

Minutes of Meeting of the Planning Board  
Village/Town of Mount Kisco  
Tuesday, October 13, 2015

Chairman Cosentino called the meeting to order at 7:55 pm in the Municipal Building.

**Members Present:** Chairman Joseph Cosentino  
Vice Chairman Anthony Sturniolo  
Ralph Vigliotti  
Enrico Mareschi  
Mike Bonforte  
John Bainlardi (Alternate)

**Members Absent:** Doug Hertz

**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.

Chairman Cosentino stated okay, this is October 13<sup>th</sup>, this is a Planning Board meeting and before we go through the minutes, Vice Chair Sturniolo would like to read a letter and we have a new member that we want to introduce, Mike Gilford, Bonforte.

Mr. Bonforte stated Bonforte.

Chairman Cosentino stated Mike Bonforte, I worked with Mike's father many years ago, top of the line man, a very good man and I've got the pleasure of working with his son, welcome.

Mr. Bonforte stated thank you.

Chairman Cosentino stated Vice Chair would like to read a letter from one our former members.

Mr. Sturniolo stated and the other new face is John Bainlardi, down at the other end, who's joined us on the Planning Board and we have a resignation hence changes and I'd like to read the resignation. This is addressed to the Village Manager. 'Dear Manager Brancati, this is to advise the Town Board that I wish to resign from the Mount Kisco Planning Board, it's been my privilege to have been selected and served many years on the Board, senility robs of the ability to remember the number. We have sold our house and are moving to White Plains, it is with great regret that we had to make the decision but age and inability to care for our house in a manner that it deserves, prompted the above move. I would particularly like to thank Chairman Joe Cosentino, also with members of the Planning Board for their friendship and sharing their experiences with, I would be remiss if I didn't mention the Building Department staff, who have extended their utmost courtesy to me over the years. Signed, Sol Gibbons'.

Chairman Cosentino stated Sol was an asset to the Planning Board, he was a friend of mine for many years, we're going to miss him but as we get older, as Sol said, we seem to forget and we don't want to forget him. As we go on, we're going to do the minutes. Michelle, we don't have quorum for June 24<sup>th</sup> or for October 28<sup>th</sup>.

The Secretary stated no, the only set you have quorum for February 4<sup>th</sup>.

Chairman Cosentino stated 4<sup>th</sup>, the 24<sup>th</sup> and the 1<sup>st</sup>.

The Secretary stated February 4<sup>th</sup> is the only one you have a quorum for currently because Mr. Hertz is not present.

Chairman Cosentino stated oh, right.

The Secretary stated so you can make a motion on February 4<sup>th</sup>, if you'd like.

Chairman Cosentino stated okay, does somebody want to make a motion on the 4<sup>th</sup>.

Mr. Vigliotti stated yeah, Mr. Chair, I'll move to accept the minutes on February 4, 2015.

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

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

Upon Roll Call Vote:

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

Motion carried by vote of 4 to 0.

**a. Luppino Landscaping & Masonry Supply – 15-21 Armonk Road  
PB2015-0289, 80.73-1-1 (SBL)  
Site Plan and Change of Use**

Chairman Cosentino stated okay, the first application we have is a formal application, Luppino Landscaping, anybody here for Luppino Landscaping, okay, we had comments on it and I guess maybe we'll wait a while and come back to that, they might come in, I don't know but I think we should wait a while just to see if they come in because what we need to, on the comments, I just don't want any problems that they do not understand them.

**b. 59 Kensico Drive, LLC – 59 Kensico Drive  
PB2015-0315, 69.42-1-7 (SBL)  
Amended Site Plan**

Chairman Cosentino stated the second one would be 59 Kensico Drive, is there anybody here for 59 Kensico Drive.

Mr. Sturniolo stated there's got to be something better on television at home, that's why no one is showing up.

Mr. Mareschi stated the Mets.

**c. 125-135 E. Main Street to Establish Site Plan – 125-135 E. Main Street  
PB2014-0278, 80.25-3-34 (SBL) (Azteca Building)  
Site Plan Approval**

Chairman Cosentino stated the debate. How about 125-135 Main Street.

Mr. Vigliotti stated wow, this never happens.

Chairman Cosentino stated I like it. 154-162 East Main Street, anybody here.

Mr. Null stated we're here.

Mr. Mareschi stated okay.

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

Mr. William Null of Cuddy & Feder and Mr. Doug Epstein were present.

Chairman Cosentino stated okay. Come up and identify yourself for the record please.

Mr. Null stated want me to stand over there or right here.

Chairman Cosentino stated come right up here, we're friendly.

Mr. Null stated good evening Mr. Chairman for the record my name is William Null with the firm of Cuddy & Feder.

Chairman Cosentino stated welcome.

Mr. Null stated thank you, as you know we made a supplemental submission that included the landscape plan and addressed open questions presented by the Board at the last session. The public hearing had been closed at that time and we had the opportunity to review the written comments that were received after the close of the public hearing and during the comment period. There was sort of, it wasn't half and half but there were comments, some in favor, some against the project itself, none of which though raised any new substantive issues that haven't previously been addressed by what we've submitted. So we're here to answer any questions you may have, there was one open question that your Planner had asked and that was the size of the truck that was being proposed, as you know we've been asked to make sure that the truck at the loading area, once we remove that fence refuse area, which we're doing, would fit within the loading area not extending into the drive aisles, so the size of the truck would be a 26'-7" truck, which is actually a 20' bed and a 6'-7" cab which is a truck that Modell's has and will be able to use for deliveries.

Chairman Cosentino stated well I think there are some concerns that this Board has with the application but what I'm going to do tonight is, I'm going to speak in a little while, I just want to go down the line and let my members speak.

Mr. Null stated sure.

Chairman Cosentino stated each member talk if they want, do you want to start, Tony.

Mr. Sturniolo stated sure, I'll start. Mount Kisco to me is a small community, not necessarily in population nor in physical size but in closeness and knit families working together and by knit families I'm talking about the mom and pop stores that comprise Mount Kisco's downtown. The downtown is what gives Mount Kisco its flavor and its distinctive look, the downtown in Yonkers gives Yonkers its flavor and its distinctive look while be it different than ours. That smallness, compactness, and closeness of the various merchants to one another, I believe it extremely important to Mount Kisco, just like you wouldn't want to see a car dealership right downtown in Mount Kisco at the corner of Main Street and Green Street. There is a space for car dealerships on North Bedford Road where it's more appropriate, the look and the style of what you're presenting looks far too big and boxy to conform to the small town image that we currently have and that we currently encourage. I read the e-mails too, I differ with you on the number count but putting that aside, I can count and yes there are vacant small stores, I am not 100% convinced that a box store, like what you're proposing is going to draw the business in to fill in these 8 or 9 smaller...

**Ms. Deutsch** stated 14, thank you.

Chairman Cosentino stated this is not a public hearing.

**Ms. Deutsch** stated accuracy, sir.

Chairman Cosentino stated if you want something, I'll call on you but let Mr. Sturniolo finish, thank you.

Mr. Sturniolo stated not enough to fill in these 14 vacancies and my overall concern is the look, the character and the charm of downtown Mount Kisco.

Mr. Null stated Mr. Sturniolo, the store is not being enlarged, its a vacant building.

Mr. Sturniolo stated no, I realize that.

Mr. Null stated so we're not creating a box, we're actually occupying less area than was occupied by Borders.

Mr. Sturniolo stated totally understand it.

Mr. Null stated and the look and feel of the store is going to be identical on the outside, we're making no exterior changes other than signage.

Mr. Sturniolo stated I understand it and I know there's a difference between what you're merchandising and what Borders merchandised. Same store, same square footage, you're not changing a square inch, I understand that.

Mr. Null stated the use also is permitted under the zoning ordinance, it's a retail use.

Mr. Sturniolo stated correct.

Mr. Null stated so this is not a car dealership that's being put into the downtown.

Mr. Sturniolo stated no, no, I'm not suggesting there was, I cited a car dealership as an appropriate location on North Bedford Road as opposed to downtown Mount Kisco.

Chairman Cosentino stated Mike, I don't know whether, I mean its your first night on...

Mr. Bonforte stated second.

Chairman Cosentino stated I missed the first one then.

Mr. Bonforte stated no, I heard Mr. Null speak last time, so there might be a couple of questions.

Chairman Cosentino stated if you just want to say something, if you have knowledge on anything you want to say, I'd be more than glad to hear and so would Mr. Null.

Mr. Null stated sure.

Mr. Bonforte stated if I could. Mr. Null, so last time you were here, you discussed that truck and the deliveries and it was going, they normally take place at a certain time of the week, was it in the morning, I think you said.

Mr. Null stated early in the morning, yes, correct.

Mr. Bonforte stated typically in the morning but I don't recall you mentioning along some fenced area that's going to amended but along the front of the store front, I thought that's where you...

Mr. Null stated no, there's a loading in the back sir.

Mr. Bonforte stated the loading area, alright.

Mr. Null stated yeah, a designated loading area, we were asked to be sure that deliveries would only be at that designated loading area which we had confirmed would be the case, I didn't have the exact size of the truck which was an issue raised by the Planner, so I wanted to provide that information to the Board.

Mr. Bonforte stated okay and I'm just curious, you mentioned the size of the truck which the company has, is that what you're addressing here in the highlight area, with the amendment.

Mr. Null stated I did not mention the size of the truck, I was just told that tonight and wanted to provide that information to you but we've been asked, apparently the fence area where the refuse containers now are located, was not something that had been previously shown on a site plan so we're removing that.

Mr. Bonforte stated consistent with what...

Mr. Null stated the Planner had asked and we're going to make sure that the loading area is used only in the area designated as loading, so we don't impact any of the drive aisle areas.

Mr. Bonforte stated and I have one other question, do you have any stores that are of a sort of smaller size and scope because I agree with Mr. Sturniolo in terms of the nature and character of Mount Kisco and where you're located and I'm just curious if you have any more, let's call them maybe satellite stores or...

Mr. Null stated so I'm curious, for the Planning Board, with due respect, we have a twenty plus thousand square foot store that's been vacant for four years and we're trying to occupy it with a permitted use which is a retail sales use. I understand that under the zoning ordinance because it's over the requisite square footage, that we are required to come before you for a special permit yet that same store, that same use, is a use that's permitted anywhere in the downtown, the only question is the size. Having been unable to occupy this store with any other tenants, I'm puzzled what's offensive given that we are providing signage that's conforming to your sign code and we're not making any exterior architectural changes to the building whatsoever.

Chairman Cosentino stated if I could, I don't think the store was on the market, I don't think it was on the market for rental...

Whitney Singleton stated I would like to comment on that. I think what the Board's expressing their concern of the magnitude of the size of the store in relation to other stores in the downtown community. It is clearly leaps and bounds above other stores in the area, as far as square footage and there's a concern for that because there's a number of buildings in Town that have the potential for significant impact and that is

one of the characteristics that the Board is required to look at under the special use permit requirements, is that it's an appropriate scale and keeping with the general welfare and character of the community.

Mr. Null stated so the store is smaller though, the proposed tenant is smaller than the Borders store was.

Whitney Singleton stated correct and what they're concerned about is whether or not sixteen and a half thousand square feet is still too big, I think is what they're saying.

Chairman Cosentino stated Mr. Vigliotti.

Mr. Vigliotti stated I have a lot of questions. I do want to read a statement, I didn't want to miss any wording by not, so just my thoughts as one member of the Board. The scope and size and intensity proposed does not conform with the size of existing stores in the CB-1, CB-2 business districts which are located in the heart of the Village. If it's not in harmony with the character of the downtown of Mount Kisco, it was the intention of the Village to maintain the characteristics of the small community when the Village zoning laws were amended in 1998, 2003. In 1998 the Village/Town of Mount Kisco amended the zoning laws for the CB-1, CB-2 zones that required a Special Use Permit for stores larger than 8,000 square feet and that's why you're here and you wouldn't be here if it was just an 8,000 square foot store, you would go probably directly through the Building Department. Modell's is seeking a Special Use Permit to more than double the size of square footage allowed in that zone, currently Rite Aid and I point out Rite Aid because many people have been in Right Aid they can kind of get a sense. Rite Aid is the largest store in the Central Business District with a total square footage of 8,000 square feet, so you want to more than double that. Modell's proposal of 7,300 square foot box store at the former Borders is a better fit for Route 117 business corridor. The building code was amended to provide opportunities for box stores to exist on North Bedford Road and to regulate the size of stores in the Central Business District, large box stores are more in line with strip malls and urban centers and not characteristic of a small town. I believe it is very important for our Town to maintain our small town image, as opposed to becoming an urban center. As you travel through downtown Mount Kisco, you get an image of a quaint small town that has gone the extra mile to plan and preserve that image that so many people have come to enjoy and love. Now, I just wanted to sort of get those words in total in place unfortunately Modell's is located in all urban areas, strip malls, Central Avenue, it's in urban areas and that environment I had this blown up, may very well enjoy that look, this is not a look we will enjoy on Main Street in Mount Kisco.

Mr. Null stated those signs are inconsistent with the signs that I told you we would be putting up because those signs, if I may, exceed 25% of the area. What we said is that we would be sure that the signs all conform to your sign ordinance which permits signs of 25% of the window area. That sign is in a different area, so...

Mr. Vigliotti stated well this is just a point of reference, with the number of windows that are on the existing store, 25% would be signs plastered on every window that would be 3' by 4' in every single window and as some point, if we get to that point and we might, that's an issue that as one member of Board, I'd like to discuss. If you look at TJ Maxx and even Rite Aid, very little signage, stores, TJ Maxx is much larger but both of those stores and I could name Target and a few others, they have a display wall that they use as a backdrop, if they want to put a mannequin or show some of their wears that you're not seeing through the store and seeing all the goods and so on. The image that Modell's has had is part of the business plan is to see all the goods through the window, that may be fine for a strip mall, I don't think it's fine for our downtown and it's something that we'll, I'm sure we'll address at some point but I want to place that on the table. We really haven't talked about, does 8,000 square feet, is 17,300 and I think I added the numbers, it could be a little bit less, it's not 16,800, I think if I added up your numbers it's almost 17,300 square feet. Does that number now require taking a little closer look at the parking needs, taking a closer look at the traffic pattern going through, let me finish, I don't know, 8,000 may not, 17,000 may I don't know but I question that and I'm, at some point staff will either say Mr. Vigliotti you're way off base or maybe that has some merit. The signage that you proposed appears to be, the signage meaning, the sign that says Borders, I think its in line, I will say that. I'm very, very concerned about that urban look that may come through the windows with the signage. Borders would not be allowed in Town today with the size that it is because we changed our Zoning in 1998 and further amended it in 2003. I kind of leave you with that, it's all about the image of our Town, maintaining the characteristics that come with a small town. This may be fine set back in a strip mall, may be fine set back on Central Avenue where you really don't see the store, you just see the back of the store, it may be in fine in Elmsford set back in a strip mall, this is downtown Main Street and you don't have any others for us to really say let's travel to that town and let's see what they did in that Town, in the downtown, in the heart and soul of a downtown. So this, you want to become part of our heart and soul but I'm not sure your business plan and the size and the girth and the intensity will allow that, so I just leave you with that.

Mr. Null stated may I respond.

Mr. Vigliotti stated absolutely.

Mr. Null stated the parking lot behind the store is leased to the Village, as you know and that lease has a specific provision in it that says whatever use that's permitted under the Zoning Ordinance is deemed to be conforming for parking so there isn't a parking issues legally.

Mr. Vigliotti stated well the zoning ordinance says 8,000 square feet and anything more is a special permit.

Whitney Singleton stated I think conflating two separate issues.

Mr. Vigliotti stated okay.

Whitney Singleton stated neither of you are wrong but what I think Bill is saying is that essentially by contract, the Village has agreed that for any use that would go into that store, barring a restaurant in excess of 10,000 square feet, that there's sufficient, there will be deemed to be sufficient parking.

Mr. Vigliotti stated okay.

Mr. Null stated your concern about the windows, we are certainly willing to discuss a condition that would limit the number of windows for instance, in which you could have 25% covered. We also, we had discussed at the first session before this Planning Board, the possibility of having a display set up where just like you described we could have a setback sign and have something else visible. Our understanding and perhaps incorrect, was that the Planning Board wanted to be able to see directly into the store and not to see something by the window. So, we're certainly open to having that discussion, the nature and use of the store, with due respect, I disagree, it happens to be a typical retail use, we have a desperate need to be able to occupy this space after 4 years of it being vacant, we've owned it for less than a year but it was purchased to be able to accommodate Modell's and that was the understanding so, if there are things that we can do to address concerns about appearance, we are certainly willing to accommodate listening and having a constructive dialogue regarding that,

Mr. Vigliotti stated just one last, does Modell's own the site or are they a contract vendee.

Mr. Null stated no, they are a cotenant in ownership on the site.

Mr. Vigliotti stated in ownership, okay, thank you.

Mr. Null stated in ownership.

Mr. Mareschi stated so they own part of the building.

Mr. Null stated they own a part of all of the building, they're a cotenant, so there are three different limited liability companies that together own the entirety of the site and Modell's interest is one of those three.

Chairman Cosentino stated Mr. Mareschi...

Mr. Bonforte stated excuse me, you wouldn't call that a cotenant, would you.

Mr. Null stated yes, they are cotenants.

Mr. Bonforte stated okay.

Mr. Null stated tenants in common.

Mr. Bonforte stated okay, thank you.

Mr. Null stated that is what they are.

Chairman Cosentino stated Mr. Mareschi.

Mr. Mareschi stated Mr. Chairman, I have the same question with the signage and I just think that use is just way too big for downtown area, same thing that Ralph said.

Chairman Cosentino stated okay. Mr. Bainlardi.

Mr. Bainlardi stated yes, I do not have an objection to the size of the use as proposed, you know the, for many years the use that was there occupied the entire space, it was in excess of 25,000 square feet, it was

an anchor for that location and for the surrounding businesses in my view and I believe that that use was appropriate and frankly it was mourned by many people when it moved out, in this community. I do not believe that the Board should be in the business, this particular Board shouldn't be in the business of selecting tenants. I do believe that and I'm not suggesting that's what's going on here but I don't think that's that a thing this Board should be involved with. I think the market should decide, things like this, again, this is my personal view and the landlords should be in position to select who the tenants are, provided that the use is a permissible use under the zoning. This is a use which is permissible, it's the retail sale of merchandise, I don't differentiate it in any way from merchandise that was being sold out of that space previously. If the building is chopped up into multiple buildings which the Board has issues with in the past, the Town has concerns about building being broken up into multiple users then the space will be, it's still 27,000 or whatever the number is square feet of space that will be occupied by users. I think the building is existing, if this was new construction and we were starting from scratch, maybe we'd, maybe I'd look at it maybe differently but it is an existing building and I think the building by most accounts is an attractive building, I have heard and had conversations with others about the concern for signage in the windows. I wouldn't want necessarily to impose upon an applicant something that the rest of the community isn't subject to but I think in this case because it's a special permit use, you know, this is one area where I think the concerns are legitimate because there are a number of windows on that corner and it is highly visible but aside from that I haven't seen anything presented in my review of the documents in the file to date that would rise to a level that I'd be concerned that this use would be an impact, an adverse impact on the character of the community.

Chairman Cosentino stated thank you, Mr. Bainlardi, I appreciate your statement, I realize you're new on the Board but this Board is designated to take the Village as a whole, not just one building. Our concern is the urban look, not only the urban look but the other buildings that are in that area could also become a box store if possible, I don't know but I think we need to look into that, not just the one building, you spoke about the one building. We need to, as a Board, to look at the Village in an entirety and I think that's what you have to do. So you can study it some more, just take it home and study it some more but in saying that, I think you heard the Board, okay and I think there is a lot to be said about the building and what is going to happen in the area and I think that's what we have to do, you know what's going to happen in a year, what are we in for and...

Mr. Null stated could you explain that please.

Chairman Cosentino stated I just did.

Mr. Null stated what will happen in a year.

Chairman Cosentino stated you didn't understand.

Mr. Null stated I didn't understand, no.

Chairman Cosentino stated okay, I'll explain it then.

Mr. Null stated thank you.

Chairman Cosentino stated there are other large buildings within the area, okay, what will happen to those other large buildings, if we, by right, you can the 8,000 square feet and move in, that's the Special Use Permit. We have no problem with that, go downstairs and file for 8,000 square feet and move in but that doesn't mean that we have to go over or under or whatever it is, there are other buildings within that area that could cause a box store or not a box store or individual stores, we don't know, it has to be studied...

Mr. Null stated does your zoning ordinance define box store, by any chance.

Chairman Cosentino stated no, we define the Code of 8,000 square feet.

Mr. Null stated because typically a box store is much larger...

Chairman Cosentino stated box store may be generic.

Mr. Null stated than the 16,000-17,000 square feet that we're talking about here and what we're talking about is occupying two thirds of a building that was sized for a single tenant use and it is very difficult...

Chairman Cosentino stated that's what your application is for.

Mr. Null stated to occupy, well that's correct...

Chairman Cosentino stated yeah.

Mr. Null stated but it's very difficult because unlike many stores, it has a partial set lower level and an upper level that faces Main Street, we were trying to face Main Street and accommodate the concerns that you have on Main Street. The signage we think is totally compatible with what is otherwise along Main Street and as I said, we're more than willing to accommodate a condition on the size of signs in the window or what sort of window displays there might be. We don't think that this use is any different than so many of the other uses in the downtown and there's, I'm, we're selling sporting goods which is something you know well is sold by one other tenant, owner in the downtown.

Mr. Vigliotti stated in the downtown.

Mr. Null stated who has been...

Mr. Vigliotti stated Target sells sporting goods, also Kohl's.

Mr. Null stated so that is something typically sold, it is not an unusual product to be sold and we were looking to come into your community and participate in your community...

Chairman Cosentino stated we appreciate that.

Mr. Null stated we talked about ways in which we would participate in the community through the good deeds that Modell's does elsewhere and all of the details with regard to landscaping, signage, everything exterior would comply with your zoning ordinance and meet the requirements that you presented, obviously the building's not going to change, it's a brick building, it doesn't look like a big box building, it doesn't have deliveries like a big box building and most of the big box users have outdoor storage areas and this certainly doesn't.

Mr. Sturniolo stated are you, excuse me, you mention big box and take Home Depot, big box, has outdoor display areas.

Mr. Null stated right.

Mr. Sturniolo stated however in proportion to Mount Kisco, this is a big box operation, not like Home Depot is but in a small community, close together, this comes off as its version of Home Depot. That's in a definition of big box.

Mr. Nulls stated and why do you think that on the basis of what it's selling.

Mr. Sturniolo stated no.

Mr. Mareschi stated no, the downtown area.

Mr. Null stated product and compatibility.

Mr. Vigliotti stated no, I don't think its product compatibility.

Chairman Cosentino stated no, nothing against Modell's. Let me be very, very, very clear, this Board has nothing against Modell's. I want to be very clear on that, don't add anything that's not there.

Mr. Null stated I haven't said anything regarding that, I'm just listening to what you said.

Mr. Vigliotti stated size and scope and intensity, I think the windows and the signage is part of that intensity, if it were Target, TJ Maxx, you don't see anything that's behind those walls because the walls are in front and there's displays. Sometimes they don't even put anything in front of those walls but you don't know the activity that's taking place in a very, very busy store, you can tell by the parking lot but you would never know what's going on. So, the size that we're talking about is probably equivalent to about 10 small shops in and around Main Street. Some are 1,000, some at 1,500 square feet, some are smaller, some are larger but it's the intensity and that's where the concern is and how that intensity affects the charm of the Village and maybe we can talk about how to lower the intensity, how to refine...

Mr. Null stated if you want window displays, we can discuss window displays, if that would address your concerns, we're certainly willing to discuss that.

Mr. Vigliotti stated okay.



Mr. Null stated we don't have activity with outside the building that in any way addresses what you refer to as intensity so I don't follow that but certainly if you're concerned about appearance, being able to see activity inside the store, based on comments at the first meeting that I attended, I had thought that you wanted to be able to see inside the store, so that was why we responded that way.

Mr. Vigliotti stated I'm not sure how that came across.

Chairman Cosentino stated I'm not sure either.

Mr. Vigliotti stated yeah, I'm not sure how that came across.

Mr. Null stated if that's not the case we can present...

Mr. Vigliotti stated yeah, no, that wasn't the case.

Mr. Null stated you don't want to see the signs.

Mr. Mareschi stated not these signs.

Mr. Null stated well we're not going to use signs like that, we're going to use signs where we can, if you, just like other stores throughout the downtown, we'll have 25% in places, we can put in window displays or have something in front that shows things.

Mr. Vigliotti stated if you look at Rite Aid and TJ Maxx in your travels, if you happen to see how their windows are setup that would be more in line of what I think might look...

Mr. Null stated many communities like being able to see inside the stores instead of these false windows that just have you know window box and you're looking at, not a pegboard, it used to be a pegboard but you're looking at the back and you're seeing something else. If what you're saying is you'd like to be able to not see in from Main Street...

Mr. Vigliotti stated well it's something to be discussed.

Mr. Null stated well I don't know when we'd discuss it, it sounds like this is a denial session at this point so, if...

Whitney Singleton stated can I intervene, one of the early questions that was asked by the Board was other locations where they could see something of this size and excuse me and you gave us a list and they were primarily in Manhattan.

Mr. Null stated yes.

Whitney Singleton stated and the representative from Modell's indicated that what was being proposed in Mount Kisco was substantially larger than most locations.

Mr. Null stated no, Doug, could you come forward, I don't think that's correct.

Whitney Singleton stated he said it was on the high end, I think the exact words were its on the high end.

Mr. Null stated I don't think that's...

Mr. Epstein stated our prototypical store is 15,000 feet that particular picture happens to represent 5,000 feet on a million square feet of space occupied by us and interestingly enough it is a clearance center, that's a component of our larger store, 25,000 square foot store.

Mr. Sturniolo stated would you mind coming up, so we could pick it up clearer.

Mr. Null stated this is Doug Epstein of Modell's.

Mr. Epstein stated sure, so I don't think this is a representative sample of a Modell's Sporting Goods store, I think you sir, probably missed the rest of the picture which is another 100' of frontage which is a typical store, doesn't have those signs and but our typical store is 15,000 feet.

Whitney Singleton stated alright, so this is on the higher end then.

Mr. Epstein stated by 2,000 feet. No, the higher end is we have stores that 30,000 feet, 20,000 feet, and 25,000 feet.

Mr. Vigliotti stated so you're smaller store is 15,000 square feet.

Mr. Mareschi stated how big is this store.

Mr. Epstein stated our smallest store is 7,500 feet.

Mr. Vigliotti stated where is that located.

Mr. Epstein stated Manhattan.

Mr. Vigliotti stated the rent...

Mr. Epstein stated no, it's not a function of rent, it's a function of a community need. We don't have a need for outdoor sporting goods, we don't have a need for basketball hoops.

Chairman Cosentino stated the store continues this way you said.

Mr. Epstein stated it continues the other way, you can see a little bit more of the store there, so if you folded this back...

Chairman Cosentino stated no, on this site.

Mr. Epstein stated this is Modell's.

Chairman Cosentino stated yeah but you said that the store continued.

Mr. Epstein stated continues this way.

Mr. Mareschi stated that way.

Mr. Null stated and there are no posters on that, the size of the posters or details on these windows are very different than on the clearance side, the windows to the right.

Mr. Epstein stated but the reason that other store is a smaller store is the goods that are sold in a suburban store very dramatically from...

Mr. Null stated yeah, there's one that's a clearance center.

Mr. Epstein stated so if you go around Westchester this would be on the smaller side of the Modell's. This would, this one is 25,000, Mount Kisco is going to be 17,000, Yonkers is over 20,000, Port Chester is over 20,000, so it's scaled down.

Mr. Vigliotti stated but none of those are in a downtown business district like Mount Kisco.

Mr. Epstein stated no.

Mr. Vigliotti stated they're in strip malls.

Mr. Epstein stated Mount Kisco has the benefit of a downtown.

Mr. Vigliotti stated okay.

Mr. Epstein stated there is no downtown Greenburg to really speak of.

Mr. Vigliotti stated we also have the benefit of North Bedford Road where there are even larger stores than the square footage here.

Mr. Epstein stated you have boxes downtown, you have Annie Sez that closed from bankruptcy.

Mr. Vigliotti stated when they come through the Planning Board, I think it's going to be similar.

Chairman Cosentino stated they haven't come before us.

Mr. Vigliotti stated questions...

Mr. Epstein stated Party City.

Chairman Cosentino stated they haven't come before us.

Mr. Mareschi stated they've been there Party City.

Mr. Vigliotti stated and the zoning became more restrictive in 2003.

Mr. Mareschi stated they've been there a long time.

Chairman Cosentino stated yeah.

Mr. Epstein stated right, I think I also heard somebody say something about 1,500 square foot stores, 3,000 square foot stores, what we're essentially asking you to do is allow us to occupy two box or tenant spaces in the building that are permitted by Code. If you took the building and divided it by Code, each of the spaces that would be yielded by that division would all fall within what's permitted by Code, so 8,000, 8,000, and 8,000. So what we're asking to do is occupy one of those three in addition to the one that somebody pointed that we could occupy as of right. From a parking intensity standpoint, I would argue that more uses create more burden on parking than larger uses because there will be more reasons for people to come to that building to shop because there will be multiple purposes in the building, as opposed to one use sharing the field. So I'm not sure that the position that we'll create a burden on parking is an accurate portrayal of what would happen and we don't know, as an owner, we don't know who we can lease it to, it may be a use that is less appealing than us which is maybe as of right but we think we're a good addition to the Town, we think we've operated, we know we've operated now for over 125 years, we're a historic company, you've been around for about as long as we've been around.

Mr. Null stated it's a vibrant business that's dedicated to being engaged and involved constructively with the community. We're willing to accommodate changes to deal with the window displays and the signage is fully conforming.

Mr. Epstein stated we're not the Gap.

Mr. Bainlardi stated would you consider looking at the whole of the signage, given the fact that it's a prominent corner...

Mr. Null stated we're not actually on the corner, you know that, so that...

Mr. Bainlardi stated but you're going to have you're going to be facing two sides, you're going to be facing the parking lot in the rear which is you're coming on Green Street from that direction is visible, if you're coming from either side on Main Street its visible so would you consider presenting something that treats all of the windows in some way that's attractive and that would protect against this ever coming into play.

Mr. Epstein stated would we consider it, of course, we want to be part of the community...

Mr. Bainlardi stated and present it.

Mr. Epstein stated we're open to considering what you are asking for, we are not sure, I've been here now, I guess this is our fourth hearing, I've been here three of the four, I'm still not clear as to what the ask is.

Mr. Vigliotti stated well as one member if you would be kind enough to travel to TJ Maxx, travel to Rite Aid to get a sense of how they handle the span of all of their windows to soften that look, I think that would be helpful and you would have a general understanding of what might work and even Target which is 50,000 square feet, their windows are, they have a display wall behind their windows.

Mr. Epstein stated which is a blank wall.

Mr. Vigliotti stated well...

Mr. Epstein stated what Mr. Null had said and perhaps its my misunderstanding, it is my understanding that the Board was looking for a store front that incorporated the store into the Town, not segregate the store from the Town, we could put up a wall and block the entire thing and you'd be looking whether it's 8,000 feet or 16,000 feet and you'd be looking at a blank wall. When I walk the streets here, I don't see any and I've done it now after every meeting listening to what the Board has to say, looking at the signage, looking at the nature of the uses that are out there, looking at the chains, the volume that they do that are far in

excess of what we do where they're public companies, we're a private company. We believe we fit in the character of the Town but no where in the Town do I see and I have to go back and look at the Rite Aid but didn't I see a blank wall behind the windows.

Mr. Vigliotti stated many of the stores that you see are much smaller.

Mr. Mareschi stated Rite Aid definitely has it.

Mr. Epstein stated that's one of 50 or 60 uses.

Mr. Null stated we'll look at that, we're fine in looking at window displays, we're even fine at looking at, we have second story windows facing the parking lot and it may be that there's a different treatment that can be done there. We're certainly not looking to plaster signs on every window that's not the concept that Modell's had. So, we're willing to look at that if that would make a difference to the Board.

Mr. Bainlardi stated and I think one concern that was also expressed at some point would be that there be an end run around the prohibition on putting above a certain size on a window by setting it back inside the window on a board or whatever and so be sensitive to that as well.

Mr. Null stated we can come up with a plan that addresses those concerns.

Mr. Epstein stated but I'm not sure I'm hearing that if we address those concerns that we even have a prospect of approval.

Whitney Singleton stated do you think you could provide the Board with the square footage of your Manhattan stores because those are actual like a downtown looking...

Mr. Epstein stated they range from 7,500 feet to 28,000 in Manhattan.

Mr. Null stated Mr. Chairman.

Chairman Cosentino stated yes.

Mr. Null stated would you want us to present window displays to address the concerns that you heard your Board Members...

Mr. Epstein stated which I should I point out, sorry to interrupt.

Mr. Null stated could you provide me any guidance on what would make it so that perhaps you'd be comfortable with Modell's in Town with window displays that met your concerns.

Mr. Vigliotti stated I hate to be redundant but look at TJ Maxx. Not that I'm a fan or not a fan but I think its, it represents a better look, if you look at Rite Aid even right now, they have display walls, they even have a door in one of walls so if they want to put full display in, they have stopped doing that but in and around their doors, the door has I think a window to the right and left, you can see through, if you take a look at that, that might be more appealing. The issue that we have, I have, is East Main Street is just a lot of smaller stores and yes, can you see through but the windows may only be 10' wide.

Mr. Null stated so if we address not be able to see through on a number of the windows so that you only see through on a couple of the windows on Main Street, that would be more consistent with what the Main Street stores have, is that right.

Mr. Mareschi stated I think so.

Mr. Bainlardi stated I mean, I personally have no objection to seeing into a store in some way, shape, or form. Maybe not the entire store but as you do on many stores throughout Town, where you can see inside the store, you can see some activity, it shows some vibrancy and it shows some merchandise, I mean you're selling appeal and sporting goods, it's...

Mr. Null stated Bicycle World is that way, they have things in the front window but you can look in and see the whole store from the street and that's a fairly sizable store too.

Mr. Epstein stated I just want to make a couple of other observations. The reason we're able to operate in different sizes is because we look at the environment in which we go to and we try to make ourselves fit that environment. Unlike a TJ Maxx, which is interesting that you cite their look, that is not considered a modern retail look and most people are opposed to the blocking of the windows, whether they be landlords

in Manhattan or office building, strip centers in downtowns, since I've been at Modell's, I've opened over 100 Modell's stores, this is the first time I've ever heard anybody ask to close the windows but we'll look into it and we're open to it if that's what you choose. We were trying to create an environment that allowed it to look like its neighbors. The movie theater happens to be a large box, which is its neighbor, I think the movie theater detracts from the environment, physical environment and visual environment, far more than we could ever possibly achieve. On the comment about the store fronts on East Main Street, I walked it again tonight after I had dinner here and although the stores smaller, that doesn't necessarily mean their store fronts are that much smaller, they are much shallower in depth, some of those stores and our store front, on a store front perspective against their store fronts is probably 25% bigger, 30% bigger than some of the stores that are along East Main Street currently. The largest store fronts happen to be the vacant ones.

Mr. Null stated so we will go back and review what we can do Mr. Chairman.

Chairman Cosentino stated yeah, absolutely.

Mr. Null stated and hopefully when we come back next before you...

Mr. Vigliotti stated and I just want to leave you one point as I read, I still, as one Member have a bit of a problem with the size, I still have a problem with the size of the store.

Chairman Cosentino stated I think most of us voiced our opinion.

Mr. Null stated so you're saying that even if we modify the windows, that would not address your concern.

Mr. Vigliotti stated well I think gentlemen, if you want to say anything at this point, as one Member of Board, I just think 17,300 square feet and needing a special use permit for that when the Village fathers back in 2003 decided that 8,000 may be the rule with a special use permit, you're here to be granted that special use, I honestly believe the 8,000, you had been in last week, the size I believe in my mind as just one Member is just too big.

Mr. Null stated and you, I'm sure, with all due respect, you all understand that the Special Use Permit is a permitted use, it's not a variance, so the fact that 8,000 the Village Fathers and Mothers wanted you to look at that size, doesn't mean that it's not permitted.

Chairman Cosentino stated and that's what we're looking at.

Mr. Null stated so you're saying the size alone is the reason for you not supporting it and we wouldn't benefit this discussion by bringing you back windows, is that...

Chairman Cosentino stated I think that, go ahead Tony.

Mr. Sturniolo stated that is not the reason, the reason of our deep concern how the Special Use Permit is applied and as Mr. Vigliotti and my other fellow Board Members said that what was envisioned when the law written is one thing. You're complying with the law but the spirit of the special use permit I think is not apparent in the presentation.

Mr. Null stated and we're looking to accommodate you on the appearance of the Building, we addressed your concerns with loading, we addressed your concerns with landscaping, we've conformed to the signage, what spirit that we're missing.

Mr. Sturniolo stated it's not an issue of missing, it's an issue of the way the building appears to look that has our concern. You've got every right to speak here tonight and as the Chairman said, you can come back with additional submissions and we encourage you to do so but you're not being cut off tonight by any means and it's not a public hearing and most importantly this is not a debate issue. You see x, y, z, I see a, b, c, whatever it is, it is and really that's as far as we should bring this to at this point, you asked for a second viewing, the Chairman has granted to you.

Mr. Null stated okay.

Mr. Sturniolo stated go ahead, do your homework.

Mr. Null stated thank you very much.

**Ms. Deutsch** stated Chairman, you said that I could speak previously, may I have a brief moment.

Chairman Cosentino stated sure.

**Ms. Deutsch** stated thank you, I appreciate that, I thank the Board. I have two concerns and as you know I'm retailer on Main Street and these are my colleagues, we're all here because we're hearing Main Street, there has been a steady decline...

Chairman Cosentino stated you've already said that.

**Ms. Deutsch** stated my second question is if Modell's is not permitted, how do we envision that space.

Chairman Cosentino stated listen, we've had a public hearing already, that was already brought up and we're absorbing all of this.

**Ms. Deutsch** stated well what do we do with the building, it's there, it's an elephant, what do you do, tell us.

Mr. Sturniolo stated we've heard the comments, we've read the written comments that people...

**Ms. Deutsch** stated this is not personal, I want to know technically, if they're not approved, how do we deal with this big, giant building.

**Mr. Brache** stated what do we do with it.

**Ms. Deutsch** stated what do we do, here's the Elephant's Trunk, we're all here, what do we do.

**Ms. Bisjou** stated who are you going to let in there.

**Ms. Deutsch** stated how do we resolve the problem.

Chairman Cosentino stated the Hearth, my next applicant is the Hearth.

**Ms. Deutsch** stated thank you so much.

The Secretary stated Chairman, they've requested to be adjourned.

Chairman Cosentino stated that's right, Mercedes Benz.

**Unknown Speaker** stated they want to spend millions of dollars to come to Town.

Chairman Cosentino stated we're absorbing that, seriously, we're not forgetting about what you said at the public hearing, believe me.

**Ms. Bisjou** stated obviously you are.

**Unknown Speaker** stated well I'm going to go out of business.

**Ms. Deutsch** stated four stores are considering leaving this Town at this very time, Main Street will not survive and you will have that on your heads.

**Ms. Bisjou** stated Main Street will be empty.

**Mr. Brache** stated and what's going in that space.

**Ms. Deutsch** stated look.

Chairman Cosentino stated Mercedes Benz, anybody here for Mercedes Benz.

**Ms. Deutsch** stated your building owners are upset here, Main Street will go down in the dumps and it will never come back.

Mr. Sturniolo stated Peter, do you need help with your...

Mr. Catizone stated no, I'm good, thank you.

Mr. Sturniolo stated okay.

Chairman Cosentino stated hi Jim.

**e. 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 and Mr. Jim Diamond of Diamond Properties were present.

Mr. Catizone stated good evening, my name is Peter Catizone, I'm the civil engineer for Estate Motors, Jim Diamond, he's the owner of 333 North Bedford Road.

Mr. Sturniolo stated and this is our new Board Member, Michael Bonforte and the alternate is John Bainlardi, which you haven't met.

Mr. Catizone stated first of all let me start by just thanking the staff for meeting with us last Friday, I feel that it was good. So for the benefit of the new members, I just want to go through the project, can you see this okay. So the project is two properties, two zoning districts in Mount Kisco, two zoning districts in Bedford and two separate pieces, so we'll start with the north and work our way south. Estate Motors is proposing a 7,000 square foot certified preowned, sales buildings, it's in the Town of Bedford, it is not on the 333 North Bedford Road parcel, it's this L-shaped parcel here. Currently there is a driveway at this location which we would be eliminating, access would be through the northern driveway or through Ice House Road. This curb cut will be eliminated, the only access will be near the water tower. In addition to this parcel, Estate Motors will be leasing room for 65 parking spaces which are not part of any zoning analysis for 333, these spaces will be dedicated specifically for the certified preowned, space. In addition, this is only sales, one story, there's no service there, there are no other amenities there. We have some renderings which I'll put up. In addition to this space, they will be leasing 113,000 square feet plus or minus, which is the area currently occupied by the Wine Enthusiast. There will be some parking modifications, we've gone ahead and we've evaluated the zoning for Bedford, this is the Town/Village line, we've evaluated the zoning within the ML district and also these little fingers that come up, the access points are in the Mount Kisco CL district. We've been at this about a year, started off as 36 lifts, we're down to 27. This is going to be our revised site plan application, also we've gone ahead and we've hired a traffic consultant, Maser Consulting who evaluated Ice House Road and the impacts that this project as a whole would have on that and part of what's come out of the meeting on Friday is along with the reduced number of lifts is the further need to evaluate improvements to this intersection. Diamond Properties has contract with, for purchasing 309 North Bedford Road and that allows some modifications to the intersection that can improve traffic on 117 as well as reduced queueing on the site. We will also include in our application a patio area, I'm going to call it a deck area in this area for Cosentino Tile and also the Field House, those two additional coverages may put us over in development coverage, we're already over but as long as we are working towards reducing that that's fine but the minute we add one square foot more, you can't go back to where you started so that will probably drive us towards a variance and I just want to share the renderings.

Mr. Diamond stated in other words we're well under where we started in terms of coverage 10 years ago but now we would need to add some coverage for the Field House, Cosentino, and Mercedes.

Mr. Sturniolo stated Peter, would you mind just briefly going over the impact where the Subway store and the level 5 of service, if that number changes how do the whole dynamics change of the look.

Mr. Catizone stated so the traffic consultant and the traffic engineer seem to be converging to the same point, which is great news. Currently anyone who knows this intersection, I wish we had a little bit more data on the sheet but Ice House Road is a signalized intersection, so it's a one lane in, one lane out, it's an offset intersection so in other words this light coincides with a light which is further south, they act as one. There is also, you have 117, you have this intersection, then you have Park, is that what that road is called.

Chairman Cosentino stated Park Drive.

Mr. Catizone stated and then there's another phase for this driveway which is the Subway parcel, so the intersection is a five phase intersection. The reason it's a five phase is because the original approval was for a four phase signal and the state went in and installed a fifth phase so that these tenants of 309 could get out reasonably.

Mr. Sturniolo stated the Subway area.

Mr. Catizone stated Yes. So one of the things that our traffic consultant will be studying is eliminating left turns from there so it would be an un-signalized intersection, right turns out only and what that would do is it would remove a phase from the traffic signal as a whole, so instead of a five phase, five intersection

signal it would go down to four intersection signal, whatever time that fifth phase occupied could now be split and given back to, I think what they were talking about, the two traffic consultants, is two thirds of that time onto 117, one third on to Ice House, so any queueing would be reduced by allowing longer green time for Ice House Road and longer green time for 117.

Mr. Vigliotti stated now DOT originally put into place that fifth...

Mr. Catizone stated correct.

Mr. Vigliotti stated fifth phase, do you need approval from DOT to remove that phase.

Mr. Catizone stated yes, the difference is it would be voluntary so it's kind of undoing what has been, so their concern was they wanted to ability to have a left turn out and...

Mr. Vigliotti stated when you say voluntary, now, does DOT need to in writing say fine, you can go ahead and remove that, do you need permission from them.

Mr. Catizone stated yes and they would look at the assignment, we have 20 extra seconds of green time, they would be involved in that approval.

Mr. Vigliotti stated sure, we had had that discussion which was really a good discussion and the discussion kind of evolved, which was our consultant reviewing John Collins' work had stated that as it exists, level five, that Ice House Road was an F and could be an F-, whatever that means and then he recommended that the number of trips associated with the number of bays, the number of bays should be lower and he recommended 16. It became encouraging when we started to have the conversation of what if we removed that fifth that level and made it four and gain X number of seconds and X number of cars moving smoothly on 117, it was encouraging. I hope that happens and our consultant says ah, 16 is 27, yes or 16 is 22 or 16 is 29 or whatever that decrease is or increase, I should say. For us, our consultant says 16, it's better now, now it's 22 and I think at that point we may say that this is what our consultant is saying and it may be something that we have to live with and that phase, removing that level five is a big deal.

Chairman Cosentino stated and I think John said that it was possible to get that removed, it would be good.

Mr. Vigliotti stated that was encouraging and it's a big deal.

Mr. Diamond stated yes, but I think it's also, and I think yes, John felt that there was good likelihood that that would be able to be accomplished but I think it's also important to emphasize that the F was exclusively on Ice House Road, which is our property, though in other words, at peak time most of the time that intersection, that egress works fine but at certain peak times it queues up 10-12 vehicles down towards the bottom of Ice House Road. What John's perspective was that as long as the queue is back into our property its having no impact on 117, so it's less of a concern.

Chairman Cosentino stated and it also may be less of an impact when that Road 1 is put there, that's going.

Mr. Diamond stated right, what John had indicated is that improving the Ice House Road intersection or opening up easement one would have equal benefit, either/or would work, in terms of dramatically improving egress from our site and the flow of 117 possibly doing both of them at some point, presumably we have a super positive impact I presume but that's to be studied.

Mr. Bainlardi stated just so I can understand factually, 309 right now has a curb cut and you're going to close that curb cut.

Mr. Catizone stated no.

Mr. Bainlardi stated what would you be eliminating.

Mr. Catizone stated right now it's signalized and if you look at the signal, it doesn't match the rest of it, it's a head mount signal, when there is a car at 309, there is a loop detector that will sense that car and give green time to that driveway to that curb cut...

Mr. Vigliotti stated it gives you six seconds.

Mr. Catizone stated so they can get out and make a left. Now it's not just the six seconds of green time, it's the yellow and the red, so when you take that phase out it could be you know, 15-20 seconds and you know, I don't pretend to be a traffic engineer but Dr. Collins would have those exact numbers but it's a major improvement with respect to green time on 117 and improving the green time on Ice House Road.



Mr. Bainlardi stated so just to finish then, you would be redirected anybody who wanted to make a left hand turnout of 309 to the traffic light.

Mr. Catizone stated it would a right turn out.

Mr. Diamond stated so they would just be prohibited left turns, so they would take a right turn onto 117.

Mr. Bainlardi stated that's the way you want them to make the turn movement.

Mr. Catizone stated there would be no pet pole, there would be a no left turn sign and right turns only.

Mr. Bainlardi stated okay.

Mr. Sturniolo stated Peter, not to make an argument on your behalf, before when you said the yellow traffic light and the red traffic light, there are a couple of other things that dial into that delay, one is the attentiveness of the driver looking for a light as opposed to 'oh honey yes, I'll be home' you know and the other things is just the start up time of the car, I mean it's, you're not going to hit instantly the speed that you're going to hit when you're on 117, you have to accelerate to that, so that also adds to the perceived delay along 177, I believe.

Mr. Catizone stated that's absolutely correct, so if you have the same situation, same green time, except you're stopped twice instead of once, it's significantly more efficient to have more green time in one cycle rather than to break that up. That's why the 5<sup>th</sup> phase, removing that, it's not the six seconds, it's like you said the yellow, the red and it's the startup time, a few extra seconds on green time. Let's say it's four extra second, it would be more than that but let's say 6 extra seconds of green time is you know 10 cars, let's say, you've reduced the startup, you've reduced the delays and I think it's a win-win.

Mr. vigliotti stated let's not forget, I mentioned it at the meeting, those that will illegally make the left hand turn, causing some additional, while we may save in one hand but in the other hand making that left hand turn illegally which a lot of people in the Village do, it may and will cause some delay, they may sit in that lane trying to make that left or not but it's unfortunate that the safety of those stores and the folks that travel to those stores can't make the left and those stores are going to have some difficulty with sales because if you're making the right and you really needed to go left, you have no choice where in the site of 333 you have choice, you can choose either north or south entrance to get where you need to go but they don't have that choice, so they would have to probably make a right at Ice House Road and go down and make a U-turn and come around.

Mr. Catizone stated come in and turn around now, right.

Mr. Diamond stated there are a number of other locations along 117 that it's the same situation.

Mr. Vigliotti stated absolutely, in all fairness, yes.

Mr. Catizone stated there is actually one right here, which is a permitted left which because of its, it's kind of the same situation because of its vicinity to that northern intersection it just makes sense to get of it, one less person making an illegal left, in this case a permitted left is a major you know, enhancement in safety. Again, I'll say it I think the meeting was productive, I think that with respect to zoning, parking, we've kind of reached an agreement with those issues with your consultant, I believe that Seth and Dr. Collins are kind of converging on the same vertex or the same focal point. The only comment that I'd like to make, the numbers are going to be the numbers but as far as 27, that's a minimum for Estate Motors, so if the number is lower than 27, they may have a fight with national to get that permitted but that's why we selected it. We'd love to have 36 lifts but the way we approached our client was what is the absolutely minimum and he identified 27 as being that number. Again, whatever the traffic consultants agree to, we're not here to argue the number, the data is going to be the data but just to understand that from a financial view point, that's an important number to Estate Motors.

Mr. Diamond stated and just to put some context around that, the site is 113,000 feet, they propose they propose to occupy. John Collins broke it down between, one of the interesting things that Estate Motors is doing here is parking a tremendous number of new vehicles inside the building which they would not necessarily need to do they could park them outside the building but they're taking extra space in order to have interior parking which I think is a good thing for everybody rather than them having all those vehicles outside. In terms of the actual functional space, in terms of sales area, office area, service area, all of that I forget the exact number but it's approximately half that square footage, I think it was 55 or 57,000 square feet which is about double what they currently occupy in Goldens Bridge. They're also proposing to double the number of lifts, so there's a direct correlation there in terms of their business model doubling the

lifts, doubling the square footage of that space. One of the other things I just want to point out for the benefit of the new Board Members because there has been a lot of discussion about parking over the last ten years, the parking requirement for the site based on zoning is higher than the number of spaces that are provided, we have 799 spaces which may be adjusted by a couple because of dumpsters that are occupying a couple of them but per zoning there's something like 950 spaces required but the Board has determined in previous submissions that because uses operate at different times, Grand Prix is different times an office/warehouse space, that because of non-coterminous usage or whatever the use is that we have adequate parking. We've done a number of surveys recently over the past few months and we determined that any day of the week, any time of the day, we have somewhere between 450 or 500 empty parking spaces, so I think we've demonstrated there's a tremendous amount of excess parking at the site which really makes sense because the north half of the site is completely empty nights and weekends when the south half of the site is busier.

Mr. Catizone stated so just to follow up with that Jim just presented, we will be revising our parking summary to include fleet vehicles, U-Haul's which are currently parked in this area, so what we're going to which is what I believe the Code requires is to add for example, take Diamond Properties, since we have a representative with us, they have five fleet vehicles, those are vans, an employee drives in and leaves their car...

Chairman Cosentino stated but they're gone for the day though.

Mr. Catizone stated yes but we are going to add those to the parking requirement so right now Diamond Properties has, if I can find them, Diamond Properties, right now they have, but let's say they have 30 parking spaces, we would add five to that requirement, so they're requirement would go up you know by those five spaces.

Chairman Cosentino stated but they're only parked at night, am I correct Jim.

Mr. Diamond stated generally yes but what the Code does say is that to the extent there are any fleet vehicles for any business that they should be added to the Code requirement, to the zoning requirement for the space. It may not always make sense in our perspective. I think it's the proper way to do it based upon the Code and we know that we've got several hundred empty parking spaces anyway, so it's really just the way the data is presented. For example, there's a requirement when Safe Haven Self Storage was approved the Board determined that, I think it's 13.25 parking spaces are required or something like that but the reality is there's only one employee there at a time and there may be two or three customers so I doubt that 13 spaces have ever been used by Safe Haven, we'll now add the U-Haul's on top of the 13, greatly increasing the number and it may not be logical but it is what the Code says.

Mr. Catizone stated so there's 17 U-Haul's, let's say, I don't know what the variance says...

Mr. Diamond stated ten.

Mr. Catizone stated ten, so that 13 goes up to 23 for one employee but in the interest in being consistent with what the Zoning Code specifies, we just want to be as complete as possible.

Rob Melillo stated Jim, now you're in front of the Board for all this and we're situating parking, do you want to look for more parking for the U-Haul's...

Mr. Diamond stated good point.

Rob Melillo stated I mean this is a great time to let's bring it all out, let's fix all the issues on the site, if you need additional parking, this is great forum here to get whatever additional you need for U-Haul so there are not future issues.

Mr. Diamond stated when U-Haul was approved as part of the Safe Haven Self Storage business, we proposed ten spaces because we thought that was the right number, if the Board Members go out to the site at any time, there will be anywhere from 5 to 15, the number varies dramatically, it operates similar to a car rental business, Safe Haven doesn't determine exactly what vehicles come back or leave at any time, people can rent a vehicle a Danbury Connecticut, return it to our facility and so the numbers can fluctuate dramatically, so on average over the course of a week, we average right around 10 I think but there are time we peak at more like 15 based upon the day of a week. For example a lot of people rent a U-Haul on a Friday or Saturday and the number can go down to two or three over the weekend, so we would like to propose an increase to 15 so that we are always in compliance.

Rob Melillo stated I think to add to Jim's point it helps him, it helps the Building Department not having to manage something because like he said it fluctuates some days I'll drive by and its completely empty and

there's other days that it ranges 15, I've counted 18 out there at times. So I think a good number so that, obviously the business has been prosperous over the years, its doing better than what he first originally expected, I think we should give him some leniency on the UHaul.

Chairman Cosentino stated we want to but are you comfortable with the 15 or the 18 like he said, I don't know.

Mr. Diamond stated well we thought one way to do it and I'm not sure what number of spaces this is but...

Mr. Catizone stated there's 17 here at this row.

Mr. Diamond stated so what I think we'd like to propose is that row, that is where we've always kept the vehicles has been in that row.

Chairman Cosentino stated why don't you go to the 17, so you're in between.

Mr. Catizone stated we'll go to the 17.

Mr. Sturniolo stated if I understood you properly before the Cosentino Outdoor Display, that there's no way in the world that's going to hurt you in the arithmetic.

Mr. Catizone stated no, it does.

Mr. Sturniolo stated but to hurt you in a sense of what you're saying tonight and what is going to be presented at a later date could be two different numbers.

Mr. Diamond stated well it hurts us in the sense that we have slightly more site coverage by what that is 200 square feet or something but because of the Field House and because of an expanded side walk in front of Estate Motors that we're proposing just a wider sidewalk and a couple site changes like that. We're expanding our site coverage no matter what so we would need a zoning variance no matter what so the extra 200 feet doesn't change anything. We still need a variance whether or not we have that.

Jan Johannessen stated do you recall whether the Maser report got into at all the parking utilization, there was a parking utilization study submitted at one point in time, we asked that it be analyzed by Maser.

Mr. Diamond stated yes, they did submit a report a few months ago to...

Jan Johannessen stated was that incorporated into the EIS or was that a separate document.

Mr. Diamond stated I believe it was a separate document because it predated this most recent submission and I recall that it generally validated the methodology that he used was using the data from the traffic counters...

Jan Johannessen stated ins and outs.

Mr. Diamond stated exactly, he knew how many people were coming in and how many were going out and it validated our data relatively closely. One other point I'd like to make again just to, we've talked about this before but Wine Enthusiast at 113,000 feet,  $\frac{3}{4}$  of that space is warehouse filled floor to ceiling with boxes, those boxes come in and go out all by tractor trailer. We've reviewed these numbers before off the top of my head I don't recall but I think it was something like 80 tractor trailer trips a week and between October and December 50% more than that, which makes sense because again, eighty some odd thousand feet of warehouse coming in by tractor trailer and leaving every couple months. Estate Motors receives three car carriers per week and a parts delivery every day in the middle of the night, at approximately 2 am. So it's a greatly reduced amount of truck traffic which was always a big concern with the site, which I think is a huge deal and is not fully captured in the trip data because on the one hand a trip is a trip but on the other hand a car trip is a lot less impactful than a tractor trailer trip.

Mr. Mareschi stated they bring the parts at 2 am.

Mr. Diamond stated the parts come in in the middle of the night and the parts are not on a tractor trailer, those come in on a box truck. So there's really only the car carriers and the big difference at this site is compared to several of the other auto dealerships, not all of them...

Chairman Cosentino stated you can unload on site.

Mr. Diamond stated but we have 38 acres here, there's plenty of room for tractor trailers to unload, there's not concern about them unloading on 117.

Chairman Cosentino stated Jan, how far are we away from a draft resolution on here.

Jan Johannessen stated well I think we're waiting at a minimum for John Collins to analyze the two items that were discussed at our staff meeting, reducing the phase from 5 to 4 and what the redevelopment of the intersection.

Anthony Oliveri stated you've got to remember the other part is the other engineering questions from the beginning also needs to be addressed.

Chairman Cosentino stated I just wanted an idea, that's all.

Mr. Diamond stated there are, there's some stormwater work that needs to be done.

Jan Johannessen stated Joe, a lot of our comments are technical comments and they were put on hold until we tackled the larger issue.

Chairman Cosentino stated I just wanted to get an idea, that's all.

Mr. Catizone stated so we hope to have by the next submittal, not this Tuesday, the November 3<sup>rd</sup>, a revised application with everything we discussed and with the new zoning analysis and identification of any additional approvals that we may need that were not included in a previous application and then once we're comfortable with that, we'll tackle the fun engineering stuff, lighting and landscaping and stormwater and you guys can take a nap.

Mr. Diamond stated just before we go, I just think it's also, it's hard to believe this is the same building but this is what the north façade of the building would look like, so the current Wine Enthusiast entrance is somewhere there. Now, there's a number of Wine Enthusiast loading dock doors as well and you can see that this whole area gets cleaned up dramatically as well keeping with Mercedes brand standards so, we're really excited about it, we think it would be a phenomenal dealership.

Mr. Sturniolo stated how big is the BMW down there, in the lower right.

Jan Johannessen stated have you gotten into any landscaping comment with the Town of Bedford in terms of the Nohilly parcel, have they talked about screening at all.

Mr. Catizone stated no, not yet.

Jan Johannessen stated just because you haven't gotten there or because you don't think its an issue.

Mr. Catizone stated we haven't gotten there.

Mr. Diamond stated I mean we've been more focused on the Mount Kisco process.

Mr. Catizone stated they're thrilled to have the intersection eliminated, they understand that the screening will probably be low screening but we haven't gotten into any specifics.

Jan Johannessen stated because it looks like you have a, is the blue hashed area on the Nohilly parcel, adjacent to North Bedford Road, is that basically tandem car storage.

Mr. Catizone stated that's display, yes.

Jan Johannessen stated single storage, is it on a lift or is it...

Mr. Catizone stated no, no lifts.

Chairman Cosentino stated Jim, you're going to be putting it the Belgian block the same as the other or is this going to be concrete.

Mr. Diamond stated no, all of our curbing is Belgian block, so any new curbing, I'm not sure what's included here in terms of new curbing but we stick with the Belgian block.

Mr. Catizone stated we'll match what's there, I think it's a nicer look.

Chairman Cosentino stated seems like this lawn in the front here needs some landscaping a little bit, maybe not.

Mr. Diamond stated we will come in with a landscaping and lighting plan, we held off on that stuff until, I think the traffic was the bigger part to overcome.

Mr. Bainlardi stated on your coverage issue, is there an opportunity anywhere on the site where could lose macadam without losing parking spaces.

Mr. Catizone stated the short answer is no but the original site had no islands, it didn't really have this road, I think the road kind of spilled in to the site in this location. So the original historic coverage was much higher than it is now. This road was extended to Ice House, that gave opportunity for islands here.

Mr. Diamond stated and importantly the entire façade was 76 loading docks all around, so what we did is we replaced a number of those loading docks with grass entry ways and berms and all of that. So sort of what we did is right at the very beginning, we got rid of a lot of impervious surface and then we got rid some additional impervious surface when Rockin' Jump and Saw Mill Club came in, so we took a lot out and now, it's not, we're not talking about anything dramatic here like, I think it's like 2,000 feet or 4,000 feet.

Mr. Catizone stated its about 4,000 square feet now here's the problem, the problem is this is the Town of Bedford/Village of Mount Kisco line, so is there an opportunity to get rid of macadam without impacting the parking, well there is some opportunity maybe in this area, the problem is when you look at the ML zoning district, this is in another township, it doesn't really help the numbers in Mount Kisco, so I think we're as bare bones as we can be on this with respect to asphalt.

Mr. Vigliotti stated question, you had a recent purchase of property south of the soccer field, does that have any impact, can any of that be used, against, did you say 2,000. Rather than to go to the ZBA...

Mr. Catizone stated it's closer to 4,000, I'm going to ask a question first, is that an ML Jan.

Mr. Diamond stated Whitney would not allow us to do that.

Jan Johannessen stated it is part of a different site plan and it's a condominium lot.

Anthony Oliveri stated its part of the Target site plan.

Mr. Vigliotti stated oh it's a condominium, okay, so it's not an outright ownership.

Mr. Diamond stated that's the woods, that's area where we had proposed last year, the ropes course.

Mr. Mareschi stated Wells Fargo, the bank, there right.

Mr. Diamond stated behind, yes, in between A & P and our site, its approximately 5 acres of woods. That pervious surface was all included in the Target/A&P site plan. What we had proposed with the ropes course, there was no additional impervious coverage, it was just telephone poles and ropes...

Mr. Vigliotti stated I didn't mean to go that way.

Mr. Diamond stated so that's why it didn't have an impact on that one but we couldn't include it here.

Mr. Sturniolo stated so again you're going to come back in two weeks with the revisions that we had been discussion.

Mr. Catizone stated well I'm not sure if we'll have a submittal, the deadline is...

Chairman Cosentino stated just work it out with Michelle.

Mr. Catizone stated we'll work it out but we will have a revised application.

Mr. Sturniolo stated start to move forward.

Chairman Cosentino stated work it out with Michelle, good progress.

Mr. Diamond stated thank you.

Mr. Catizone stated thank you.

Chairman Cosentino stated Martin Goldbaum.

The Secretary stated they're not appearing this evening, Chairman.

Jan Johannessen stated Chairman, they had addressed the majority of the comments, we didn't prepare a memo but I did take a look at the plans, I was just curious whether the Board wished for us to prepare a draft resolution on that item.

Chairman Cosentino stated yes, if you're comfortable with it. Philar Realty.

**f. Philar Realty Co. – 383 N. Bedford Road  
PB2015-0317, 69.43-1-2 & 3 (SBL)  
Amended Site Plan**

Mr. Phil Skriloff, property owner and Mr. Elliot Skriloff were present.

Chairman Cosentino stated Phil, how are you.

Mr. Skriloff stated its Phil Skriloff and my son, Elliot. This is from a concept point of view, what we're looking for is some guidance from the Board on redoing and correcting the increasing parking. The building is at 383 North Bedford Road and we've had vacant space and difficulty in renting because of a lack of parking, so what we're proposing and I think you gentlemen should have copies of the plan.

Mr. Mareschi stated I'm sorry, where is that location, 383.

Jan Johannessen stated it's adjacent to the entrance at 333.

Mr. Skriloff stated it's your last building in the Village of Mount Kisco, just at the entrance to the...

Mr. Sturniolo stated say it again, it's where.

Mr. Skriloff stated it's the last building the Village of Mount Kisco, across the street from Petco. What we're looking for is you guidance as to whether the proposal that we're thinking about is something that you would consider, we will need a variance but are asking for your thoughts on the proposal that we're making. We're basically talking about reducing the size of the building by about 25% which would result in being able to provide more parking.

Chairman Cosentino stated we're always interested in parking.

Mr. Skriloff stated yes and that's the problem, is that we have not been able to be successful in renting because of the parking. When we're done I think we're still short by, we'll end up, we now have 16 parking spaces on the exterior of the building and we are required to have 36 and we will end up I believe with 27 as its proposed by the designer and want your opinion as to whether this is something that you consider and whether we can go ahead and proceed with...

Chairman Cosentino stated we definitely like to look at it.

Mr. Sturniolo stated what businesses get eliminated.

Mr. Skriloff stated it's basically the current retail space is the area that will shrunk and the automotive will be proposed to be converted to basic retail space.

Mr. Sturniolo stated and where the religious store is and former pet store.

Mr. Skriloff that retail space would remain except the area that will be reduced from 4300 square feet, or the total building the 7500 square feet and the total building will be reduced to 5450 feet.

Mr. Sturniolo stated and again the automotive business disappears.

Mr. Skriloff stated so it will be converted to retail.

Chairman Cosentino stated Rob, have you looked at this.

Rob Melillo stated no, I haven't.

Chairman Cosentino stated you haven't looked at it, so we need Rob to look at it and Jan you haven't looked at it odiously.

Jan Johannessen stated no, we won't until formal.

Chairman Cosentino stated so I think we need our staff to look at it and report back to us and see what they say, so yeah, we're interested and always want more parking spaces but we have to see if it works.

Mr. Skriloff stated would a working session be appropriate, what would you suggest.

Chairman Cosentino stated talk to Rob, I don't know.

Rob Melillo stated I think we can just set up a staff meeting with myself, Jan, we'll go over it and take a look at it and Joe maybe you want to be there at the meeting and we'll give you comments and honestly, I haven't had a chance to look at it, I went away on vacation, I just couldn't get to it at that point.

Chairman Cosentino stated and I think we're always interested in more parking. Let's see how it's going to work. Thank you for coming and it was good seeing you.

Rob Melillo stated just give Michelle a call, she'll take care of you.

Chairman Cosentino stated Mavis Discount Tire.

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

Mr. Albert Pirro, Esq and Mr. Matt Sheffield of DCAK were present.

Mr. Pirro stated good evening, Mr. Chairman and Members of the Board, my name is Albert Pirro, I'm an attorney and I represent Mavis Tire Company. Essentially tonight we're here for conceptual site plan approval, this is Mr. Matt Sheffield who is our architect and engineering company.

Mr. Sheffield stated DCAK MSA.

Mr. Pirro stated DCAK and does all the work for Mavis. Essentially what we have here is a situation where we had a building that was built in 1970, the original site plan approval was given in 1970. Through a series of situations that have arisen over the years, the applicant, Mavis, did not follow up on some of the building permits that were issued, didn't do some of the construction, may have done some work without building permits, all of which has sent to another building in front of the Village Justice, who told me that I look a lot grayer than the last time he saw me, I told him gray is the new black. So we're down there and the Village Attorney has been kind enough to kind of move that case along with us being before you. We were granted, the Building Inspector, Mr. Melillo was kind enough to help us arrange a meeting, I believe a member of the Board was there, one of the engineers was there from Dolph's office and had occasion to sit down and go over the initial plan and get a lot of comments from that meeting which we tried to incorporate into the conceptual plan that's in front of you. So, a lot of elements in here although I also have the Village Planner's memo and there are a couple of mistakes on the plans which I spoke to the Village Planner today acknowledged and I thanked him for pointing them, I'm not perfect, we apparently messed up a couple of side yard setbacks and things like that but generally we're agreement with his memo a couple of things I think need to be pointed out. I would also add that in some ways this is not only beneficial to my client in cleaning up its act if you will, I've also, after the initial site was acquired, which was just this piece, they picked up an adjoining parcel, this used to be part of an oil company on this site, they acquired this under a different name and I guess, I mean I don't know what they were thinking, maybe they were trying to avoid the doctrine of merger or something like that, you know the two lots merging together. The Building Inspector and I discussed that but in some ways this is helpful because what we're doing is merging it all into one site application so that there's not issue about whatever this is. The site as you know has a somewhat difficult topographical situation in the rear and of course we have the infamous trailer which is alongside the building, which I'd like to speak about and then I'm going to have Matt go into a couple of the engineering issues on the site. I came from Mount Vernon and when I was a young boy I used to go down...

Mr. Sturniolo stated that makes two of us.

Mr. Pirro stated you also, and I used to go down to Vic the Tire King.

Mr. Sturniolo stated I used to buy tires there too.

Mr. Pirro stated well I went down with the bicycle you know and he would fix my tires and a great guy, Mr. Sbarro and his wife, Marion, and as the years went on they started to think about expanding and they formed this company called Mavis which was Marion and Vic Sbarro, M-A-V-I-S, Mavis Tire Company, so the only advice he gave me when I finally came back with the car was to be gentlemen in the car at all times but be that as it may. Their first acquisition of a new site was here in 1969 and developed, ultimately got their site plan approval in 1970. The way the site operates, it's somewhat of a small site and the way it operates as do a couple of other Mavis sites is a trailer is brought in alongside on the top floor new tires are stored with a conveyor belt and what they do is the scrap tires, the tires that are taken off, are put into a vehicle, a trailer so it's not a building, it's not a structure, it's not a fixture, it's a vehicle and they put it in and twice a week, an outside company is retained to come, take that trailer out and put another trailer in, obviously they can't dispose of them through the municipality, they have to bring them to an end site because of the fact that they're rubber and have to be disposed of a certain way. That's the history and the story behind the trailer. One of the issues which we've tried to deal with is the fact that the trailer is 90' long, it was sticking out, so what Matt was able to do was able and you'll see this on the plans as he goes through them, we were kind of advised by the people who helped us at the staff meeting, to cut back this area a bit more, get the trailer back in, get some better screening in here, kind of bump out and relocate some of the parking. The memo the Village Planner gave us is recommendations that we use better plantings, higher plantings, more dense plantings, which we're fine with and so where we're trying to get to I guess is we'll need a site plan approval, a special permit approval under the new code and then there's a question of whether or not we need a steep slope approval, which we don't believe we do, we think that we comply with the steep slope ordinance because the amount of area that we're changing from what already existing is miniscule, what is important however is that we are reducing the total impervious area of the site, so that gets us out of any issues with the DEP in terms of increasing impervious area and also, although our plans show that the area we're cutting back is macadam, if the Board wanted we could make that gravel, the only reason why we didn't show it in the plan as gravel is because during the wintertime when it snows, it becomes a bit of problem to shovel it out and the gravel but that's up to you, whichever way you want us to do, we'll do it. Matt, why don't you go into the issue of the retaining wall because the, in the memo that the Village Planner gave us, he pointed out that generally the Board has a, I don't know if it's codified or not but has a rule of thumb not to be over a certain height, a certain distance.

Jan Johannessen stated Al, if I could just interrupt, that is a standard associated with steep slope permits, so if you can avoid a steep slope permit or if ones not required because of the area of disturbance and its less than 500 square feet then that provision will not apply but if you do need a steep slopes permit, that standard comes into play, there are waiver provisions, the Planning Board could approve a wall that's greater than 60' in length, so long as there's good reason for it, it's justified.

Mr. Pirro stated thank you for the clarification.

Anthony Oliveri stated if you feel you're not meeting the threshold, you should provide an analysis of the steep slopes in the area you're disturbing so we can the determination.

Mr. Sheffield stated we did provide in one of the sheets we submitted with the wall as it's shown now and the 9', the area of disturbance would be in here where the existing retaining wall is that would be pushed back and really the area where it's over 9' is pretty much limited to right up against the existing building where the grade jumps up there. So the wall in this corner would be 9' ±, by the time you get over to here which is only about 20' give or take, it's tapered down to 6' high and then we cut through the grade perpendicular and it gets down to about a foot down here, so you're really talking a minimal section of, because we don't want to be putting two sections of wall in cutting further into the hill, it would be much easier to and much less disturbance to do it this way where it cuts down to 6' across that area and you can see here is where typically right now the trailer sticks out past the front of the existing building, probably let's say 15' or so, this will enable us to push this back and the front of the trailer will then be flush with the existing building and providing the landscaping along here where we were proposing the arborvitae to provide screening from anybody seeing in this direction, the trailer or the building which is not in existence right now.

Anthony Oliveri stated the criteria in the Code on the steep slopes is a square footage disturbance which is a slope that exceeds 15% and because this is conceptual I haven't reviewed this yet so I don't know if you're showing that or not, that square footage and if you are and if it's close, what would help maybe is to even get the CAD file so we can just verify it.

Mr. Sheffield stated we're at, from the calculations I did with the breakdown of the 15 to 25 and 25 and up, the area of disturbance was right around 700 square feet which of greater than 15% slope.

Anthony Oliveri stated so that would trigger the steep slope.



Mr. Sheffield stated we'll certainly take a closer look at getting that to the 500 threshold, we probably would be able to do that avoid.

Anthony Oliveri stated I'm not saying you need to get under that, you can just apply for that simultaneously with the site plan, it's maybe not that big a deal.

Jan Johannessen stated you're going to need a public hearing anyway with the special use.

Mr. Pirro stated if I may, Mr. Engineer, what I was going to do anyway was file the application for all three and at the public hearing, obviously its 4 things right, I mean at the public hearing, there would have to be a SEQRA approval, we would have a public hearing the special permit, site plan, steep slope all at the same time and hopefully if we can satisfy the Board the consultants, Building Department, Planner and yourself, its easier to tie it up. I don't think it's, other than the fact the client messed up, respectfully, I don't think there's a lot of controversy about it. I think we've tried to handle aesthetically a big issue, I have to tell you, the Village has been great in helping us, I'm sure we're going to whacked by the judge but be that as it may but that's what happens when you don't follow up.

Chairman Cosentino stated Tony, you have some question.

Mr. Sturniolo stated could we go back to the first chart Al.

Mr. Sheffield stated the existing site.

Mr. Sturniolo stated the very first, you said the orange trailer gets emptied out and then another replaces it, also an orange trailer.

Mr. Pirro stated yes, sir.

Mr. Sturniolo stated whenever there's a site change to any property in Mount Kisco, the overall site is up for review, not to be taken advantage of but there are a few other things that I think are missing here, one, if the new trailer goes back to where you said it was, physically how and where are the doors for that new trailer going to be, so they can open up and take out the old tires.

Mr. Sheffield stated what happens is this trailer when it comes in is empty and they bring the scrap tires out and they'll come around the back as they do now and we'll leave enough room in here where the doors will be able to be swung open and there's enough room around the side and they'll be able to get around the side here, we left I believe it's a good 6-7' to the trailer and a little bit of space in between the building itself and the trailer but they'll be able to get around and as they do now, just manually load the tires onto the truck.

Mr. Sturniolo stated and then once this trailer is filled, it gets taken away, now since you said you're going to aesthetically block the front of it, what has to take place in order to get the trailer to be pulled out.

Mr. Sheffield stated the aesthetic improvements are going to be along the property line here with a whole row of new plantings of arborvitae and aesthetically just from a view of the building when you have this trailer sticking out, it doesn't look so nice, so that being pushed back and flush at the recommendation of the Village that we do that will help with aesthetics as well, so what happens is the actual truck will come in, turn around, grab the trailer and pull out and another one will come in.

Mr. Pirro stated maybe I didn't make myself clear, the screening is along this side, there's not screening in front because you have to hitch...

Mr. Sturniolo stated down below, I'm referring to the front property line.

Mr. Sheffield stated here's the existing curb cut and there are existing trees here and existing trees here along the front of the property and we're proposing additional landscaping here through the removal of pavement in this area and plantings here.

Mr. Sturniolo stated because right now when you go by you see the cars parked there and the bumpers maybe 6-7' away from the sidewalk, you see a sea of cars and blacktop, all queued up waiting to go in or they've been serviced and their waiting to be picked up. I think the front screening is absolutely crucial to soften this automotive look and the blacktop look. Accordingly, with that, we've encouraged every applicant when they do any kind of conversion to change their lighting to LED lighting with the downward focus and not illuminate the sky at night. Mavis Tire has its big sign out front, white lettering against green and then there are a few bright lampposts illuminating the parking area, there is a thing called security

lighting at night and we all understand that but does all that illumination fall under the guise of security lighting, including the fluorescent lights that hang over the lifts all night long as well.

Jan Johannessen stated Tony, can I just comment your questions on lighting or just add to that actually, there's supplemental regulations in the Code for automotive types uses and repair shops which this falls under and there's actually if you were to apply the new lighting standards there's a maximum pole height of I believe 15' for an automotive use which this doesn't currently comply, they're very tall light poles and they basically have large spotlights on them, so if the Board is asking the applicant to comply with the Village's current lighting standards it would also include the reduction in the light pole height.

Mr. Sturniolo stated it appears to be way overkill, over and above traditional name identification lighting.

Rob Melillo stated Jan, also in the Code under the lighting section they are supposed to reduce their lighting down to 30%, so that is something that can also be enforced through the special permit is that their lighting, after a certain period of time, needs to drop down 70% so that it doesn't look like Yankee Stadium in the middle of the night as you drive by.

Mr. Sturniolo stated again, the operative phrase is security lighting, we understand but the fluorescent lighting over the bay lifts, et cetera, its just too much.

Mr. Sheffield stated is there a time when that lighting needs to be dropped or is it...

Rob Melillo stated I think what you need to do during the special permit whatever your operations, if you want to work out your time and then from that point on it should be reduced down 70%.

Mr. Sheffield stated I just wanted to make sure there wasn't, in the code it said at 8 p.m. it needs to be.

Rob Melillo stated well obviously if you're open, we're not going to tell you to reduce it 70%.

Mr. Pirro stated I think that's a perfectly valid point and I think that should be incorporated into our plan, maybe a note put on the plan to that effect and certainly that should be, I would respectfully request and hopefully I'll remember that that be part of the conditions of the special permit, I think it's a good point and having, trying to enjoy my life and the area I live in, I would like to see some of these parking, retail areas drop their lighting at night.

Chairman Cosentino stated Mr. Vigliotti.

Mr. Vigliotti stated yes, the site coverage, does it conform to our Code as far as...

Rob Melillo stated Ralph, we have to remember this was an existing site, they're not modifying anything here, they're not adding anything, they're actually merging a lot into it, so honestly this all came about was that they're operating without a C.O., currently. That dates back to the '70's, they were supposed to come back to the Planning Board at one point, it had gotten lost and forgotten and they're really just here to correct those issues and get a C.O.

Mr. Sheffield stated and to that point it does comply, the site coverage requirement is 80%.

Jan Johannessen stated once the parcels are merged it will...

Mr. Sheffield stated it's 80%, we're actually reducing the impervious so we're going to be dropping the coverage.

Rob Melillo stated and that goes along with parking too, I'm not evaluating the parking of the site because that's been approved by the Planning Board back in the 70's.

Mr. Vigliotti stated there seems to be a lot of parking space available that is underutilized on the site, it begs the question that I have is there any way and I know you're in for something very modest. Is there any way at this junction to increase, I think Tony was alluding to that, the green space that faces 117, as Tony said, it's a sea of macadam and even though there's a 5-6' green space between the curb and the row of parking spaces, it just doesn't seem to soften that look and when you look across the street at the dealership, their greenspace is 3 or 4 times the size.

Mr. Pirro stated they've got an easier site.

Mr. Vigliotti stated yes, so the question I'm asking is, is there enough parking which I think there is and does allow to increase the greenspace by 3 or 4'.

Mr. Pirro stated well let me answer that, if I may, sorry Matt. I am not in favor of increasing the buffer area that is required and I'll tell you why, this is a very tight site as it is, to maneuver cars that are trying to get in to a bay and out requires a lot of turning movements and the more area that we have is going to be easier not having the vehicles stacked up in the site itself and perhaps out on toe Bedford Road, so what we're trying to do is we're trying to provide parking for people that are, most people are just dropped off by somebody else and their car is brought in...

Mr. Vigliotti stated I know.

Mr. Pirro stated you know the situation.

Mr. Vigliotti stated the reason why I was bringing that point forward is, it's a really underutilized parking area, you have 8 or 10 or 12 cars that are sitting right against 117 and the rest of the parking is just, there is plenty of room for turning, there's plenty of room for movement and I just...

Chairman Cosentino stated you know what I find that's busy, it's odd because I went there myself, when inspections are done, at the beginning of the month, their loaded with cars.

Mr. Sheffield stated and weekends, weekends the parking is...

Chairman Cosentino stated during the week maybe not but on weekends and the beginning of the month their loaded with cars.

Mr. Sheffield stated and we meet the minimum parking required for the Code, we don't have any extra spaces.

Mr. Mareschi stated will they be open while this gets done or closed.

Mr. Sheffield stated yes, they're going to have...

Rob Melillo stated your additional parking spaces because if we go back to the original site plan that was approved by this Planning Board, it was originally for what you have currently at the site, so you met Zoning for parking at that time and now you've added on and merged under that lot, you have the additional 10, I think it's 10, right Mr. Pirro, 10 additional parking spaces, so you've actually increased your parking.

Mr. Sheffield stated the parking now meets the, based on what's going to be done with the interior of the building with the showroom and the bays are going to remain the same, there's 6 bays, we need 3 spaces per bay, that's 18 and then the showroom gets us to 25 spaces needed with...

Rob Melillo stated with the bays, that's why, I really don't want to get into parking with you, you may shoot yourself in the foot, so let's stay away from the parking issue.

Mr. Pirro stated I think we also ought to point out and maybe they had a different point of view but we did get Architectural Board approval for the work we want to do but since we didn't have a site plan.

Chairman Cosentino stated when did you get approval.

Mr. Pirro stated I believe it was a year ago.

Mr. Sheffield stated 2014.

Chairman Cosentino stated oh, I thought recently.

Mr. Pirro stated no, no and we couldn't get a building permit because we were in violation, so the Building Department correctly said, congratulations but when you go straighten out your site plan, you can put into effect your Architectural Review Board approval. One of the things I think we should do is deal with, I don't think they put a lot of attention onto the lighting issue, I think that's something.

Rob Melillo stated and the dumpster enclosure.

Mr. Pirro stated may I, I don't mean to interrupt you certainly, one of the other things was we just had a dumpster and the recommendation I think was that we enclose in sort of a, cinderblock...

Mr. Sturniolo stated normally what we say is to match the look of the building.

Mr. Pirro stated yes, so we were told that at the meeting and that's what we did. Apparently I got it too close to the sideline though.

Jan Johannessen stated yeah, it looked like Rob, you had asked us to take a look at the zoning at the conceptual level on this application.

Rob Melillo stated yeah because I couldn't do it.

Jan Johannessen stated the dumpster enclosure is located in the side yard setback which I believe an accessory structure in this zone needs to comply with the principal building setbacks, the other item was whether the retaining wall could be located in the side yard setback, it looked like there were exemptions for other walls but not retaining walls. So those were the two zoning items that I picked up.

Mr. Sheffield stated is that the case that a retaining wall, even if there's a existing one there now we'd be replacing.

Rob Melillo stated once you knock it down and remove it, it becomes a new wall. I honestly would tell you to go get a variance.

Mr. Pirro stated let me say this, this is not our first rodeo for any of us, certainly not for me, I've been doing this a long time and I just want to remind the Board that this is a prior nonconforming use and therefore there are certain things that attach and one of the things attaches is that the conditions that did exist are allows to exist and the increase even in business is not consider an illegal expansion of a prior legal nonconforming use, now I didn't draft a memorandum on this, all I have to do is push the buttons on my computer and that will come up with one I did for 15 other and you know my secretary cleans it up and sherardizes my cases for when I screw up but you know. So you know, listen, the retaining wall is there, its been there...

Jan Johannessen stated I referring to the retaining wall that you're proposing around the container.

Mr. Sheffield stated that we can shift over, that's about 6'...

Jan Johannessen stated I wasn't talking about the existing one.

Mr. Pirro stated I don't want to start ripping out something that's been there since 1940.

Mr. Vigliotti stated I want to leave you with one last thought, I know you don't want to increase the buffer even though you have 10 extra parking spaces, if you did, it would enhance your site, it would enhance the Village and make you just a wonderful neighbor 3-4' makes all the difference in the world as far as green space on 117 and that's been our goal from day one.

Chairman Cosentino stated yeah but the problem is Ralph, I agree with you 110% but the problem is if he takes 4' the backing area from the garage and the cars that are parked...

Mr. Vigliotti stated well I would just ask that our engineer looks at that, its just an opportunity that trucks are there to put in a curb, to put in more dirt and shrubs. You have created now a nice looking facility, don't forget we have people that coming down Preston Way at that light, the first building they see, Mavis and I would think that you would want to showcase your building, this might be the opportunity.

Mr. Pirro stated well I certainly want to do this, I want to do everything that the Board wants that I can do, without hurting the commercial establishment. I personally will make sure that and I'm sure Matt will too, we will check that issue and we'll see what the spacing is because really what we're talking about is backing up, turning and coming out.

Mr. Vigliotti stated it's not 20', it's 3 or 4'.

Chairman Cosentino stated oh, 3 or 4' may work, I thought you mean 20'.

Mr. Pirro stated honestly Honorable Board Member, the fact is you probably know the site better than me, so let me take a look at it and see what the turning radii are.

Mr. Sturniolo stated two last points, the new trailer, can it be painted a color that is not as garish as the bright orange, something more neutral that kind of...

Mr. Sheffield stated possibly match the building.

Mr. Sturniolo stated well maybe green, I don't know if green works.

Rob Melillo stated you rarely see orange, I see orange maybe once in a blue moon, typically it's white.

Mr. Pirro stated its usually white.

Rob Melillo stated its usually white when we see it, the last couple of times its been orange.

Mr. Sturniolo stated and the second part of it and I'm finished AI, what Ralph was talking about, I was in Mavis last Sunday and then I had to go back Monday and Tuesday and I see a lot of times the cars come out of the service bays and then travel maybe 15' and then they're left there in the middle of the parking to juggle other cars around. Rob is 100% correct, we don't want to lose and parking spaces and the green space that you refer to in the front currently is a little bit of grass and some trees that are green way up high but not down below where we're looking to establish this green space so if you can gain a few feet in the front with thick looking greenery, it will enhance the site more so than the tall trees that are you know.

Mr. Pirro stated yes because you have space and then you have foliage and it should be reverse.

Mr. Sturniolo stated right, the top of the tree is about 9' off the ground.

Mr. Pirro stated so what I was going to do in addition to looking at whether, what is the best way to handle the aesthetic issue, maybe it's better a different type of landscaping material that will screen you know...

Mr. Vigliotti stated but look at the 3 or 4' though.

Mr. Pirro stated I will, I'll look at it but I think the landscaping. Jan, if you have any observations on the front because I know you guys.

Jan Johannessen stated I think the trees that are there are nice street trees, they're just very tall, I think they can be supplemented in between with...

Mr. Pirro stated maybe we can do something, some low shrubs and maybe come up with...

Mr. Sturniolo stated and those trees, am I correct, they're on New York State property.

Jan Johannessen stated they're probably very close, I don't have the survey in front of me but they're...

Mr. Sheffield stated they're pretty much on the property line, they're close but we wouldn't want to touch those.

Mr. Sturniolo stated leave them alone and supplement.

Jan Johannessen stated I just want to clarify on the lighting issue, is the Board expecting a photometric plan or a new lighting plan.

Mr. Sturniolo stated if you're going to reduce the lighting which it sounds to me that you are, I'd like to, I believe the Board would like to see a photometric plan to make sure it conforms to our Village Code and that's a simple thing that the fixture manufacturer, plug it in the computer and spit out the numbers.

Mr. Sheffield stated absolutely, we've done many of them.

Jan Johannessen stated just take a look at the supplementary provisions for this use because there are additional standards on lighting.

Mr. Sheffield stated specific to auto.

Jan Johannessen stated yes.

Chairman Cosentino stated and you can work with Rob because you've been working with him already.

Mr. Pirro stated Rob's been great, I have to tell you.

Chairman Cosentino stated Rob is great. Michelle, put them on the next agenda if they want to be here.

Mr. Pirro stated Michelle does a pretty good job too.

Chairman Cosentino stated I have to tell you, you're gentlemen.

Mr. Pirro stated that's very kind of you, thank you.

Rob Melillo stated he's been easy to work with Joe.

Chairman Cosentino stated okay.

Mr. Pirro stated thank you. Mr. Chairman, may I just ask you this question, I don't know how it works, do I request to be, to have a public hearing set or do you want to wait until I get another plan.

Chairman Cosentino stated work with Michelle on it and she'll get back to us, talk to Michelle any time you want.

Mr. Pirro stated thank you for all the time you put in on the application tonight.

### **Special Discussion**

Chairman Cosentino stated the next thing is, we have a memorandum from Simone Design, which they need a little more time. I have a couple questions here, one for Rob, finally Finkelstein is going to get, you might as well ask that because I have a question on a different matter.

Mr. Sturniolo stated alright, Whitney, on the Finkelstein letter, if you just kind of look at that second line.

Whitney Singleton stated okay, I'm sorry Tony.

Mr. Sturniolo stated as we've been waiting a long, long time for him to complete the work that he said he was, now he's indicated that he's about ready to start, as one member of the Planning Board, I would like to see him receive a strong letter asking what his start date and what his completion date is and to do a weekly or twice a month check in with the Building Department to make sure he's still on schedule. I don't want to take his word for anything anymore, I'd like to see something really strong sent to him considering the track record.

Whitney Singleton stated I guess my question is, he's asking for an extension until mid-April 2016, I presume that's because of the seasonal issues, not because of an inability...

Mr. Sturniolo stated and he's make reference to, he's not prepared to start in the letter, well let's ask him what does that mean, what's your start date.

Anthony Oliveri stated I think we can get that from him, he's e-mailed me and I know they had a preconstruction meeting last week with DOT, so they are imminently starting.

Mr. Sturniolo stated that's fine but I'd like to start to create this paper trail that we never did three years ago and put a little bit of pressure on him to make this thing happen. I mean every other applicant who comes before this Planning Board knows X Y Z and they have to do X Y Z, this applicant is just you know, waiting for nothing.

Whitney Singleton stated okay, I will follow up with him and copy the Board.

Anthony Oliveri stated maybe he asked for that April date for plantings, also.

Chairman Cosentino stated Anthony, on another matter, what is with Tommie Copper, we just keep saying when's he going to start. Every time ask for it, he's about to start, he's about to start, its three years already.

The Secretary stated I don't think you have a signed site plan yet.

Jan Johannessen stated I don't think he's met the conditions of approval.

Anthony Oliveri stated did he have changes to make on the site plan.

Chairman Cosentino stated I thought we approved it.

Jan Johannessen stated we did approve it with certain conditions, he hasn't resubmitted.

Chairman Cosentino stated well why aren't we going after these certain conditions and getting this done.

Jan Johannessen stated we can't force someone to resubmit to the Planning Board, every time I see the engineer, I ask him what's going on and he gives me answer but I can't force someone to...

Chairman Cosentino stated so what's the next step, we have an application before us, we approved it and nothing is happening with it.

Whitney Singleton stated you can certainly advise them that their permit is going to expire.

Rob Melillo stated they don't have a permit.

Whitney Singleton stated if they have a site plan approval, they have an approval and that it's going to expire should they not meet the preconditions. I mean all we have to do it call it up and look at it.

Anthony Oliveri stated I don't remember Joe, if they got through DEP yet, maybe that's a possibility.

Rob Melillo stated the only way I could force them is issue summonses in violation of site plan approval.

Whitney Singleton stated correct.

Rob Melillo stated yeah, I mean I could issue a summons, I would suggest maybe Michelle send a letter to Tommie Copper stating, let's get it on the record now.

Chairman Cosentino stated I don't think you can send it to Tommie Copper...

Rob Melillo stated well to the property owner, that's really what it comes down to.

Whitney Singleton stated my suggestion would be whether Michelle drafts the letter or not or sends the letter, it should be sent under your signature as the Building Inspector, we haven't received these items and if they are not received by a particular date.

Rob Melillo stated that's what I figured it would be.

The Secretary stated Chairman, Simone Design Group is a request for an extension and the Finkelstein is also a request for an extension that require you to act on it.

Rob Melillo stated Suburban Floors, Joe, I'm just finalizing the review for the building permit, they're definitely going to need an extension.

The Secretary stated well you did one extension previously and they've already come upon those three months, it hasn't lapsed yet.

Chairman Cosentino stated its going to happen with Tommie Copper, he's going to say winter's coming and they can't start and you know like last year and the year before. Anyway, you take care of it. Okay, we need the extensions on Reber, the carpet place and we need the extension on...

Mr. Vigliotti stated you need that in the form of a motion, Mr. Chair.

Chairman Cosentino stated it needs to be a motion.

Rob Melillo stated I know it's going to take them more than 3 months to build out...

Chairman Cosentino stated you want to give them 6 months.

Rob Melillo stated that's what I'm saying, Jan, how long is 6 months to start, a year to finish, what does the code say on that again.

Jan Johannessen stated the resolution says that he's to...

Chairman Cosentino stated 6 months and complete 1 year.

Jan Johannessen stated 6 months to satisfy the conditions, one year to finish the project.

Chairman Cosentino stated now, he needs an extension but 3 months is not going to do him any good.

Rob Melillo stated well the building permit will probably be going out in the next three weeks for him. I'll have it all set up in the next 2-3 weeks, the permit will be issued and they're going to start breaking ground immediately.

Chairman Cosentino stated well he's going to need a demolition permit too, right.

Rob Melillo stated that's all part of the building permit. In 2-3 weeks he'll be started.

Jan Johannessen stated I think it's a year from commencement of construction, so long as you give him 3 months, he gets his building permit, then he's got a year to finish.

Chairman Cosentino stated alright, so let's give him 3 months and then if he needs more...

Rob Melillo stated that 3 months to start is what the extension is for.

Chairman Cosentino stated Whitney that has to be in the form of a motion.

Mr. Vigliotti stated I'll move on the motion to approve a 3 month extension for Suburban Floors.

Mr. Mareschi seconded the motion.

Upon Roll Call Vote:

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

The motion carried by a vote of 6 to 0.

Chairman Cosentino stated okay, now we need another on Finkelstein.

The Secretary stated yes sir.

Chairman Cosentino stated okay, do we have a motion.

Mr. Bonforte stated what's the length, another 3 months, no he's asking for 6 months.

The Secretary stated he's needs a retroactive for 6 months and then he's looking for an additional 6 months.

Chairman Cosentino stated he's looking for a year, well no, he had it 6 months already.

The Secretary stated his approvals from October 14<sup>th</sup>, 2014, which is a year tomorrow.

Chairman Cosentino stated let's clean this up, just give him a 6 month extensions. Whitney, how do we clean up that, 6 months retroactive, 6 months new, is there any way of cleaning that up a little bit.

Whitney Singleton stated when I see Neal and Tom looking at me from the audience, I get a little worried, technically they're supposed to come to you before it expires.

Chairman Cosentino stated I know that but he did not.

Whitney Singleton stated given the fact that his letter is presumably drafted prior to period expiring, I guess you could accept that and make a motion based upon that to extend it to a particular date.

Chairman Cosentino stated and the date is going to the April 14<sup>th</sup>.

Whitney Singleton stated you guys choose a date.

Jan Johannessen stated that's the date he's requesting, April 14, 2016.

Whitney Singleton stated but you don't have to go with that and you can make it conditional.



Mr. Sturniolo stated let me ask you this question, to get him to motivate in addition to your strong letter you're going to write him. What if we gave him a very short extension that causes him to come back and let him prove what he's done so far assuming he's done something.

Whitney Singleton stated Tony, pick a date.

Mr. Vigliotti stated I think we should have him come before us again, have him come in.

Whitney Singleton stated pick a date to extend it to so that if he doesn't get it done by a particular date he's got to come back to your Board.

Chairman Cosentino stated see if you read the letter, he just got his approval from DOT.

Anthony Oliveri stated he just had a preconstruction meeting.

Mr. Sturniolo stated but he's saying he's not ready to proceed. I want him to define the words, I'm ready to proceed.

Chairman Cosentino stated okay, now pick a date when you want him to start.

Mr. Sturniolo stated either he comes in or give him a month.

Chairman Cosentino stated there's no reason for him to come in, just give him a date.

Mr. Sturniolo stated one month.

Mr. Oliveri stated then he's got to come back in for another extension after a month, is that what you're saying.

Mr. Sturniolo stated but we get evaluate what he has done in the months period predicated on the letter he's received from Whitney.

Chairman Cosentino stated and one question on that, Rob, could he start within one month if it was possible, I don't know.

Rob Melillo stated Anthony is better versed in this project I would talk to Anthony.

Anthony Oliveri stated they're starting, they didn't start yet but they are starting.

Mr. Mareschi stated does he need a permit.

Anthony Oliveri stated he's got a DOT permit.

Whitney Singleton stated if you give him a month and he gets a permit within a month, that permit gives him one year

Chairman Cosentino stated 6 months to start and a year to complete.

Whitney Singleton stated so long as he takes out the permit in the next month, he has plenty of time to complete the project.

Chairman Cosentino stated so Tony's point is give them a month to take out the permit.

Anthony Oliveri stated they're ready to start, they don't want to delay another month to start.

Chairman Cosentino stated okay, make the motion the way you want it.

Mr. Sturniolo stated regarding the Finkelstein application, I make a motion that we give him 1 month, 30 day extension that he requests to apply to start his project. One month.

Chairman Cosentino stated to apply for a permit or does he have the permit already.

Anthony Oliveri stated he has the DOT permit.

Mr. Sturniolo stated one month extension.

Jan Johannessen stated is one month from today.

Whitney Singleton stated yes.

Mr. Vigliotti stated why don't we make it tomorrow, he's already lost...

Mr. Vigliotti seconded the motion.

Upon Roll Call Vote:

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

The motion carried by a vote of 6 to 0.

Chairman Cosentino stated gentlemen, thank you for all coming.

The Secretary stated Chairman, I'm sorry, I received a phone call from Don Walsh today, he's the representative for 474 Lexington Avenue, Mount Kisco Vet, the Board had talked about doing a site walk, he was wondering if that could get scheduled.

Board discusses availability for site walk.

Chairman Cosentino schedules the site walk for October 24, 2015 at 9:00 am.

Jan Johannessen stated Chairman, the first three items were resolutions, do you wish to act on them tonight, I don't think anybody planned on attending.

Chairman Cosentino stated I know but they weren't here to question the resolutions or anything. What if they had a question on their own resolution, what do I do. I don't know.

Jan Johannessen stated they had an opportunity if they wanted to, I didn't know if you wanted to carry these over or act on them.

Mr. Sturniolo stated did they leave any message Michelle.

The Secretary stated no, they did not.

Whitney Singleton stated I think what Jan is saying is they were pro forma, there was no need for the applicant to be here.

Chairman Cosentino stated well if you're saying that, you want to act on it.

Jan Johannessen stated I think that the applicants intend on you to act.

Chairman Cosentino stated Luppino, fine, Luppino, 59 Kensico and 125-131 Main.

The Secretary stated yes sir.

Chairman Cosentino stated okay, let's go on the first one, we have a resolution for Luppino Landscaping, do we have a motion.

Mr. Mareschi stated I'll make a motion Chairman.

Mr. Vigliotti stated on the question, we talked about some of the conditions and there was some conversation on Luppino with regard to the fire lane, posting it and putting stripes, is that something we...

Jan Johannessen stated that's in the resolution, I didn't hear the striping, so right now it's two signs, they're to read no parking, fire zone, parking available across the street.

Chairman Cosentino stated we want the striping, the only way to do that is to fire zone it and then to can actually give a summons for illegal parking.

Jan Johannessen stated well it's going to be signed as a fire zone, I don't know if you can stripe it, it's not on their property.

Chairman Cosentino stated the sign is a fire zone, so if a police officer comes, he can issue a summons.

Mr. Vigliotti stated its owned by the Stated, now do we need to get permission from the State to stripe or permission from the State to landscape it.

Anthony Oliveri stated maybe you can just do it through the Village Manager.

Whitney Singleton stated the Village Manager can promulgate it, you can't do anything in the Village right of way, you can make a recommendation to the Village Manager.

Jan Johannessen stated it's not Village right of way though, it's State right of way.

Whitney Singleton stated it doesn't matter, it still falls within.

Chairman Cosentino stated alright, the recommendation is from this Board to have it striped and the signs are going up fire zone so if they're parked there, a summons could be issued for a traffic violation, whatever it may be. Do I have a motion.

Mr. Mareschi stated I'll make the motion.

Mr. Vigliotti seconded the motion.

Upon Roll Call Vote:

Mr. Mareschi	-	aye
Mr. Vigliotti	-	aye
Mr. Bainlardi	-	abstain
Mr. Sturniolo	-	aye
Mr. Bonforte	-	abstain
Chairman Cosentino	-	aye

The motion carried by a vote of 4 to 0.

Chairman Cosentino stated 59 Kensico Drive, LLC. We have an amended site plan on that also, do we have a motion.

Mr. Mareschi stated I'll make a motion on that.

Rob Melillo stated wasn't there a variance required on that 59 Kensico for lot coverage. Whitney, I thought that we had to go to.

Whitney Singleton stated I want not aware that there was a variance required.

Jan Johannessen stated it was identified at the last meeting, I don't believe.

Whitney Singleton stated we should put off.

Chairman Cosentino stated okay, we'll put that off. The next one is 125-131 East Main Street, that was to establish a site plan.

Mr. Mareschi stated 125-131 Central Main Realty Corp. Section 80.25-3-4 and the application PB2014-0278.

Mr. Sturniolo seconded the motion.

Upon Roll Call Vote:

Mr. Mareschi	-	aye
Mr. Sturniolo	-	aye
Mr. Bainlardi	-	abstain
Mr. Vigliotti	-	aye
Mr. Bonforte	-	abstain

Chairman Cosentino - aye

The motion carried by a vote of 4 to 0.

Chairman Cosentino stated thank you Jan for bringing that up. We have a motion to adjourn.

Mr. Mareschi stated motion to adjourn.

The meeting adjourned at 10:00 p.m.