

Minutes of Meeting of the Planning Board  
Village/Town of Mount Kisco  
Tuesday, October 27, 2015

Chairman Cosentino called the meeting to order at 7:32 pm in the Municipal Building.

**Members Present:** Chairman Joseph Cosentino  
Ralph Vigliotti  
Enrico Mareschi  
Doug Hertz  
Mike Bonforte  
John Bainlardi (Alternate)

**Members Absent:** Vice Chairman Anthony Sturniolo

**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 welcome everybody, this is Tuesday, October 27<sup>th</sup>, this is a Planning Board meeting and the first thing on our agenda, is the minutes.

**Minutes**

Chairman Cosentino stated we cannot do the minutes for June 24<sup>th</sup>, nor can we do them from October 29<sup>th</sup> but we can do them from September 1<sup>st</sup>, February 24<sup>th</sup>, we can do those two sets of minutes.

Whitney Singleton stated Chairman, you're never going to have a quorum.

Chairman Cosentino stated we're never going to have it, so what do we do counsel.

Whitney Singleton stated I would just make a motion to approve, if there is an issue with it, I'll take it up with you later.

Chairman Cosentino stated October 28<sup>th</sup>.

Mr. Vigliotti stated I'll move on the motion.

Mr. Mareschi seconded the motion.

Upon Roll Call Vote:

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

Motion carried by vote of 3 to 0.

Chairman Cosentino stated I have June 24<sup>th</sup> a no, similar situation, so do we have a motion here.

Mr. Vigliotti stated I'll move to accept the minutes for Tuesday, June 24, 2014, knowing that we do not have the appropriate quorum.

Chairman Cosentino stated which we will never will.

Chairman Cosentino seconded the motion.

Upon Roll Call Vote:

Mr. Vigliotti - aye  
Chairman Cosentino - aye

Motion carried by vote of 2 to 0.

Chairman Cosentino stated and the last one would be September 1<sup>st</sup> and we have myself, we have Mr. Mareschi and we have Mr. Vigliotti, not we don't.

Mr. Vigliotti stated we can wait until Tony gets back on that one.

Chairman Cosentino stated we'll wait for Tony on that one. Okay, the next thing on our agenda is 59 Kensico Drive, LLC. Please come up and identify yourselves for the record please.

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

Ms. Christina Martabano, Esq was present to represent the application.

Ms. Martabano stated hi, good evening, Christina Martabano, attorney for the applicant.

Chairman Cosentino stated alright, Christina, just a couple questions, I want to go through a couple things on here, you have your paperwork there on the resolution.

Ms. Martabano stated I just received that.

Chairman Cosentino stated there's only one thing, I believe it shows a fence in the rear of the property, I went down there and there's no fence, I drove down there, I didn't see a fence back there.

Ms. Martabano stated is this the one you're talking about, to the rear. It appears its off our property, if there was an existing fence at that point.

Chairman Cosentino stated yes, there's not a fence down there and there should be a fence.

Ms. Martabano stated okay, so you're saying we need a fence along...

Chairman Cosentino stated I'm going to make that a condition that a fence goes there, I mean a little kid could go right onto the tracks or something back there.

Ms. Martabano stated okay, you want it over here, you're saying, on the railroad side.

Chairman Cosentino stated in the rear of the property, you've got to put a fence there to enclose it from the tracks, which is a very dangerous condition down there.

Ms. Martabano stated is there a particular type of fence that we need to have.

Jan Johannessen stated I think there's existing chain link fence on the side property line.

Chairman Cosentino stated just match that, the one that's on the side property line.

Ms. Martabano stated okay.

Chairman Cosentino stated okay gentlemen, is there anything else on this resolution, I read that, I saw there were no cars down there.

Ms. Martabano stated no more cars, right Richie.

Mr. Martabano stated he lets us know, Joe, usually in advance by a couple of weeks because its when the cars are shipped in.

Chairman Cosentino stated that's a temporary things. Something has to be on, what is temporary, is it two months, is it three months.

Ms. Martabano stated I believe our building permit actually has a timeframe on it.

Chairman Cosentino stated I didn't see the Building Permit but is there a timeframe on it.

Rob Melillo stated yes, I believe it's three months, Christine. I think it was to be reevaluated at three months.

Chairman Cosentino stated okay, as long as there's a time frame now that I can go back on.

Rob Melillo stated as long as we aren't getting any complaints or having any issues with it, which we haven't received any complaints.

Chairman Cosentino stated we've all read the resolution, Mr. Singleton, have you gone through the resolution, do you have anything you want to add or delete.

Whitney Singleton stated we should delete Mr. Gibbons, as he's no longer a member of the Board but other than that the issue that the Board had discussed with regard to fencing and I was just discussing with our Planner, there is a provision in paragraph 6 that he put in regarding the maintenance of the site, I think perhaps there was some restriping that you mentioned earlier today, the handicap was barely visible.

Ms. Martabano stated okay.

Jan Johannessen stated there is a general condition in the resolution right now that states that you're to maintain the striping.

Ms. Martabano stated right, I saw it, yes, do you think it needs to be done this instant, what is that you want us to do.

Chairman Cosentino stated well its part of the resolution, so it has to be taken care of.

Whitney Singleton stated not this instant.

Ms. Martabano stated what about landscaping, I know that was something that was brought up last time.

Jan Johannessen stated I think that is a condition in here also, that you're going to screen the above ground propane tank with some sort of evergreen tree. We had discussed maybe some white spruce.

Ms. Martabano stated okay.

Chairman Cosentino stated is there anything else on this gentlemen, staff. Somebody want to make a motion.

Mr. Vigliotti stated I'll move on the motion. Site Plan Approval for 59 Kensico Drive, LLC, 69.42-1-7, application PB2015-0315, October 27, 2015.

Mr. Mareschi seconded the motion.

Upon Roll Call Vote:

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

Motion carried by vote of 6 to 0.

Ms. Martabano stated thank you, have a good night.

Chairman Cosentino stated next on the agenda is Martin Goldbaum.

The Secretary stated Chairman, unfortunately, they are unable to be here this evening.

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

Mr. Charles V. Martabano, Esq., Me. Luigi Demasi, Goewey & Demasi, Stefanita Vasilescu, Timber Ridge Steve Lopez, Landscape Architect with Tim Miller Associates

Chairman Cosentino stated Timber Ridge Condominiums, would you please come up and identify yourselves for the record please.

Mr. Lopez stated Steve Lopez, I'm a Town Planner/landscape architect with Tim Miller Associates, I'm the landscape architect for the applicant.

Stefan Vasilescu stated Stefanita Vasiescu, Timber Ridge Condominiums.

Chairman Cosentino stated good evening gentlemen.

Mr. Martabano stated Charles V. Martabano.

Chairman Cosentino stated we see the trees were 17 trees that you're going to plant there 10' and 14'...

Mr. Lopez stated 10-12' and 12-14'

Chairman Cosentino stated I know you scattered them, I went up there today just to take a look. I think you just make it with the 17, if I calculate it right but I think you will make it with 17 trees. Go ahead, fill our new members in on what we've done so far, so they get caught up.

Mr. Lopez stated your Planner, Jan, met with us in the field with myself and the condominium association president, Stefan and we discussed where the limits of the new trees could be versus the existing fencing and if you'll notice there's two trees that are pretty close together, the fence came between those trees before and we truncated there because there on up the existing trees are so close to the top of the embankment nothing will grow underneath them.. We thought we had enough open space from there down through the end unit, wrapping around here for the side street, to put in these trees, they're a little concerned about planting here, particularly under an existing Norway [spruce] so the proposal is to remove one tree and do some pruning of the limbs on a couple of the other trees and one nearly dead white pine in this grouping of white pines. So the 10-12' trees run from the end of the fence down to the last unit and the 12-14' trees run along the end of the unit, so you get more tree height and so forth for screening, from the side street. That is pretty much the plan, as you mentioned earlier Mr. Chairman, we've ten 10-12's here across the back of the building and seven of the 12-14's on this side. There will remain then 22 fence panels which should be figuring at 8' in length, they've got about 176' of fence plus the posts out here...

Chairman Cosentino stated that's going to be natural now.

Ms. Lopez stated yes, through here.

Mr. Vasilescu stated no stain, no anything as you required.

Chairman Cosentino stated that's up to you, if you're going to treat it, treat the wood, I don't know.

Mr. Vasilescu stated if we're allowed, yes, we'll likely treat it.

Mr. Martabano stated this is what he's referring to in terms of a natural appearance.

Mr. Lopez stated it should be sealed, it will extend the life.

Chairman Cosentino stated I mean I wouldn't want you to come back in two years and say the fence rotted out, you should treat it with something but whatever you're going to treat it with should be natural.

Mr. Martabano stated clear polyurethane.

Mr. Vasilescu stated we will do it.

Mr. Vigliotti stated the fence posts supporting the fence will they be made out of cedar.

Mr. Lopez stated yes, same as the fence.

Mr. Vigliotti stated now will the cedar hold up as long as pressure treated wood, just as a maintenance piece.

Jan Johannessen stated I think it probably have a greater longevity than pressure treated.

Mr. Lopez stated cedar has a natural protection against the insects.

Mr. Vigliotti stated more concerned about dry rot.

Mr. Martabano stated understood.

Chairman Cosentino stated I was up there today and facing it from 117, most of your fence is going to be to the right.

Mr. Lopez stated from 117 and you're looking at the back of the doors, you'll see if from the left.

Chairman Cosentino stated now we're not putting the rock wall, we eliminated that, so the fence is going to stagger so we don't see inside.

Mr. Martabano stated exactly.

Mr. Lopez stated it was eliminated because we would need a variance and we didn't want to go back for that.

Chairman Cosentino stated we eliminated that.

Mr. Martabano stated exactly, it's fully conforming now.

Chairman Cosentino stated is there anything from the Board Members here that you want to add.

Mr. Hertz stated I have nothing on the aesthetics of it, from the point of view, I've had my cedar posts and they last about 5 years.

Mr. Lopez stated were they directly in the soil or were they in concrete.

Mr. Hertz stated they were directly in the soil.

Mr. Lopez stated these are going to be in concrete.

Mr. Hertz stated okay, more power to you.

Mr. Martabano stated we were definitely hoping for more than 5 years, I can tell you that.

Mr. Hertz stated so was I. I just want to make sure that the fence gets maintained and there's a condition in there for maintenance for the life of the fence.

Chairman Cosentino stated anybody else, anything from staff.

Jan Johannessen stated the landscape plan that Tim Miller's office put together, completely met our comments, we have a couple of outstanding comments that were more site plan related that can get incorporated into the resolution that dealt with construction staging and access materials to the rear of the buildings and some details on the decks and such but they were very minor.

Mr. Martabano stated well hopefully we can get a resolution at the next meeting.

Mr. Vigliotti stated just a comment if you would, it doesn't matter to me whether you go with cedar or pressure treated, there are different theories out there whether you put it in natural soil or you let it drain naturally or you put it in concrete, typically what happens it will break at the concrete line when it rots, so just do a little bit of research before you because it's a lot of posts and it's a lot maintenance so whatever you come up with, that's fine but I just caution you.

Mr. Martabano stated we appreciate the input.

Mr. Bonforte stated I just have one technical question or administrative question, I saw in here something about the decks and deck details being part of this or is that separate.

Jan Johannessen stated its part of this application, the main part of the application is they are replacing all of the decks at Timber Ridge and to address some of the concerns the Planning Board had about the visual impact, we went into this screening and fencing plan.

Mr. Bonforte stated so there will separate resolutions, eventually.

Jan Johannessen stated no, there will be one resolution.

Mr. Hertz stated ultimately it was deck replacements that spurred the discussion because they've enlarged the decks from where they are currently.

Chairman Cosentino stated we went a little further Mike, for aesthetics.

Jan Johannessen stated the details on the...

Mr. Martabano stated and this is part of the site plan review related to the deck extensions which was the subject matter of a variance.

Chairman Cosentino stated okay, is there anything else, if not, then we can have a draft resolution prepared.

Jan Johannessen stated sure.

Mr. Martabano stated excellent.

Mr. Hertz stated because you have to dig and all that, when would you expect to be building this.

Mr. Lopez stated next year, spring.

Chairman Cosentino stated well you have 6 months to start and one year to complete, so.

Mr. Martabano stated we should be fine.

Whitney Singleton stated better check your dates on your Zoning Board approval though, you were approved in March and it expires in March.

Mr. Martabano stated okay, so we may have to ask for an extension, thank you Whitney.

Mr. Vasilescu stated Chairman, when we were working previous, we may get some support on removing those trees that fell from Sandy that would give us more room to plant new trees but they are on Village property.

Chairman Cosentino stated I couldn't give you permission on that, you have to go the Village Board.

Ms. Vasilescu stated you said we could talk to the DPW department to remove them, the ones that are on the ground.

Mr. Martabano stated we'd have to talk to the Village through Whitney.

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

The Applicant did not appear.

Brief discussion of applicant not appearing.

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

Mr. Peter Gregory of Keane Coppelman Gregory and Mr. Jim DeFrancia, property owner, was present.

Chairman Cosentino stated Lexington Avenue Realty. Please come up and identify yourselves for the record please.

Mr. Gregory stated Peter Gregory with Keane Coppelman Gregory Engineers. Jim is on his way, he'll be here.

Chairman Cosentino stated but you can start, big improvement.

Mr. Gregory stated yes, very big improvement and last week we were before the Zoning Board to discuss the request for the variance pertaining to the site coverage and our aisle width. I think while there is some concern on the Zoning Board's minds regarding the future use of the property and tenants and parking, I

think they were somewhat encourage by the fact that we're improving aesthetics from the street with the landscaping that we're going to make safer and they felt that it was good idea to take advantage of the two properties working together to access the rear of the site. I think some questions regarding procedure as to Planning Board and then going back to the Zoning Board based on our process in terms of our review for SEQRA.

Chairman Cosentino stated but you are now before the ZBA.

Whitney Singleton stated maybe I can comment on that. Since your Board has not taken any for SEQRA and this is not an area for a residential property, the Zoning Board could not act, they would either have to entertain it separately with a separate environmental assessment form or they have to wait for you to act, so they did ask me to relay that they felt comfortable granting the variances requested, however they are going to defer taking action until your Board acts or certainly until your Board acts under SEQRA. You submitted an environmental assessment for to the Planning Board, correct.

Jan Johannessen stated it's not subject to SEQRA, we didn't review an EAF.

Chairman Cosentino stated I didn't see any memo about the ZBA.

Jan Johannessen stated the ZBA might be subject to SEQRA but the Planning Board Site Plan Application isn't.

Whitney Singleton stated the only things not subject to SEQRA are yard setbacks for residential properties for single and two-family homes. Otherwise if it's a setback from a commercial property, its no longer exempt from SEQRA.

Jan Johannessen stated the Planning Board isn't going to be make a SEQRA Determination because it's a type II action.

Whitney Singleton stated well alternatively the environmental assessment form that was prepared, the short form EAF should list the Zoning Board as the lead agency.

Jan Johannessen stated they're the only agency. You should submit an EAF to the ZBA so they can make a decision, the Planning Board can move.

Whitney Singleton stated the Zoning Board cannot simply act without either your Board acting first or without an environmental assessment form.

Chairman Cosentino stated we're just finding that out now, we did know that.

Whitney Singleton stated its not going to hold up this application but there is no action they could take at the last meeting.

Jan Johannessen stated the ZBA is going to have issue their own neg dec.

Chairman Cosentino stated well if there is action we can take, I want to take it tonight, I don't want to hold this application up.

Jan Johannessen stated the Board hasn't asked us to prepare a resolution.

Chairman Cosentino stated then we're asking you to prepare a resolution.

Mr. Vigliotti stated well I, I'm sure there are other Planning Board Members that have some questions.

Chairman Cosentino stated that doesn't stop us from preparing the resolution though, so if you have a question.

Mr. Vigliotti stated in reviewing this we had talked about, I guess it's handicap parking space number 6, we have a curb cut for that one handicap parking, am I correct.

Mr. Gregory stated there's a curb cut there now but yes we are proposing an individual entranceway.

Mr. Vigliotti stated my question is and we've trying desperately to eliminate curb cuts wherever we could along the major corridors of the Village and at the same time try to create an opportunity for more green space, we've been pretty successful in doing that. I just ask staff, Anthony, can this car actually back out and pull out of that parking space, the way its set up.

Antho Oliveri stated its tight but multiple maneuvers it looks like but probably.

Mr. Vigliotti stated we want to make sure if we're going to move to a resolution that this space is going to work. We have a curb cut for one space, maybe an opportunity to move that space somewhere else or to bank that one space.

Anthony Oliveri stated the aisle is not 24' and we've got 21'-6" which we've pointed out with the restrictions on this lot, you can't achieve that aisle space anywhere, so it's tight throughout the site. He's got 21' on the aisle pretty much anywhere here, the rear lot does have a grass area, so when they back up they can overhang a bit.

Mr. Vigliotti stated yes, we're showing proposed wheel stops, is that something that we've tried to stay away from in the Village.

Anthony Oliveri stated well the Code actual requires concrete curb, something else we've pointed out in our memos that they are utilizing wheel stops which is contrary to, again its due to the restrictive nature of the site. If you put curbs, you're not going to achieve the same number of parking spaces.

Jan Johannessen stated the curb stops on the south side of the property, I think are necessary because there's a building right there.

Anthony Oliveri stated even on the north side you've got the building.

Jan Johannessen stated the only point where there's a curb stop proposed where it may make sense to have a curb is in front of spots 10, 11, and 12.

Mr. Vigliotti stated the question is, I'm finding out, does the applicant needs to go before the ZBA with regard to the aisle space distance of 21'-6".

Mr. Gregory stated we do.

Mr. Vigliotti stated does the curb stop going against the side of the building that's to the south of them, is that enough curb stop to allow the cars from not hitting the building. My impression has always been the curb stop will stop the wheels but many cars are different lengths beyond the wheels.

Anthony Oliveri stated usually you want about 2'.

Mr. Vigliotti stated which means now that the aisle space is going to be less than 21'.

Anthony Oliveri stated the curb stops, you normally can space in the parking space back a bit, so that its within that space of 18'-6", where the wheels would be, you'll place that curb stop a couple of feet away from the building face, you can put it there appropriately so you don't hit the building and still have that width of space. If we did curbs here, you're going to have a curb two feet off the building to achieve that same thing but now you're space is from the curb back and you're going to have even less aisle space on paper.

Mr. Vigliotti stated I understand that.

Anthony Oliveri stated sometimes other municipalities might allow a space to be shorter if there's an overhang for the car.

Mr. Vigliotti stated I just want to make sure that the 21' which is 3' shorter than our code on this particular, the south portion, versus 21'-6" on the north portion, I want to make sure, the site is very awkward now and while this appears to be an improvement I'm not sure the movement on cars on the lot is, its an improvement.

Anthony Oliveri stated its definitely tight, you can't say it can't be done, it can be done with more maneuvers in some cases, more than you would want.

Mr. Vigliotti stated the requirement for the site is 19 cars.

Whitney Singleton stated it depends what your uses are Ralph.

Chairman Cosentino stated he has to come back in for whatever use he's going to put there.



Mr. Gregory stated 20 spaces are required.

Mr. Vigliotti stated is that 20 based on retail.

Whitney Singleton stated he's got one in the building Ralph.

Jan Johannessen stated the other thing that the applicant brought up to me as a concern, which might be worth some discussion tonight, is how, if there was a curb and the curb stops don't help either in front of 10, 11 and 12, to plow the space in front of 326 Lex, is going to be difficult to get a snow plow in there. I don't know how you do that, so he was thinking about...

Anthony Oliveri stated you're not going to use a snow plow, you're going to shovel it. You can't push snow into the building.

Chairman Cosentino stated it is what it is, the building is there, we're trying to make something work there.

Anthony Oliveri stated physically you're 3' short of the width here for a standard aisle.

Whitney Singleton stated can I make a non-attorney comment. You could also do something else, if you took parking number 7 and converted that to a handicap space, you can waive the installation of 6, you could then landscape that front.

Mr. Vigliotti stated I like that.

Chairman Cosentino stated can you repeat that, Whitney.

Whitney Singleton stated I'm not saying its feasible, if you take parking space 7 and make that your handicap space which would generally not have any obstruction to the left of it, then you'd make handicap space 6 a regular spot and you waive the installation of that spot, you could gain some landscaping back and avoid the issue of the plowing and necessity of the, you could eliminate that curb cut as well.

Mr. Hertz stated is there an accessible entrance anywhere near 7.

Whitney Singleton stated there's an entrance in the back.

Jan Johannessen stated this is gravel.

Mr. Vigliotti stated well where's the entrance now for the building.

Mr. Gregory stated there's an entrance to the front, in the center.

Whitney Singleton stated it puts it in between the two buildings.

Anthony Oliveri stated the only thing with that is the handicap aisle be within the travel lane, part of it would be into the travel lane. I'm not sure if that's code compliant or not. You'd have part of this essentially in the 21' lane.

Whitney Singleton stated the extent that there's any handicap parking on site.

Mr. Vigliotti stated I'm trying to get a sense of how the building will work if, certainly very easy if you're parking in the proposed 8, 6 into the front door but if you're parking 7, 8, 9, 10, 11, 12, you would go in still through the front door, correct. Now you would go between the parked cars to get to the front door because it seems like its going awfully tight. So, I can see the parking spaces in the back and we're just kind of walking through this, so the five parking spaces in the back, they would be using the rear entrance.

Mr. Gregory stated that's correct.

Mr. Vigliotti stated but the 12 parking spaces for this building, not 12, 7, 8, 9, 10, 11, 12, there isn't a clear or safe walkway they...

Anthony Oliveri stated they would come back out to the sidewalk, Ralph.

Mr. Gregory stated or they would be going to 328 [Lexington Avenue] because those spaces were technically allocated for that property.

Mr. Vigliotti stated so if we were to bank 8-6 and continue that greenspace, it would be 10 or 12' of greenspace, it would count as a parking space but it would be banked, in the future, if it was felt that you desperately needed one more space, that space would be there but it would make the front of the building very different and the travel along Lexington Avenue, as green as Lexington Avenue, it really is green, that would be an advantage, I think to the business itself and to the Village at large. I think Whitney's point is well taken, maybe 7, if that's something you can check Anthony with regard to using the left side.

Anthony Oliveri stated I would ask Rob to check it in terms of State Code.

Rob Melillo stated to be honest with you, it's all well and good but I don't think we're able to put the handicap spot in the rear of the property. The Code says it has to be in the immediate vicinity of the front of the building. So I would suggest if you're going to start waiving spaces, waive 6 and 12 and do 10 your handicap and 11 your aisle and there's your walkway to the front door.

Anthony Oliveri stated yeah but 7 is in front of the building for 328.

Rob Melillo stated I didn't say 7, I said waive...

Anthony Oliveri stated no, I'm saying if they do 7 as handicap.

Rob Melillo stated I didn't say do 7 as handicap, I said do 10 as your handicap, 11 as your aisle and 12 and 6 becomes all greenspace and you can do greenspace in front of the t whole building.

Anthony Olivier stated Rob, the front of the building, 7 is in front of the building, its in front of 328.

Jan Johannessen stated its equal distant from the two buildings.

Rob Melillo stated its accessible to the front door, is what the Code talks about, they want it as close as possible.

Anthony Oliveri stated does it need to be accessible to both front doors.

Rob Melillo stated I'm looking at it as this is for 326.

Anthony Oliveri stated its both buildings.

Rob Melillo stated then technically since its two different buildings, it should be two different handicap parking spots then but you're looking at it as one whole big site.

Jan Johannessen stated we're looking at it as one site plan.

Rob Melillo stated you're not going to put the handicap spot in the middle of the site and expect a handicapped person to wheel around 7 cars to get to the front door.

Mr. Vigliotti stated Rob, your recommendation which you brought a couple of good points together, so the handicap space at 10.

Rob Melillo stated yes and make 11 the 8' aisle and then you can do landscaping on 6 and 12.

Chairman Cosentino stated and then the question is how many parking spaces is this gentleman going to lose by doing that.

Rob Melillo stated if you guys are talking about banking, I'm making a suggestion on banking, down the road if you find that its needed, then he has to put them in, that's the whole idea of banking, right.

Whitney Singleton stated but you're losing 3 spaces.

Anthony Oliveri stated are we saying it needs two handicap spaces.

Rob Melillo stated technically its two separate lots, you might need two spaces ultimately at the end of the day.

Mr. Defrancia stated aren't we a little far along in the process for this decision to be coming up.

Rob Melillo stated I was looking at it for 326, I wasn't really looking at handicap parking at 328 honestly.

Mr. Defrancia stated I thought this was all behind gentlemen.

Mr. Vigliotti stated this is the first time we've seen this in this form, so we're proceeding along but this is the first time we've seen it inked, so to speak, all the thoughts that we've had over the last couple of months.

Mr. Bainlardi stated can we just explore for a moment the H-6 and the suggestion, so if they were amendable to that, the one issue I see with that is are we asking the applicant to then close off this curb cut because once you close off the curb cut, when you want to come back for it in the future, I don't know if you're going to get it granted.

Jan Johannessen stated it might be wise to keep the curb cut just for emergency access as well to get an emergency vehicle in the front of the building.

Whitney Singleton stated connect it all through your loading area. They can landscape 2/3 of it.

Mr. Defrancia stated I'm sorry I'm late and you're absolutely correct, we've been staring at this for 6-8 months and this seems very old to me but you're right, this might be the first time you're looking at it, I'm sorry. This just seems to old to me.

Chairman Cosentino stated we've just gotten the plan.

Mr. Defrancia stated I understand that now, to me this is almost history.

Mr. Vigliotti stated now it's more visual then it was verbally when we discussed it.

Mr. Defrancia stated it's no secret that parking it definitely an issue, I feel that I've gone from 12 to 10 to 8 to 6, the perspective tenants moving into the building has dwindled down to a very narrow realm of people. I would plead my case here not to lose any more of my spaces where possible.

Mr. Gregory stated in the area that we've designated as greenspace in the back will really end of being an area where snow is going to be stored, that's where its kind of going now.

Mr. Vigliotti stated are we okay on lot coverage.

Whitney Singleton stated no.

Jan Johannessen stated they're getting a variance for that.

Whitney Singleton stated it's not a variance, it's an existing condition. That is not something to which you receive a variance.

Mr. Gregory stated we do.

Jan Johannessen stated its development coverage, yes.

Mr. Gregory stated we're improving the condition but we still exceed the maximum amount of 80%.

Mr. Vigliotti stated what percentage are you at, at this point.

Mr. Gregory stated I believe we're at 83% and that's improvement from what was at 95% and on 328 it was 100% and we've been able to pick up a little green area on that.

Mr. Defrancia stated those are my 12 spaces that we originally had all this time and the idea of making the handicap on spot 7 works for 328, if it doesn't encroach upon the aisle way to the back, it may work very well for the entrance at 328.

Mr. Vigliotti stated Rob, you were saying that space number 7 could work for both buildings.

Rob Melillo stated 7, 10, doesn't really matter to me. I'm just trying to work off the point that you wanted more greenspace and if you were banking spots, it was another idea, that's all.

Mr. Bainlardi stated I think the only issue potentially with getting in at 7, you need to have ADA compliant accessibility from the space to the front door. So you have to determine that everywhere along here, all the way to front door, in and out is ADA accessible, otherwise that's not going to qualify as an ADA accessible space.

Rob Melillo stated yes, that means 10 would have to go make that as the aisle to get to the front door.

Jan Johannessen stated what if you go on the sidewalk.

Rob Melillo stated the Code talks about how they don't want you to do this round about loop for handicap accessibility, it's supposed to be as immediate as possible to the front door. They don't want you going around things.

Anthony Oliveri stated we've got two buildings here, are we doing two, are we saying it has to have two handicap spaces.

Rob Melillo stated if you take the total parking, the total parking says you only need one spot, its one to 25, you need one spot.

Anthony Oliveri stated so, if we're going to go with one, it should be equidistant say from each building.

Rob Melillo stated I guess you could do it that way but you're still going to lose a spot somehow because...

Anthony Oliveri stated right but maybe then 7 works.

Mr. Vigliotti stated is this something that you guys can meet with Rob and staff and try to come up with something.

Chairman Cosentino stated 7 works better than losing 3 spots.

Anthony Oliveri stated its really a determination on the Code and if Rob feels that that's a correct interpretation then you can go with that.

Chairman Cosentino stated I think if we try with 7, we save him two parking space and this is, you know this is a tight spot now as it is.

Mr. Vigliotti stated we would bank 6, is that what we're saying.

Rob Melillo stated why can't you do it to the left of 7 as the aisle.

Jan Johannessen stated that's what he said.

Mr. Defrancia stated why can't space 6 remain as it is as a regular space, why does it need to be banked because any tenant that I have going into this building is going to need the 6<sup>th</sup> space, if not the 7<sup>th</sup>, why would I proceed forward with 5 knowing that all tenants are going to need more than 5.

Mr. Hertz stated the issue that we're having being able to back up and get in and out of that spot at all, you don't have enough room to really back up, turn and get out, you're going to be making multiple swings and you're backing up basically right into a line of cars.

Mr. Defrancia stated can we make the curb cut wider so that he can back out and pull in, instead of 16', make it 18-19', make the drive wider, right now it's 40'.

Chairman Cosentino stated he is the problem that I personally have, we went on a site visit on Saturday and they wanted to do the exact same thing and we said we want the Lexington Avenue corridor to be green and they found some way that they didn't have to park this handicap in the front of the building and its green. The problem I have is if that same lady rides by and sees that handicapped parking the front, what do I say, so we're trying to be uniform and treat everybody the same, by putting that in the front I'm doing that.

Mr. Defrancia stated if the Board Members don't foresee this front of 326 with all the bushes and landscaping.

Chairman Cosentino stated I think this particular building, I can't have a vehicle parked in the front without green like we did Saturday on our site visit, I really want to be uniform and I think we can work that out without anything parked in the front there.

Mr. Hertz stated I think what we're getting at is you have an entire curb cut, an entire parking area for a single car which we understand why it's being designed that way but it's somewhat problematic, you've got a lot of, you end up getting a lot pavement, a lot everything to get a single car in there.

Mr. Mareschi stated it makes sense.

Chairman Cosentino stated you just can't do for one and not do for the other, she sees that car parking there and she's spending a lot of money and she's going to come in and say Planning Board, why couldn't I have it but yet you gave it to this gentlemen right up the road.

Mr. Vigliotti stated and actually Mr. Chair, in this other case, the car was able, two cars proposed were able to back out into an aisle space that was certainly wide enough. One swing out, they could pull right out of the parking space. That is not the case here, as Doug has said, it's very tight, I think you'd have to make several maneuvers in order to get of this spot and back onto Lexington Avenue. I think those are the only issues.

Chairman Cosentino stated Jan, I think we need to work on that by eliminating that parking in the front of the building as we did down the road, I think we have to be uniform in what we do.

Mr. Defrancia stated Mr. Chairman, I'm not sure who is down the street or what the Board decided down the street but part of, many of our previous plans have been in front of this Board and this never came up as an issue from the July meeting, the August meeting, the June meeting.

Mr. Vigliotti stated I believe it did.

Mr. Defrancia stated there were issues in the front but the issue of making the whole thing green with no parking, it never came up and now I'm almost into the November meeting and you're asking to redesign everything in the front and simultaneous lose a spot.

Whitney Singleton stated Jim, maybe I can address it from another perspective, they're trying to balance the aesthetics and the functionality and meeting the parking demand and I think what they're proposing to do is arrange in such a fashion that you will be credited with the required spaces, with the spaces that you have shown on the plan. Nobody is suggesting that you would be credited with less than what is on your plan, they're simply suggesting that they could gain some aesthetic benefit from it, they will still count space number 6 but that it be landscaped until such time as it may be necessary in their estimation to have it physically installed. I don't think that you're being shortchanged, except to the extent that you say that you actually need that space and the other thing and I don't know if they want to address this either, you don't have a single provision here for a loading space, that may be perhaps a portion of that front area may be necessary for loading anyway.

Chairman Cosentino stated I could understand a truck coming and trying to unload, he's going to have to pull in the drive and back out, that's the only way he's going to do that. I can't criticize him for that because it is what it is on the piece of property but as far as the front of it and the parking, as one member of the Board, I can't see it because again we're trying to be uniform on it.

Mr. Bainlardi stated and a suggestion on maybe picking up the space if we're not going to allow the space in the front as a tradeoff to have that be landscape, could you get another space in the back adjacent to the five spaces in the back.. Maybe that's the compromise because you can pick up an additional space back there, you'll lose some greenspace in the back but you'll pick up a bunch up front, if you can equal it out.

Mr. Gregory stated there is area available to create another space in the back, I think that we would be looking at those and our coverage will reflect the increase.

Mr. Vigliotti stated it might be a wash.

Whitney Singleton stated perhaps you could designate it as an employee space, so its not something that's constantly going in and out, that back space there, just in case there's any issues with turning radius or anything else.

Mr. Vigliotti stated that could work.

Mr. Defrancia stated and then space 7 would become the handicap space. In that scenario, what happens to the front of the building, it's all shrubbery and landscaping, everything with a walkway.

Mr. Vigliotti stated off the sidewalk, it could be shrubbery with grass, it could look quite nice. We've made some progress.

Mr. Defrancia stated I feel it has great curb appeal with the enhancements as of now because there is no curb appeal now.

Mr. Vigliotti stated well there isn't a net loss with the space back here and you pick up coverage here.

Mr. Defrancia stated would the Village Engineer or Rob have an issue with space 7 being increased with a handicap, encroaching upon the 21-1 to the rear lot.

Rob Melillo stated I'm fine with that.

Mr. Hertz stated can I ask another question, we're looking at the back and generally speaking we want 24' for aisle widths for passage but also to be able to maneuver in and out of parking spaces, so you can come out, you can turn, you don't clip the car next to you. We have constraints of 21' in a lot of places but we don't have a constraint of 21' in this back area, this is just a proposed curb, would it make sense Jan and Anthony, to widen this space to 24' for, looking at the areas...

Jan Johannessen stated I think that was only done for a land development coverage.

Mr. Hertz stated I understand why it was done.

Anthony Oliveri stated maybe just increase it by 1' because you have an overhang, if you come back you hit the curb with your tires, the car can overhang, you don't need physically 21' of pavement, maybe just widen it up by a 1' so we don't get too far over.

Mr. Hertz stated right because we want to minimize coverage but we want to make, we don't want to have car accidents back there, I mean you want these cars to be able to maneuver.

Anthony Oliveri stated maybe 22' pavement to the curb in the back.

Mr. Hertz stated and then not have any shrubbery right up against the curb so that the fence can overhand by enough space. If that's grass and its going to be used for snow...

Anthony Oliveri stated you're still going to have like 8 1/2'.

Mr. Hertz stated it will be a little tight if this is winter and we've got snow banks right past the curbing, it will make it a little bit harder to get in and out.

Mr. Defrancia stated but wouldn't we gain a lot of greenery coverage in the front that would offset the loss in the back.

Mr. Hertz stated I think we will, I'm just worried about...

Anthony Oliveri stated and if we're going to abandon the space in the front, are we leaving the curb cut, do we want to leave that curb cut and pavement there, you can more than make up the development coverage, if that area just had a walkway in front and you may not even need the variance.

Mr. Hertz stated John brings up a good point, you lose your curb cut, you're never getting it back and if we want that as a banked or if we need that as a banked space...

Anthony Oliveri stated but it doesn't work in front for parking, so I mean. To leave that there, people are going to pull up into it.

Mr. Hertz stated unless you landscape it and such and make a walkway down the center of it and leave the curb cut but it's a little odd.

Jan Johannessen stated that would look funny, I think, if you had the curb cut and then you know.

Mr. Defrancia stated I'm not sure if I'd entertain the idea of completely losing the curb cut if you're saying I'm never going to get it back.

Whitney Singleton stated I don't know that that's a true statement, this is not a state highway, this is a county road. They do curb cuts all the time.

Anthony Oliveri stated if there was a legitimate reason to put the curb cut again in the front but with configuration, I don't see what the reason would be unless you, I mean if you total redid this lot and you want the curb cut in the front, you're going to place the building further back in the lot, then its reasonable to put a curb cut back, as it is now, it doesn't make sense to have it, we're looking at it as one site plan, you only need one curb cut.

Mr. Hertz stated let me extend that thought though, we're looking at it as one site plan, are these lots being merge.

Jan Johannessen stated no, they're going to have cross parking easements.

Mr. Hertz stated so what happens if one wants to get sold in the future and redevelop the parking scheme.

Whitney Singleton stated it will subject to the easements, it would be no different then essentially what happens at Leonard Office Plaza or Mount Kisco Medical Group, they all share parking and there's cross easement agreements between them, three separate buildings.

Mr. Defrancia stated would the sidewalk that we're redesigning here in the front of the building go to Lexington or go to 328 near parking space 10.

Mr. Hertz stated or both, where is the front door here, its centered, right.

Mr. Vigliotti stated is there a sidewalk now across the front of the building.

Mr. Gregory stated on Lexington there is, yes.

Mr. Defrancia stated and just a note again, you mentioned something about I have 6 spaces, I'm losing the 6<sup>th</sup> space in the front, I'm going to have 5 spaces in the back and possible create a 6<sup>th</sup> space but there is no more banking in that scenario, it's a wash.

Jan Johannessen stated there wouldn't be a land banking situation. That wouldn't prevent you from coming back to the Planning Board at some other time and requesting additional space if its absolutely necessary, in the front, anywhere.

Mr. Vigliotti stated we're already discussing that even that space now is very difficult to maneuver a car out of, coming in looks easy enough, coming out of looks like it might be interesting.

Mr. Bonforte stated I just want to clarify, are you saying you have 6 spaces now in front, was that what you were claiming, 6 here, right in front because 6 wouldn't fit.

Mr. Bainlardi stated where your proposed concrete curbs are in front, then you have the sidewalk running through the center, so these are all drop curbs.

Mr. Gregory stated that's existing out there now.

Mr. Bainlardi stated what will this been when you install these curbs, will these be drop curbs to get...

Mr. Gregory stated yes they would be, they would have a pedestrian ramp and drop curbs.

Mr. Bainlardi stated so those would handicap accessible with drop curbs because with the landing and then back down, I think then 7 will be fine then if you put it there because they can come around, they can get up the drop curb and its in front of the building.

Chairman Cosentino stated we're going to have to work on this to find out what we're going to have to do.

Jan Johannessen stated I think we have some pretty clear direction from the Board, if the applicant is satisfied with that, we could move toward a resolution.

Chairman Cosentino stated I want to try to get this off our plate.

Jan Johannessen stated I think you gave the applicant very specific items and that could get wrapped up into conditions.

Mr. Defrancia stated well if I'm satisfied with what the Board is suggesting and they're suggesting completely eliminating the front asphalt and making it all green and they're not leaving me any options there to go. I'm satisfied.

Jan Johannessen stated in all realty, that was going to be a handicap space anyway and it wasn't going to be heavily used.

Anthony Oliveri stated why don't we summarize what we've said here, maybe Peter can get the plan together quickly and have it in. What's the deadline for the next meeting.

Chairman Cosentino stated Peter, do you get the gist of all of this.

Mr. Gregory stated yes I do, my question is procedurally, being that we've been before the ZBA on a, just to make sure what the best way is to keep it moving.

Whitney Singleton stated there's no reason to discuss that I can discuss that with you and make sure that you're not going to lose time. Substantively, the question is what does the Board want.

Chairman Cosentino stated well I think we...

Whitney Singleton stated I think it would be helpful thought for Anthony to review those things.

Anthony Oliveri stated why don't I summarize what we talked about. We talked about removing the front space and the asphalt, removing the curb cut and making that greenspace with just a path from the front door out to the sidewalk. Putting the handicap space at space 7 with the aisle to the left or to the west and then in the rear adding a space at the back, maybe designating that employee parking and widening that up by 1 or 2', you may end up with a net gain or reduction in development coverage that way, same number of spaces.

Jan Johannessen stated all of your variances would be improved, this one back here by a foot, you'd have 22'.

Whitney Singleton stated and I don't think it would change your, just to address the issue, your concern Pete, this would not be a change in your application as much as it would be a response to Planning Board comments and they would approve it subject to the recommendations and conditions of the Planning Board and you'd just have to submit a revised plan.

Chairman Cosentino stated and then who you rent it to, you just come back and that's it. Let us know so its not a tremendous amount of parking there. I think its going to work out well for you.

Mr. Vigliotti stated someone mentioned, I forget who it was, the handicap space could remain vacant 90% of the time, so you don't really have the space, so now you have a full time space in the back, I think that's a good situation.

Rob Melillo stated I think its better too honestly because you are right, the handicap space is probably 99% of the time is empty.

Mr. Hertz stated and also space 7, that's the swing space, that's the space that you come in around, so making that the handicap space, its open...

Mr. Gregory stated there are aisles there, it won't be obstructed.

Mr. Defrancia stated the width of the sidewalk going to Lexington Avenue, may I make it the same width as the two doors which is 6' wide.

Jan Johannessen stated it should be 5'.

Chairman Cosentino stated fine.

Mr. Hertz stated you look at your coverage, and that how that works, you make want it wide at the door and slightly narrow at the path, look at your coverage, you'd want it the width of the doorway and a landing space for the doors but you may not have to bring that the entire length out.

Chairman Cosentino stated you may want shrubs on each side of the sidewalk.

Jan Johannessen stated maybe I make a suggestion, when the applicant resubmits, whatever meeting that's going to be, would the Board like a draft resolution for that meeting.

Chairman Cosentino stated yes.

Mr. Hertz stated before we close this up, let me make one comment that's not related to any of this, just on your lighting plan, the lighting plan seems okay, I don't know if we've gotten comments on it but just quickly, there's no specification for color temperature of the, it says cool in temperature which is fairly



generic, there's not specific of color. We'd like to see the color rendering index of the bulbs and the color temperature of the bulbs. They should be the same on all the fixtures around, so you're not mixing and generally speaking, most of the applicants that have been before the Board, typically have color temperatures between 3,000 and 4,200, is the general range, cool, if its specified, would probably be closer to 4,200, if it's going to be much more than that, I'd like it to get flagged by Jan.

Jan Johannessen stated we had a couple of comments on the lighting plan, there's two different light fixtures being proposed, they are both LED, one is a flood light which is not fully shielded and not compliant with the Code, so that would need to change, the flood light is just not a complaint light fixture.

Mr. Hertz stated it has to be full cut off and night sky compliant, there is a version of that, that will work.

Jan Johannessen stated some of the minimums and average footcandles didn't meeting Village standards, so you might have to play with the wattages.

Mr. Defrancia stated the two lighting fixtures that I have in the front, lighting the front parking lot, that's no longer a parking lot, that needs to be revamped.

Jan Johannessen stated those two lights in the front on 326 were compliant because they were fully shielded, everything else was flood lights which aren't.

Mr. Hertz stated you have some freedom because you're not trying to light a parking lot anymore.

Jan Johannessen stated you might be able to eliminate the lighting in the front of the building.

Mr. Hertz stated or just minimize it and make it more architectural, rather than safety related.

Mr. Bainlardi stated maybe on the walk you could do a bollard or a couple bollards, just whatever is...

Mr. Defrancia stated so there's no lighting required because there's not a parking lot. This is more just to walk in on the walkway, it doesn't have to be part of the lighting plan.

Jan Johannessen stated I don't think there's a requirement for it. I think that would be up to the Board.

Mr. Hertz stated there's no requirement for lighting your sidewalk, if that is not a space that is going to be used at night, if you are going to be using that, if it's a building that does have after hours, you are going to want to light that in a way that's safe.

Jan Johannessen stated you might be able to get away with some sort of building sconces instead of wall packs.

Mr. Defrancia stated that's what's there now, two wall sconces, I was just going to replace with these new wall sconces.

Jan Johannessen stated the Fisher that you spec'd for the front, you might want to use elsewhere on the property that would be compliant.

Mr. Defrancia stated we have.

Chairman Cosentino stated let's put this on for a draft resolution, pending resubmission.

Whitney Singleton stated and Peter, if you want to coordinate with Michelle, Rob and myself, regarding the ZBA, that's fine.

Mr. Gregory stated okay, I will, thank you.

The Secretary has a discussion with the applicant regarding deadlines.

Chairman Cosentino stated okay, Correspondence, Beautification Committee, I guess we read that. New York Metropolitan Transportation Counsel and again, is there anything else this Board would like to discuss before I...

The Secretary stated Chairman, do you want to discuss going on a site walk to 383 North Bedford Road.

Chairman Cosentino stated thank you. We're going to have site walks on Saturday, let's say 9 o'clock, the site walks are going to be at North Bedford Road, Philar Realty.

Rob Melillo stated you wanted to New York Stone.

Chairman Cosentino stated New York Stone, that was the other one, thank you Rob.

Rob Melillo stated I went back, after yesterdays meeting, we changed to a formal, not conceptual, we're collecting the fees as of tomorrow, so that application will be situated.

Chairman Cosentino stated after North Bedford Road, we'll go down to New York Stone. Is there anybody that can't make it here.

Mr. Hertz stated I'll try.

Chairman Cosentino polls Board Members for attendance on Saturday at 9 am.

Mr. Vigliotti made a motion to adjourn. Seconded by Mr. Mareschi.

The meeting adjourned at 8:43 p.m.