Cosentino stated we have that and New York Metropolitan Transportation Council. Motion to adjourn.

Discussion of the next Planning Board meetings.

The meeting adjourned at 10:25 p.m.