

**Minutes of Meeting of the Planning Board  
Village/Town of Mount Kisco  
Tuesday, August 9, 2016**

Members Present: Chairman Joseph Cosentino  
Anthony Sturniolo  
Doug Hertz  
Enrico Mareschi  
Michael Bonforte  
John Bainlardi (Alternate)

Members Absent: Ralph Vigliotti

Staff Present: Jan K. Johannessen, Village Planner  
Anthony Oliveri, Village Engineer  
Whitney Singleton, Village Attorney  
Peter J. Miley, Building Inspector

Chairman Cosentino called the work session to order at 6:45 p.m.

The Board discussed the following items:

EK Construction 35 & 39 Kisona – Variances required, loading and unloading issues, request a turning radius plan, discussion of size of trailers to be loading and unloading within the building, curb cuts on Kisona, parking space aisle widths.

WIN Development – Lead Agency Declaration.

Tommie Copper – Discussion on required parking spaces.

Manara Laundry 556 Main St – Landscape plan to be provided, discussion of light poles, discussion of tint on windows on the corner of the building.

Polaner Selections 461 Lexington Avenue – Discussion of site being shift to the north, access across Village/Town property and cross easement

Chairman Cosentino called the meeting to order at 7:39 p.m. and led the Pledge of Allegiance.

Chairman Cosentino stated okay for the record this is Tuesday, August 9, 2016, it's a Planning Board Work Session, it's a Planning Board meeting. **Michelle, the minutes from August 25<sup>th</sup>, we do have a quorum, is there any question on the minutes from August 25<sup>th</sup>? Do we have a motion to approve?**

**Vice Chairman Sturniolo stated so moved Mr. Chairman.**

**Mr. Mareschi stated I'll second Mr. Chairman.**

**Chairman Cosentino stated motion made by Vice Chair Sturniolo, Mr. Mareschi did you second that?**

**Mr. Mareschi stated yes sir.**

**Chairman Cosentino stated on the question, will the Secretary poll the Board please?**

**UPON ROLL CALL VOTE:**

<b>Mr. Sturniolo</b>	-	<b>aye</b>
<b>Mr. Mareschi</b>	-	<b>aye</b>
<b>Mr. Bainlardi</b>	-	<b>abstain</b>
<b>Mr. Bonforte</b>	-	<b>abstain</b>
<b>Mr. Hertz</b>	-	<b>aye</b>
<b>Chairman Cosentino</b>	-	<b>aye</b>

**The motion carried by a vote of 4 to 0.**

Chairman Cosentino stated I don't think Mr. Bonforte was here.

Mr. Bainlardi stated he was not.

Mr. Bonforte stated that's a good point, why I hesitated.

Chairman Cosentino stated he should abstain. It should have been myself, Sturniolo, Hertz, and Mareschi.

Mr. Hertz stated John abstained.

Mr. Bonforte stated thank you Chairman.

Chairman Cosentino stated are you voting aye, Mr. Hertz?

Mr. Hertz stated yes, I have.

Chairman Cosentino stated so we have the quorum of the Board.

The Secretary stated yes sir.

Chairman Cosentino stated first thing on our agenda is EK Construction. Would you step up and identify yourselves for the record please.

**1. EK Construction – 35 & 39 Kisona Road (Former Whalen's)  
PB2016-0324, 80.48-5-1 & 11 (SBL)  
Site Plan and Change of Use**

Mr. Charles V. Martabano, Esq; Mr. Scott Blakely of Insite Engineering; Mr. Ira Grandberg of Grandberg & Associates were present.

Chairman Cosentino stated Mr. Martabano, good evening.

Mr. Martabano stated good evening gentlemen.

Mr. Blakely stated same here.

Mr. Martabano stated shall we identify ourselves nonetheless.

Chairman Cosentino stated earn your money, let's go.

Mr. Martabano stated Charles Martabano, attorney for the applicant.

Mr. Blakely stated Scott Blakely, Insite Engineering.

Mr. Grandberg stated Ira Grandberg, architect.

Chairman Cosentino stated go ahead Charlie, just give us a...

Mr. Martabano stated thumbnail sketches you have before you tonight, I think two items related to the SEQRA process, one is a Declaration of Lead, as Michelle pointed out, the 30 days have elapsed and you have a draft negative declaration which we have reviewed as well. We are hopeful that you'll adopt that negative declaration, we're scheduled to appear before the ZBA on the 16<sup>th</sup>, the variances that you were referencing tonight but if you have questions we'd love to respond to them, and however you want to direct the meeting, we'll go from there.

Chairman Cosentino stated okay, so does somebody want to lead the parade here on what we talked about.

Mr. Bainlardi stated I think the conversation we had during the work session, largely revolved around understanding how deliveries will be effectuated on the property. What's the intention of the size of the trucks again? If you could revisit that with us as to how it would work on the property, and then there is a secondary issue raised about trying to maybe change the geometry of the curb cuts on Lincoln Place to...

Mr. Martabano stated to prevent the left hand turns.

Mr. Bainlardi stated prevent...

Mr. Martabano stated and I know that you mentioned at one point in the discussion that we should have a sign, I think that we have provided for a sign that there would be no left hand turns. So I think that's already provided for but we'll take your first issue first and then talk about the geometry of the curb.

Mr. Blakely stated it's outlined in our statement of use, there are a couple of different vehicles that we anticipate coming to the site. First, is the tractor trailers we talked about this at the last meeting that we anticipate 60 foot tractor trailers, we also talked about where they would load unload. We talked about front

yards and loading areas and our revised submission indicates the front yard off of Columbus Avenue, we've also indicated that all loading that's going to take place from Columbus Avenue will occur entirely in the buildings. There are 4 overhead doors that are roughly 14 feet in height, they have plenty of width. What I've indicated on this plan and what we had modified was we had originally shown this loading space, you know within this asphalt area and partially within the building. Peter raised in his recent memo, do we have the ability to get these vehicles inside the building. The 4 rectangles you see in red are the 60 foot long tractor trailers in each of the 4 overhead doors, so we have the ability to get the tractor trailers in the building to do loading and unloading. There also is the possibility of smaller, single unit trucks 25-30 footers coming to the site, there will also be a propane delivery, I heard discussions previously about the propane tank. We are proposing an above ground 1,000 gallon tank in this location, that is going to be utilized to fill household 20 pound propane tanks, typically for gas grills, and that truck is once every 60 or 90 days, we'll make the delivery...

Chairman Cosentino stated we were talking about, is it a possibility to bury that tank, for safety reasons.

Mr. Martabano stated I thought that would have come up when we proposed here but now we moved to this location where, quite frankly nobody can get at it.

Mr. Blakely stated it would be preferably by the applicant to have it above ground, the operation works much better with it above ground. We, as one of the Board members mentioned, we do have a retaining wall on two sides of that, one on the north and this on the east side. The elevations on the adjacent property are higher, so you know, there is 4 foot grade change from here down to here, so this portion of the tank if going to be partially below that retaining wall, both on the adjoining here and then on this residential piece to the north. We've set this 10 feet off buildings, 10 feet off the property line, it located on this side of this outdoor storage building, we have a curb here, so we would prefer to have it above ground, we could provide some additional bollards, if for some reason we had a runaway customer that would jump the curb...

Chairman Cosentino stated well that's the Building Department.

Mr. Blakely stated so we can work that out with Peter but it would be preferable to be above ground and if we need to provide some additional screening, we would do that.

Mr. Hertz stated Scott, do you know off hand, the walls are about 4 feet, do you know the rough height of the 1,000 gallon tank?

Mr. Blakely stated I think it's either 38" of 41" diameter, so it's less than 4 feet.

Mr. Hertz stated and it's going to sit on something like...

Mr. Martabano stated 31" in diameter.

Mr. Grandberg stated it's usually put up on just a block pedestal.

Mr. Hertz stated okay, you'd imagine it to be somewhat similar or below the height of the retaining wall behind it.

Mr. Blakely stated 3-3 1/2 feet.

Mr. Martabano stated want to talk about what they were talking about with the Lincoln Place.

Mr. Blakely stated and we have provided no left turn lanes at both of the egresses and I understand what the Board is referring to as far as trying to provide curbing so the egress lane. It would be difficult to make that left turn but the problem you're going, really the problem you run into is you know, we've got our ingress here and our egress here in both locations, you know and for us to do you know, typically if you're looking to provide a no left turn, you know you provide this wide curb with a little bullnose on it, that would prevent this car from making the left because it would be easy to prevent this lane from making the left. You know by simply doing something like that and still providing the access in but this bullnose will not prevent this person leaving the lot. If he's going to go left and he's going to ignore the sign, anything we would do here would not prevent that from a traffic circulation standpoint.

Mr. Hertz stated what about making it a one way circulation? What's the advantage to have 2 two way aisles?

Mr. Blakely stated you know if an aisle ever got blocked for any reason, you still have access out the other way, you know...

Mr. Martabano stated one there and I think one there, we could make that...

Mr. Blakely stated right and if you've been to the site, what you see now, there is a...

Mr. Hertz stated you just see concrete.

Mr. Martabano stated it's just open.

Mr. Blakely stated and the only thing that's landscaped is a small little island on the corner, so you've got access in here and you've got full blown access through here. So it's a sea of asphalt, so we've narrowed that up, the applicant would prefer the two way access from both of those entrances.

Chairman Cosentino stated there are no access from the Kiskonon side.

Mr. Grandberg stated we took that out.

Mr. Blakely stated there's none proposed, there are two existing.

Chairman Cosentino stated yeah but they're being taken out.

Mr. Martabano stated that's correct, we had previously had two in and based upon your recommendations we took them all out.

Chairman Cosentino stated I remember that.

Jan Johannessen stated Scott, can you bring your plan over here and identify to us what you described to the Board about not being able to do the [inaudible].

Mr. Blakely stated it's really, centerline here...

Mr. Hertz stated everyone drive on the wrong side of the road and then it would work.

Mr. Martabano stated that's one way. Maybe the Village should make a cul-de-sac at the end of Lincoln...

Mr. Hertz stated we should just declare British rules.

Chairman Cosentino stated they don't want to...

Mr. Martabano stated yeah but think about that.

Chairman Cosentino stated no, you're right.

Mr. Martabano stated it could be an interesting thing, make a cul-de-sac at the end of Lincoln, you dead end Kiskonon there. Now I guess that might be a problem if someone wanted to turn around I guess because we have no access and our property...

Chairman Cosentino stated but then you've got the truck repair shop, how do they get out?

Mr. Martabano stated you're right because you want them to go that way, you're right. And I forgot about Cary Place, there are two places that are there now. Well I sort of had an idea...

Mr. Blakely stated we can discuss the parking...

Mr. Mareschi stated and you have big trucks go there, on Cary.

Mr. Martabano stated yeah, you want them to come out not on Kiskonon, I didn't think about that.

Mr. Bainlardi stated if you were making the, the geometry looks better if you're positioned right in but if you've got to make a left and cross traffic, it's hard to do with what we're asking, even if it one way.

Mr. Blakely stated and we'll discuss the one way access with the client.

Mr. Martabano stated did we respond to your questions John? Is there anything else?

Mr. Bainlardi stated oh no, I think the other question that we had as a Board, can you discuss the new building?

Mr. Blakely stated the storage building.

Mr. Bainlardi stated right, will that have deliveries? Is it intended that will have deliveries and if you so, what?

Mr. Mareschi stated what's being stored in there?

Mr. Blakely stated this is bagged material, mulch, concrete, 5 gallon pails of stuff. Something that a customer can drive his car up, pick it up, can be loaded in.

Mr. Bainlardi stated so how is it finding its way into the building?

Mr. Blakely stated here, the vehicles would come in here, drop off in this location...

Mr. Martabano stated in front of the building, which is the back.

Mr. Blakely stated unload in front of the building, there's 45 feet from this curb line to here. So if a vehicle were to come in and to unload that bagged material, it would stop there temporarily, unload and then pull out.

Mr. Martabano stated right.

Mr. Bainlardi stated is that envisioned that that would be a 60 foot truck?

Mr. Martabano stated a 60 foot truck, no. No, we asked that specifically, the answer is no.

Jan Johannessen stated sorry Charlie, can you just, I wasn't, I didn't hear that. What materials are going to be in the accessory structure, and how are they going to be loaded?

Mr. Blakely stated bagged gravel, mulch, peat moss, cement, you know, those 50-80 pound bags of...

Jan Johannessen stated no wood, no sheetrock, nothing like that?

Mr. Blakely stated no, all of the building materials are down below.

Jan Johannessen stated and you're going to have one of your smaller delivery trucks...

Mr. Blakely stated that's correct.

Mr. Martabano stated that's correct, that's right.

Mr. Blakely stated and this area, let me just double check the width on it...

Jan Johannessen stated he problem though, if you were listening during the work session, is the loading aisle width is not 25 feet, and that's a requirement.

Mr. Martabano stated I think we have 45...

Mr. Blakely stated but if you read the Code, I think you should take another look at the Code. It talks about the aisle, that loading is permitted within an aisle, but we're not loading within an aisle that's going to reduce it down below that threshold and you had mentioned that its not the way you've looked at it before. And you know, we've been involved in numerous site plan approvals and we have provided loading spaces within the access aisle, you know...

Jan Johannessen stated what he's pointing out, the problem is there's two different aisle widths, its either 24 or 25 feet depending on the use.

Mr. Blakely stated I understand.

Jan Johannessen stated and the loading provision specifically talks about the 25 feet, so I've always interpreted, I've always gone with whatever the aisle width is what the loading area is.

Mr. Blakely stated but our loading area is not within a road that's less than 25 feet, we have access through a 24 foot wide road, but our loading area is within an area that's 45 feet wide.

Anthony Oliveri stated I think at the end of the day the Building Inspector has to make that...

Mr. Martabano stated that's right, is Code.

Mr. Blakely stated and I think we conform.

Mr. Martabano stated and we'll review it with Peter.

Mr. Miley stated well I have the Code in front of me, off-street loading access, unobstructed access from the street shall be provided from the loading area, unobstructed. The loading area may be located in a parking lot access driveway provided that said access has a minimum width of 25 feet. I measured about, the scale was 45, but I think the concern was the loading, there was going to be trucks and everything else, forklifts blocking access preventing emergency access, those were some of the items they were...

Mr. Blakely stated in our pick up and loading activities are going to take place in the vicinity of front of the buildings.

Mr. Miley stated I think it was more, not the customers picking up the material, I think it was more for the trucks that were delivering. They were backing up there and blocking access entirely to the front of the building.

Mr. Blakely stated right, Peter what we're saying is that our trucks are going to pull in here and unload.

Mr. Miley stated right but that was some of the question, I don't think the question was a customer picking up a bag of mulch...

Mr. Martabano stated no, no, understood.

Mr. Miley stated as much as a 32 foot truck blocking the entire access way prohibiting any emergency vehicle to access...

Mr. Martabano stated which they will not, under this.

Mr. Mareschi stated and Charlie, there's not storage outside, right? No storage?

Mr. Martabano stated that's funny, you guys brought up, someone brought up the issue of the building size, the building size is functional, not merely to the fact that we have an almost 18,000 square foot building already existing but this zone allows building and lumber yards et cetera, et cetera but this zone doesn't allow outside storage. So, most of the building to which the customers don't have access, is devoted to interior storage and what would normally be outside. So the bottom line is there is no outside storage and its not permitted in the zoning district.

Chairman Cosentino stated I think you know the main reason the Board is looking closely at what's going where is because we are trying to protect the residential area of Kiskon Road.

Mr. Martabano stated and I think we've respected every suggestion you've made whether it's improving the landscaping issue, whether its shutting down the Kiskon Road accesses, that's what we've been trying to do.

Chairman Cosentino stated now if it's a possibility, the loading machine, what's it called the...

Mr. Mareschi stated the forklift.

Mr. Martabano stated yes.

Chairman Cosentino stated if they can start using it at 7:00, my tenant gets up at that time with the beeper...

Mr. Martabano stated oh, so you'd like us to use it after 7:30?

Chairman Cosentino stated yeah, so you can at 7:30, that's what time they get up to go to work, so if you can use it...

Mr. Martabano stated well as long as you don't suggest we disconnect the backup devices, that...

Chairman Cosentino stated no, you can't.

Mr. Martabano stated that's not permitted.

Chairman Cosentino stated okay, anybody else? First thing I think we should do is the Lead Agency. Somebody want to make a motion on that, we had, the 30 days are up.

**Mr. Bonforte stated sure Mr. Chairman, I'll make a motion that we adopt the Lead Agency declaration for EK Construction.**

**Vice Chairman Sturniolo stated I'll second it.**

**Chairman Cosentino stated okay, seconded, on the question, will the Secretary pol the Board please.**

**UPON ROLL CALL VOTE:**

<b>Mr. Bonforte</b>	-	<b>aye</b>
<b>Vice Chairman Sturniolo</b>	-	<b>aye</b>
<b>Mr. Bainlardi</b>	-	<b>aye</b>
<b>Mr. Mareschi</b>	-	<b>aye</b>
<b>Mr. Hertz</b>	-	<b>aye</b>
<b>Chairman Cosentino</b>	-	<b>aye</b>

**The motion carried by a vote of 6 to 0.**

Chairman Cosentino stated the next is the negative dec.

Jan Johannessen stated Chairman?

Chairman Cosentino stated yeah.

Jan Johannessen stated two items, I'd like to clarify in the neg dec the discussion about loading and unloading in the parking area. After 1 P, I'd like to add something to the effect that no deliveries, loading, unloading, within the southerly parking lot shall be conducted by trucks in excess of 24 feet because that's there limit.

Chairman Cosentino stated is that okay?

Mr. Martabano stated in the loading area adjacent to the building, we want to make sure that the loading does not take place with trucks greater than 24 feet, want to make sure that 24 feet is right...

Jan Johannessen stated there wouldn't be any tractor trailers going up there, you indicated that they're smaller fleet...

Mr. Kracko stated in the driveway, on the south side, how are they going to do that, aren't they driving around, aren't the trucks going to go in and go around?

Mr. Martabano stated what they're asking is that the deliveries to the upper storage would be, you had mentioned they'd be in flatbed trucks, no longer than 24 feet, is that going to work for you?

Mr. Kracko stated I mean, you can get a truck for mulch that is a 60 foot truck. You can get a tractor trailer, you want me to sit here and say yes that is going to be 24 feet, bullshit. Tractor trailers come in and unload, realistically a cement trailer is 60 feet, it has 16 pallets on it, they unload it in 20 minutes, 15 minutes.

Mr. Martabano stated can we unload it then inside and then transport it up.

Mr. Kracko stated we can do anything, anything can be done.

Mr. Martabano stated yeah, I just don't want any misrepresentation in the neg. dec.

Mr. Kracko stated we gave up Kisona Road, we gave up the two entrances, we're moving our entrance to Columbus. I mean, are they going to work with us here, we're not opening a candy store, it's a lumber yard, you have to be realistic. You're going to have to have trucks there to be able to do business.

Mr. Martabano stated this is why we're clarifying the question.

Mr. Kracko stated can we unload with a 24 foot truck, yeah we can unload with a 24 foot truck if that makes everyone happy.

Mr. Bainlardi stated its going to back in.

Mr. Miley stated you have to do it off times.

Mr. Blakely stated I mean we've done that on other projects where it's...

Mr. Martabano stated we're just trying to come up with a solution. You can do it off hours...

Mr. Blakely stated get his deliveries...

Mr. Martabano stated can it be done at off hours?

Mr. Kracko stated well they don't you before 7 o'clock, he was concerned about back up noise...

Mr. Martabano stated no, he was joking about that.

Mr. Kracko stated you're joking, you don't, a forklift has a backup alarm.

Chairman Cosentino stated look sir, sir, let me explain something to you, okay. We're trying to work with you, we're not working against you.

Mr. Kracko stated I understand that, I'm asking a question.

Chairman Cosentino stated please understand that.

Mr. Kracko stated but you didn't, am I correct, you didn't want us there before 7...

Mr. Martabano stated no, no, he was joking about the tenant, he was joking.

Mr. Kracko stated oh I'm sorry, I thought they were for real.

Chairman Cosentino stated everybody was sad up here, I was trying to get a laugh.

Mr. Kracko stated okay, yeah we can arrange the trucks for 6 o'clock delivery.

Chairman Cosentino stated understand we want to help you, we want to get this done believe me.

Jan Johannessen stated I don't know if it's beneficial to have trucks loading and unloading in the early morning hours, that's a concern.

Mr. Martabano stated again, what we're trying to do is to make sure that we don't have in other words we would could limit it after a certain hour to the 24 foot trucks but before that, if they have a bigger truck, they could do it that way.

Mr. Hertz stated could you get a tractor trailer in here with vehicles parked?

Mr. Blakely stated well that's what we were saying.

Mr. Martabano stated that's what we're trying to address.

Jan Johannessen stated can a tractor trailer make that turn?

Mr. Martabano stated that's what we're talking about right now.

Mr. Blakely stated we would have to just run a truck turning radius through there.

Chairman Cosentino stated why don't you do that and just get back...

Mr. Martabano stated we'll address that issue.



Mr. Mareschi stated how many deliveries by the way Charlie? How many deliveries are there?

Mr. Martabano stated there are very few, we put them in the statement of use, I think you've got it actually in the neg dec.

Mr. Blakely stated its only like 2 to 3, maximum a day.

Mr. Mareschi stated oh, a day.

Mr. Kracko stated and that's mostly lumber trucks, you're not going to have trucks up, twice a week.

Mr. Martabano stated exactly and the lumber trucks as you know, come in here. How many deliveries would you get to that upper, that section, a week?

Mr. Kracko stated twice a week.

Mr. Martabano stated you're talking about you'd probably have trucks up there twice a week, to the upper area, what I say the upper area, you know I'm talking about this one here.

Mr. Blakely stated so can we put a provision in to the satisfaction of, let us work out those details...

Mr. Martabano stated with the Planning Consultant and Building Department.

Mr. Blakely stated I mean it doesn't...

Whitney Singleton stated whoa, whoa, whoa, you're not getting an approval tonight.

Mr. Martabano stated no, the neg. dec.

Whitney Singleton stated so the neg. dec. is not going to be conditioned upon somebody else's evaluation of it, either the Board determines there's no adverse impacts or there are adverse impacts. They're not going to delegate that responsibility to a third party.

Mr. Martabano stated well again, if it doesn't fit, its not an issue. If it doesn't fit, we will not have the trucks there.

Jan Johannessen stated I see that with a 60 foot tractor trailer, you're going to be backing in from Lincoln, I don't see it happening any other way.

Mr. Blakely stated unless it was done at off hours when there aren't any vehicles in there. My take on it is that.

Whitney Singleton stated it's not wide enough. Lincoln...

Mr. Blakely stated Lincoln's wide, its over 30 feet wide.

Chairman Cosentino stated Jan, you're proposal was what? Can you read that again?

Jan Johannessen stated well I had jotted that down when I was under the assumption that only their flatbeds were going to be making deliveries to the upper parking lot. I had proposed no deliveries, loading, unloading within the southerly parking lot by trucks in excess of...

Chairman Cosentino stated and you wanted that in the neg. dec.?

Jan Johannessen stated yes but it doesn't seem possible.

Chairman Cosentino stated now it doesn't seem possible.

Jan Johannessen stated well now that the applicant is indicating that he needs to get tractor trailers up to the upper parking lot, that isn't how it was represented.

Chairman Cosentino stated well maybe we have to wait and we can't approve the neg. dec. tonight.

Mr. Martabano stated that is a problem.

Chairman Cosentino stated I know it's a problem because you have to go before the ZBA.

Mr. Martabano stated right, I'd like to try to work it out, if we could.

Jan Johannessen stated is there a way to, for a lack of a better work, punt this particular item to site plan and have something in the neg. dec. that says that the applicant is willing to work with the Planning Board on developing a solution for parking within...

Vice Chairman Sturniolo stated could change the wordage that, open it a little bit, give the applicant time to work it out.

Mr. Martabano stated it will be resolved before the site plan approval, that's great, yeah, we're fine.

Mr. Blakely stated and if we can we do, and if we can't...

Mr. Martabano stated and then it will be what Jan suggested.

Vice Chairman Sturniolo stated and the language is the protection right there, it doesn't work.

Mr. Martabano stated I think that's a great idea, so however you want to phrase that.

Jan Johannessen stated everybody is comfortable with that, let's just, you're giving a negative declaration, so you're saying that there's no adverse impact.

Chairman Cosentino stated counsel, is that alright?

Whitney Singleton stated is Charlie going to again, represent that he won't through it in our face like he did with DiSilva? I remember I will never raise it and then he said these are your own words in your negative declaration...

Mr. Martabano stated well if I quote the words Jan's putting in there, we have to work together to resolve it.

Whitney Singleton stated Chairman, I'll never bring it up, I won't raise it as a sword, I won't use it as a shield...

Mr. Martabano stated your memory is very different from mine, we should check those minutes, I should check the tape recording.

Chairman Cosentino stated and you sued us.

Mr. Martabano stated on an approval, yeah.

Chairman Cosentino stated you're alright, you're good.

Mr. Martabano stated that's the only time I've ever done that, so I think we're happy with Jan's language.

Whitney Singleton stated I'll reserve comment.

Mr. Martabano stated that's even better.

Whitney Singleton stated I've voiced my concern to the Board, to the Board members.

Chairman Cosentino stated on the negative dec., you have the wording, Jan?

Jan Johannessen stated yeah, I think the only addition would be somewhere in new item 1 Q, I would state something to the effect that the applicant will work with the Planning Board on coming up with a solution for the loading and unloading of vehicles within the southerly parking lot.

Chairman Cosentino stated okay, as long as you've got the wording for it.

Jan Johannessen stated with an eye towards reducing impacts to the extent possible on adjacent residential parcels.

Chairman Cosentino stated on a legal view, does that protect us?

Whitney Singleton stated no comment, Chair.

Jan Johannessen stated if Whitney's not comfortable, I'm not...

Mr. Bainlardi stated let me suggest an alternate...

Chairman Cosentino stated if you're not comfortable with it, I'm not helping them out.

Whitney Singleton stated Joe, the question is you guys don't know where you're going with this...

Chairman Cosentino stated I can't do it if you're not comfortable with it.

Mr. Bainlardi stated can I suggest an alternative solution here? We put the restriction in that does not allow the delivery in the upper, in that parking lot, 60 foot trailers as part of the neg. nec. If you can demonstrate to us at a future time that it can work, I don't think there's anything that would preclude us from that, at that point of amending our neg. dec. to address it.

Mr. Grandberg stated might I piggyback on that, if the owner of the property states that he only gets a few deliveries a week, and if physically the trucks can back in off hours, twice a week, would that have any merit to your overview? In other words, if it's a clean traffic pattern, where a truck can back in twice a week, for the full length, no turn arounds and the owner finds that the those parameters are acceptable, is that something that's more...?

Jan Johannessen stated personally, I don't think off peak is necessarily a benefit, I think that it should happen during the course of the business day when people, when surrounding residences are likely out of their homes. Why would you have it early morning or in the evenings, that's probably going to be more aggravating to the people that live there.

Whitney Singleton stated I much prefer what Mr. Bainlardi proposed.

Mr. Martabano stated if we do what he says and unless the applicant demonstrates that it is used by larger trucks is feasible...

Mr. Kracko stated I agree, that's a good one.

Mr. Martabano stated that language, if you use your language and say unless the applicant demonstrates to the satisfaction to the Planning Board, the use of larger trucks is feasible then I don't need a, then let's do yours and mine together and I think that will work out fine, so we'll go in with...

Jan Johannessen stated so we're going to do the whole 24 foot restriction...

Mr. Martabano stated unless the applicant demonstrates to the satisfaction of the lead agency that use of larger vehicles is a...

Chairman Cosentino stated to the Planning Board's satisfaction.

Mr. Martabano stated right, that's exactly right. I think then we're okay. Okay?

Chairman Cosentino stated okay, so we have a negative dec. here, do I have a motion on it?

**Vice Chairman Sturniolo stated Mr. Chairman, I make a motion that we adopt the negative dec., and its also a Notice of Determination of Non-Significance, coupled to the fact of the verbage that the Planning Board and the Building, the Planner discussed at this meeting of August 9<sup>th</sup>.**

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

**Chairman Cosentino stated we have a motion by Vice Chair Sturniolo, we have a second by mr. Mareschi, on the question. Will the Secretary poll the Board please?**

**UPON ROLL CALL VOTE:**

Vice Chairman Sturniolo	-	aye
Mr. Mareschi	-	aye
Mr. Bainlardi	-	aye
Mr. Bonforte	-	aye
Mr. Hertz	-	aye
Chairman Cosentino	-	aye

**The motion carried by a vote of 6 to 0.**

Mr. Martabano stated thank you all very much.

Chairman Cosentino stated thank you Charlie.

Mr. Martabano stated I'm staying.

Chairman Cosentino stated I know, I thought I'd just make it...

Mr. Martabano stated at least you didn't say get the hell out of here or anything like that.

Chairman Cosentino stated I wouldn't do that to you.

Mr. Martabano stated I know you wouldn't.

**2. Win Development – 77-91 S. Moger (Former Eduardo's)  
PB2016-0320, 80.25-1-2  
Site Plan**

Mr. Charles V. Martabano, Esq.; Mr. Scott Blakely of Insite Engineering; Mr. Ira Granberg of Grandberg Architecture were present.

Chairman Cosentino stated okay, this is easy, WIN Development, 77-91 S. Moger, the former Eduardo's. All we need here is a draft declaration on Lead Agency, resolution dated August 9, 2016 and I need a...

*Fire horn sounds.*

Mr. Martabano stated that was perfect.

Chairman Cosentino stated okay, I need a motion on that.

**Mr. Hertz stated Mr. Chairman, I'll make a motion that we declare ourselves Lead Agency on WIN Development 77-91 S. Moger.**

**Chairman Cosentino stated motion by Mr. Hertz, do I have a second?**

**Mr. Bonforte stated second that.**

**Chairman Cosentino stated second Mr. Bonforte, on the question. Will the Secretary poll the Board please?**

**UPON ROLL CALL VOTE:**

<b>Mr. Hertz</b>	-	<b>aye</b>
<b>Mr. Bonforte</b>	-	<b>aye</b>
<b>Mr. Bainlardi</b>	-	<b>aye</b>
<b>Mr. Mareschi</b>	-	<b>aye</b>
<b>Vice Chairman Sturniolo</b>	-	<b>aye</b>
<b>Chairman Cosentino</b>	-	<b>aye</b>

**The motion carried by a vote of 6 to 0.**

Mr. Martabano stated thank you all, have a good night.

Chairman Cosentino stated thank you.

Mr. Mareschi stated good night Charlie.

Chairman Cosentino stated the next thing is Tommie Copper, BDM Properties, 28 Britton Lane and 74 South Moger Avenue, would you come up and identify yourselves for the record please.

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

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

Mr. Gregory stated Peter Gregory, Keane Coppelman Gregory Engineers.

Chairman Cosentino stated good evening Peter.

Mr. Gregory stated good evening.

Mr. Diotte stated John Diotte, BDM Properties.

Chairman Cosentino stated John, how are you.

Mr. Diotte stated how are you, Joe?

Chairman Cosentino stated okay, just a couple things, you're going to explain the plans, the new and the old, I just saw one thing, I just need to question one thing on the plans. You've got the cleaners down as sales, that's not sales, you've got it down, probably a mistake.

Mr. Diotte stated its just drop off and pick up.

Chairman Cosentino stated its not sales though, I don't want to screw your parking up.

Mr. Diotte stated I don't want to classify it, I mean, how would you classify it Joe?

Chairman Cosentino stated otherwise is going to affect parking, you don't want to do that right now in all of this.

Mr. Diotte stated okay.

Mr. Gregory stated so nothing has really changed...

Chairman Cosentino stated no.

Mr. Gregory stated since the last time this was before the Board, the approval has expired, the main reason for that is that our office has had difficulty in demonstrating that we could address the stormwater runoff leaving this area. I believe that we have worked that out and we have provided the detail I think that we need a full detail to satisfy what the New York City DEP is going to be looking for on this. We are in a Designated Main Street Area which is going to require a separate stormwater approval from them...

Chairman Cosentino stated okay.

Mr. Gregory stated I believe there was another minor issue regarding the lighting plan, we have incorporated that into the set, if that is to the satisfaction of...

Chairman Cosentino stated Doug, you and Tony will I guess check on that and see, I don't know if you did it already or not.

Mr. Gregory stated the information is the same as pervious except this time we incorporated it into our plan set.

Mr. Bonforte stated thank you.

Mr. Hertz stated I don't know if Jan's taken a look at it, the lighting plan apparently is...

Jan Johannessen stated the lighting plan was something that needed to be revised as a condition of the Planning Board's original resolution, I don't think that I have seen that.

Mr. Gregory stated well we've incorporated the plans that were prepared into our plan set.

Jan Johannessen stated no new plans, no new site plans have been submitted with the request for re-approval. So the last set of plans I have date back to the original approval.

Mr. Gregory stated well we submitted all of the drawings, I guess, that we needed to resubmit as part of that...

Whitney Singleton stated I believe in your letter you referenced the original plans that were part and parcel of the site plan approval.

Jan Johannessen stated we didn't get any new plans other than some architectural floor plans which were actually different than was approved in the original resolution. There were some additional sheets that were submitted in August that were a little bit contradictory to what we had originally approved. It talks about a call center on the, what is that the first floor, there is a laundromat retail space, we didn't receive any new site plans.

Mr. Gregory stated no, nothing has changed on the site plans.

Anthony Oliveri stated these three sheets were never referenced in the original resolution.

Jan Johannessen stated they were never referenced in the original resolution, and now they're...

Anthony Oliveri stated there seem to be new sheets, even though there's an old date on them.

Mr. Gregory stated we had, we were submitting, what we thought were the plans architecturally that address 74 and 78 South Moger for the uses that were being shown on the second and third floors.

Jan Johannessen stated there were a variety of architectural floor plans that were referenced in the original resolution that resolved all of these issues, these new plans...

Mr. Gregory stated those don't match, I'll check that.

Jan Johannessen stated it may raise issues.

Mr. Gregory stated so, I'll look into that, we'll look back at what the originals but those were the plans that we had in our file that we were looking to resubmit as part of the floor plans for 74/78 and then our office, I believe had prepared the floors plans for Britton which indicated the dry cleaners as well as the barn and the associated storage area.

Chairman Cosentino stated we have a draft resolution...

Mr. Bainlardi stated this, I'm sorry, just to clarify, I mean I have. In our package we have plans, 5 sheets existing condition, proposed parking lot, construction details, proposed landscape plan and lighting plan, all last dated June 20, 2016.

Jan Johannessen stated this resolution that's before the Board tonight reapproves what was approved in the last with the same conditions.

Chairman Cosentino stated previously.

Jan Johannessen stated I think that's the safer that is to go back to what was originally approved.

Mr. Gregory stated I think the only difference...

Jan Johannessen stated these are probably responding to some conditions...

Mr. Gregory stated yes they are.

Jan Johannessen stated I think you know, go back to the original resolution, with the original plans and take it from there.

Mr. Gregory stated I made changes to the plans to satisfy the conditions and I submitted those to be considered.

Chairman Cosentino stated okay, Jan, I guess it's a draft resolution on this, do I read this right?

Jan Johannessen stated its draft until you...

Chairman Cosentino stated pardon?

Jan Johannessen stated its draft until you vote on it.

Chairman Cosentino stated I don't have anything to add to this, I don't know if any other Board Member does but just state...

Vice Chairman Sturniolo stated I have one, Jan, on the change of use permit approval that we're talking about for 28 Britton Lane, et cetera, on page 3 of 6, where it goes into in the middle of that page, be it further resolved that and then there's a paragraph below that where it talks about a determination shall be made by the Building Inspector, Village Engineer, et cetera, et cetera. I would like to insert in that sentence and the Planning Board Chairman as a third entity.

Jan Johannessen stated okay.

Chairman Cosentino stated thank you.

Mr. Bonforte stated are you done? Can I...?

Vice Chairman Sturniolo stated yeah, I'm finished.

Mr. Bonforte stated on the same page, we discussed earlier that, again on page 3 of 6, be it further resolved that construction shall commence within 6 months of the date of this resolution and there was some commentary that given the change in the weather in the 6 months, would that be difficult to achieve.

Mr. Diotte stated as soon as I get approval, hopefully, I'd like to stated ASAP and get this, I'd like to get it done before winter sets in and with stuff freezing. I'd like to get rid of that crappy blacktop in the driveway, so it's more, it's less dangerous for people walking in the thing because now it is hard to maintain the ice.

Vice Chairman Sturniolo stated start tonight, in other words.

Mr. Diotte stated if I could, I would.

Vice Chairman Sturniolo stated around 11 o'clock.

Mr. Hertz stated Jan, can I just, so I'm confused because we have a bunch of new plans that don't see to jive with what we thought were conditions on the site, so what are we, how are we, if we go back to the previously approved site plan and whatever, what am I...?

Jan Johannessen stated there's probably very little difference on the site plan when you compare what Peter recently submitted to what was originally approved, the provisions that were made in response to conditions that were originally in the resolution...

Mr. Hertz stated right.

Jan Johannessen stated probably regarding landscaping and lighting and things of that nature, some outstanding comments from Anthony and I. Since we haven't reviewed those plans, my suggestion is that fall back on what you originally approved because that's what we had reviewed and what we endorsed and that you contain the same conditions as you previously had which are imbedded in this resolution and then Pete will resubmit addressing the conditions. We'll figure out what's going on with these other architectural drawings which aren't even referenced in the resolution, in any sort of way.

Mr. Hertz stated I'm concerned that those drawings that are submitted suggest a use of the building that was not anticipated in this approval.

Jan Johannessen stated I can understand that.

Mr. Bainlardi stated but the resolution that we're adopting...

Jan Johannessen stated the resolution and what you're approving is...

Mr. Hertz stated in no way endorses that.

Jan Johannessen stated in no way endorses that, they can submit whatever they want but at the end of the day they're getting approvals and permits based on a set of drawings that you are okay with.

Mr. Hertz stated okay.

Jan Johannessen stated if there ends up being a call center on the first floor, that's going to be...

Mr. Miley stated then they'd amend.

Chairman Cosentino stated pardon?

Mr. Miley stated its going to be an amendment. They'd have to come back to you.

Mr. Hertz stated very good, thank you.

Chairman Cosentino stated okay, so what we have here, as explained, a continuation...

Jan Johannessen stated are you aware, are the architectural that were submitted, are they representative of what's out there now or what is proposed?

Mr. Gregory stated to be honest with you, I thought that was the package that was submitted previously...

Jan Johannessen stated previously.

Mr. Gregory stated I'll go back and check and see, I'll cross reference it to what was recorded and we'll see what the differences are.

Chairman Cosentino state well this...

Whitney Singleton stated the submission that you have, does not show any residential units in the building, is that accurate?

Mr. Diotte stated in which on? 78, there is residential in both buildings.

Whitney Singleton stated the plans that are submitted here show nothing but offices, kitchens...

Jan Johannessen stated that's probably really only 78...

Mr. Diotte stated that's 74, well both buildings. In both 74 and 78 there's still residential people in there.

Whitney Singleton stated but your plans don't reflect that.

Jan Johannessen stated but the set of plans that were approved, do.

Whitney Singleton stated I got you.

Mr. Diotte stated I'm just trying to tell you what's there.

Chairman Cosentino stated alright, this resolution is for the plans that...

Jan Johannessen stated that we had all originally reviewed.

Chairman Coentino stated I want to make that very clear. Okay, we have a resolution here, do we have a motion?

**Vice Chairman Sturniolo stated Mr. Chairman, I'll make a motion that we approve the resolution for the Change of Use permit approval at 28 Britton Lane and 74 and 78 South Moger, as modified per discussion tonight.**

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

**Chairman Cosentino stated motion made by Vice Chair Sturniolo, seconded by Mr. Mareschi, on the question. Will the Secretary poll the Board please?**

**UPON ROLL CALL VOTE:**

<b>Vice Chairman Sturniolo</b>	-	<b>aye</b>
<b>Mr. Mareschi</b>	-	<b>aye</b>
<b>Mr. Bainlardi</b>	-	<b>aye</b>
<b>Mr. Bonforte</b>	-	<b>aye</b>
<b>Mr. Hertz</b>	-	<b>aye</b>
<b>Chairman Cosentino</b>	-	<b>aye</b>



**The motion carried by a vote of 6 to 0.**

Chairman Cosentino stated thank you.

Mr. Gregory stated I will clarify the potentially plans and I will meet with the Building Inspector to clarify the parking question that he had.

Chairman Cosentino stated absolutely.

Mr. Mareschi stated thank you.

Mr. Diotte stated that's it, I don't have to come back to you any more.

Chairman Cosentino stated you can sit in the back row if you want.

Mr. Diotte stated I thought it was just a dinner [inaudible].

Chairman Cosentino stated that's all. Take care.

Mr. Diotte stated gentlemen, thank you, have a good day.

Chairman Cosentino stated GBD Realty 556 Main Street, Marana Laundromat. Would you come up and identify yourself for the record please? Good evening gentlemen.

**4. GBD Realty, Inc. – 556 Main Street (Manara Laundromat)  
PB2016-0332, 80.57-4-6.1 (SBL)  
Amended Site Plan**

Mr. Bill O'Neill, AIA; Mr. & Mrs. Paul Maffucci, owner, were present.

Mr. O'Neill stated good evening.

Mr. Maffucci stated good evening, how are you?

Mr. O'Neill stated my name is Bill O'Neill, I'm the architect, this is Paul Maffucci, he's the owner.

Chairman Cosentino stated welcome.

Mr. Maffucci stated thank you.

Mr. O'Neill stated I have submitted new plans, we have a formal application here and I have reviewed three memos. Mr. Miley's memo doesn't seem to require any comment from us, a couple of statements of fact. I did want to respond to Mr. Rotfeld's comments and Mr. Johannessen's comments. The first of Mr. Rotfeld's comments has to do with the location of a dumpster and the location of where the dumpster was is where we have our indoor trash room, we don't use a dumpster, don't need a dumpster, the trash room is lieu of a dumpster.

Jan Johannessen stated so there's an indoor refuse area?

Mr. O'Neill stated yes and its marked on the architectural plans, it's the biggest part of that addition. Obviously we have the DEP memo, that's his second comment and the last part was about the stormwater system. The stormwater system was installed pursuant to a site plan approval that this Board gave, it seems to be functioning properly, it doesn't seem necessary to us to go and dig it up and check and clean it, but if you insist, we'll do it but we'd ask you to waive that requirement because it's functioning properly at the moment.

Chairman Cosentino stated that's up to our engineer...

Anthony Oliveri stated I mean, I don't, we're not asking you to dig it up, if there's an access hatch shown on the original plan, it shouldn't be a big deal to pull that up.

Mr. O'Neill stated okay, fine, then we're happy to do it.

Anthony Oliveri stated maintenance should be going on in that drywell, anyway.

Mr. O'Neill stated okay.

Anthony Oliveri stated the other thing was in the first comment, reestablishment of the planting areas that were on the original site plan.

Mr. O'Neill stated I'm sorry, we submitted the original site plan as a way of referencing the landscaping we would do, it was our intention to reestablish all of those planting beds to you know, follow that plan. The plan was approved, it was executed and over the years, it's you know, the plants died and they filled stuff in and we will reestablish those things. It seemed like a way for us to avoid having them hire a landscape architect when we're doing this tiny little project.

Jan Johannessen stated my point is, I think that there should be a new landscaping plan for this project, some of the site conditions around the perimeter of the building have changed. Some areas have been paved over, there's been utilities installed that you're certainly not going to remove that obviously can't be planted, so my recommendation is that you develop a new planting plan. The old planting plan is from the '80's...

Chairman Cosentino stated I get all that, that was one of my questions.

Jan Johannessen stated it's not very clear and it's a different site with different site conditions. I'm not saying that you have to hire a landscape architect, I think it's something that you can certainly do, you can mimic some of the plants, and we've given some suggestions. But I think it should be a plan in this plan set not referencing a historic document.

Mr. O'Neill stated alright, okay, I was going to ask you to waive that one too but alright, fine. Lastly, the lighting plan, the comments on the lighting plan, in terms of the poles being too high, we're not wedded to them being a certain height or to certain fixtures, you know. We went to RAB lighting and they gave us a recommendation. I think we meet all the requirements, we meet the lumen requirements in the parking lot, we do not have light bleed over into the residential lot. We can put up shields if you want but other buildings, residences are much, much higher than we are.

Jan Johannessen stated you can see those, I'm familiar with that neighborhood in the back and the lighting is an issue for those residences. You look right down onto the property line, get bleed over...

Mr. O'Neill stated but our photometrics from our design show no bleed over the property line...

Jan Johannessen stated right, they're going to look down and see, without the backside shield, they will see the light fixture. Put on a simple shield around the backside of the light, they won't see the fixture, they won't see that bulb.

Mr. O'Neill stated I don't think they're going, I beg to differ that they're not going to see the bulb, there's a horizontal lens, they're above it, they can't get glare. I mean, I'll put the shields on if you're insisting, it just doesn't seem necessary, given that they are at a higher elevation.

Mr. Hertz stated let's just change the conversation a little bit...

Mr. O'Neill stated sure.

Mr. Hertz stated I'm personally not happy with the lighting plan. I think a 20 foot pole sitting on top of a retaining wall is just way more than we would want to see...

Mr. O'Neill stated I don't have any problem changing the height as long as, I'll go back and check the photometrics, I don't think it was based on 24 feet, it was 20 feet above the pavement, so I'll go back and confirm that.

Mr. Hertz stated generally speaking, we're asking that you know, things like this, try to get dealt with 12-15 foot heights above where possible. We'd also like, this is using a 5,000 Kelvin lamp that's got a 65 CRI and we'd like to have 3,000 degree where possible with a CRI of 80 or better, it's going to be much more consistent with what is being installed throughout the rest of the Village. We won't have the issues that are being reported with nighttime sleep issues and driving glare and things like that.

Mr. O'Neill stated I don't really have, we're not married to these fixtures or to the heights. We'll substitute the lamps you like and the heights you're talking about and make sure that we can get the same photometric data.

Jan Johannessen stated the Village Code provides a recommended average foot candles, it's like 2.4 foot candles, so there is some flexibility and you're well above the 2.4. Some areas were 6, 7, 10, 11 foot

candles, so you know you're proposing 120 watt LED bulb you should probably bring that down and be at or below the average. It seems like it's being over lit.

Mr. O'Neill stated my main concern, my main instruction to the designer who did this was no light bleed over the property line, I knew that was a major because we're adjoining residential areas and you'll see from the photometric data that it doesn't. Now, I can also lower the overall illumination and still achieve that, I think it's not a problem for us, we're happy to do that.

Mr. Hertz stated and you may have to end up adding a light pole if you're dropping things down.

Mr. O'Neill stated unfortunately we might have to do that, that will add some expense for us but if we can manage to do it with 3 instead of 2 and get the poles lower and try and make this Board happy, we're pleased to do that.

Vice Chairman Sturniolo stated and have the appropriate shielding on each lamp.

Mr. O'Neill stated we will shield them because we've told we must, yes sir. We will do that.

Chairman Cosentino stated I just have one question for a clarification, I think you said, or somebody said its one space per 3 machines, for parking.

Mr. O'Neill stated I don't remember the requirement, Mr. Miley might, off the top of my head, sorry, I shouldn't say I don't remember the requirement, it is, yes.

Mr. Miley stated that's accurate.

Chairman Cosentino stated my calculation is that, I think at 57 machines...

Mr. O'Neill stated we were counting washing machines when we did that, we believe that's the way it was originally calculated because of the number of machines that were there before.

Chairman Cosentino stated because if that's you need 19 parking spaces and you're going to be 13, you only have 13. I don't know, I'm confused on it...

Mr. Miley stated that's not proposed, the original approval Chairman...

Chairman Cosentino stated yeah.

Mr. Miley stated was 34 machines, the actual new proposed is 1 less.

Chairman Cosentino stated so you only count washing machines, not dryers.

Mr. Miley stated based on prior approvals that we did research on was just based on machines and based on the Code with respect to the charge by the Village and it is per washing machine. We couldn't come up with anything that suggests that it included washing machines and dryers in the calculation.

Chairman Cosentino stated now if a new facility opened up with a washer and dryer, would you as a Building Inspector count both the washer and dryer.

Mr. Miley stated no, I would be consistent unless the Board requested an interpretation from the Board, the Zoning Board.

Chairman Cosentino stated very good, I'm happy, not a problem.

Mr. Maffucci stated if you're happy, I'm happy.

Chairman Cosentino stated good, okay.

Mr. O'Neill stated let's see, was there anything else? In terms of hours of operation, it may vary from time to time, what we'd like to be able to do is put down that the light in the, the parking lot lights would stay as long as the laundromat is in operation, when it closes, then the lights will go off, is that sufficient?

Jan Johannessen stated what are the hours of operation?

Mr. O'Neill stated right now?

Mrs. Maffucci stated they vary.

Mr. Maffucci stated they vary, its 5:30 in the morning and it could be anywhere from, depends on last wash, so it could be 12 o'clock, 11-12 o'clock, I mean average. But it could change because if we renovate, which we will, it could change with and go late to make up the difference of one side being shut.

Mr. O'Neill stated we expect during the renovation, to do this in phases so we'll have part of the store open and part of it closed. And at that time we expect that we may end up having to have longer hours at that time.

Jan Johannessen stated I think that's acceptable hours of operation.

Mr. O'Neill stated typically they're closed by midnight but...

Jan Johannessen stated I mean obviously not during the day time but from dusk to close of business.

Chairman Cosentino stated quit work, stop work and then they do their wash at night, that's the business, nature of the beast.

Mr. O'Neill stated their business needs to be open at night, I mean its active during the daytime but it does need to be open at night.

Chairman Cosentino stated yeah, it's the nature of the beast.

Whitney Singleton stated is this the site plan of record?

Mr. O'Neill stated yes, I believe it is.

Whitney Singleton stated because it currently has limitations on the hours of operation. I'm not saying that they can't be changed but based on...

Mr. O'Neill stated what is that limit?

Anthony Oliveri stated 6:30 to 11.

Whitney Singleton stated 6:30 to 11, so you're currently in violation of that but then again, it says its retail so at some point in time...

Jan Johannessen stated that wasn't for a laundromat...

Whitney Singleton stated at some point in time you switched over, is there not any authorization to switch over to a washer...

Mr. O'Neill stated there was but I don't believe there was a new site plan required because I believe it's still considered retail, I'm not sure what the actual designation is. I don't believe there was a change in site plan at the time that they changed it to laundromat, I don't know.

Chairman Cosentino stated alright, we'll have to talk to that Building Department on that.

Vice Chairman Sturniolo stated Chairman, I have a quick question.

Chairman Cosentino stated yes, yes.

Whitney Singleton stated I'm just a little confused, are you proposing to restore all the planting beds that have been paved over?

Mr. O'Neill stated we were but now we're not because we have just agreed this evening that we will provide a new landscape plan and so we'll take good...

Whitney Singleton stated that's not my question.

Jan Johannessen stated I think the expectation of the Board was that you provide a new landscape plan and restore the areas to what had been.

Mr. O'Neill stated well...

Whitney Singleton stated you've taken the planting beds and put concrete on them, are you planning on taking that up and putting planting beds back down?

Mr. O'Neill stated yes.

Mrs. Maffucci stated maybe not in that location, the reason the planting beds went away is because it's hard to keep the plants alive. So we'll work with a landscape architect to establish proper plantings for the areas.

Jan Johannessen stated I just want to be clear because I think this is going to end up in my lap...

Chairman Cosentino stated you're right.

Jan Johannessen stated my understanding is, the Board's expectation, with the exception of whether its utilities mounted are on the side of the building, you literally can't plant. All the other areas are going to be restored to landscaping, around the two sides of the building.

Mr. O'Neill stated yes, that's our intention.

Jan Johannessen stated okay.

Mr. O'Neill stated there was a request for elevations, I did provide some views here, I know I need to go to ARB and I will give them architectural elevations, I didn't think that this Board, once they had the views needed architectural elevations. If you need them, I can submit them to you, I didn't have them finished at the time I made this presentation, I will have them for ARB in September, I'll take those and add them to the submission.

Chairman Cosentino stated check with the Building Department.

Mr. O'Neill stated it just didn't seem like it was necessary as part of the site plan application, once we've shown you what the outside looks like, to provide the elevations but I can do it, I have the architectural floor plans...

Jan Johannessen stated if you have them already, I think it would be beneficial.

Mr. Hertz stated one of the questions that we've typically asked of business that operate at night and that have lighting that's going to be visible from the area is how you're interior lighting is going to look. So if you're renovating the thing, putting in nice bright lighting, we sort of want to know what the big plate glass windows that are going to be seen from long distance, we want to understand...

Mr. O'Neill stated that was the next comment in the Planner's notes and we do have a little bit a problem, its lit well now, it needs to be lit in the future, the windows are existing, we weren't planning on changing those windows the lighting level is not going to be substantially higher but more important, its even important for the people inside to be seen from the street so drastically shielding those windows, we think of it as a safety issue for people in the building at night...

Jan Johannessen stated the Main Street façade is a wall, the windows are almost above the level...

Mr. O'Neill stated that's not true, half of it has some [inaudible] story windows that we're taking out but the rest of it. The windows come down to table height and that's what's there now and they turn, they are in that southeast corner.

Mr. Bonforte stated I follow you, Jan. Is that on the plans? Will you just point to...?

Mr. O'Neill stated yeah, I mean if you look on the views you can certainly see it, the demolition plan indicates that some windows are removed and new windows, some of the windows are blocked off, some of the windows...

Mr. Bonforte stated just to reiterate, I'm of the impression of driving by that you do not have a line of sight as the Village Planner is pointing out, into the building to provide that extra level of the security.

Mr. O'Neill stated but that's incorrect, you do actually see into the building, I mean, you may not see into the back...

Jan Johannessen stated but even though you're not replacing those windows, you can put a slight tint on them to shield some of that light.

Mr. O'Neill stated it is currently a problem? Because we're not really, I don't think we're changing the level of illumination in there.

Jan Johannessen stated I don't know anything about what the existing illumination is or what you're proposing, I didn't get that level of detail. I saw a floor plan that all of the lights were going to be renovated so I think it's worth the discussion. If it's going to be open until 2-3 o'clock in the morning, [inaudible] Main Street.

Mr. Hertz stated we're not saying it has to happen, it's something that needs to be considered when you look at your lighting, for your interior lighting. If you're going to be changing, you're, we don't have data, all we've seen is a reflected ceiling plan that indicates a lot of lights, so we want to make sure that people aren't driving by a bright showroom that's going to, you know...

Jan Johannessen stated probably a happy medium where you can have the safety of looking it but not have the glare of...

Mr. Hertz stated if someone is walking around on the sidewalk, it doesn't take much light to be able to show people well inside. It's just a question of how much is necessary for safety and how much is intrusive.

Mr. O'Neill stated let me do some research and get you some numbers, get you some data that you can use, we'll try to prepare...

Chairman Cosentino stated that's what I was going to say, get some research and come back here.

Mr. O'Neill stated I will and I will measure the amount of light that's there now, I'll tell you what we're going to have in the future, I'll do some research onto what seems safe from the roadway, I'll get you the standards then I'll present them to you...

Chairman Cosentino stated when you're ready let Michelle know and bring it back in here.

Mr. O'Neill stated we'll make it part of our submission for your next meeting, we'll do it very quickly and get back in here.

Chairman Cosentino stated excellent.

Vice Chairman Sturniolo stated two last questions.

Mr. O'Neill stated yes.

Vice Chairman Sturniolo stated does this facility have wifi capability...

Mr. Maffucci stated it does.

Vice Chairman Sturniolo stated it does now, wifi. Are you planning on hanging any large television sets in side the building, you know like at a sports bar thing?

Mr. Maffucci stated not that I planned, no.

Vice Chairman Sturniolo stated do you have televisions now in here?

Mr. Maffucci stated no.

Vice Chairman Sturniolo stated okay but wifi, yes.

Mr. Maffucci stated wifi yes, that's everywhere but we do provide it.

Mr. Bonforte stated the wifi is available to customers?

Mr. Maffucci stated yeah.

Chairman Cosentino stated okay, thank you.

Mr. O'Neill stated and the other comments they had, there were a couple more and we're happy to comply with them.

Chairman Cosentino stated thank you very much.

Mr. Maffucci stated thank you.

Chairman Cosentino stated 461 Lexington Avenue...

Mr. O'Neill stated I'm sorry, is there any chance that we are looking at a draft resolution at the next meeting?

Chairman Cosentino stated I don't know, it's hard for me to say right now.

Mr. O'Neill stated wouldn't you have to ask for that right now, so the answer would be...

Chairman Cosentino stated I don't know if you're going to be ready. I can't predict what's going to happen by the next meeting, you have some homework to do. Jan will look it over, lighting and landscaping and probably not...

Whitney Singleton stated Michelle, if they were to be on the next agenda, when would their landscaping plan need to be in by.

The Secretary stated August 23<sup>rd</sup>.

Mr. O'Neill stated not an unreasonable task, it's fully within our capability of doing so...

Chairman Cosentino stated I want to get it off our plate but I don't know if you're going to be ready.

Mr. O'Neill stated I guess my question was and I just don't know your procedure well enough. If you don't ask for that draft resolution now, it won't happen, isn't that correct?

Mr. Hertz stated that is correct.

Chairman Cosentino stated exactly.

Mr. O'Neill stated so answer is not maybe but no, I'm just trying to be clear.

Chairman Cosentino stated it's not going to happen.

Mr. O'Neill stated thank you, that's what I wanted to know.

Chairman Cosentino stated thank you. Okay, 461 Lexington Avenue, LLC. Come up and identify yourself for the record please.

**5. 461 Lexington Avenue, LLC  
PB2016-0329, 80.64-2-15 (SBL)  
Site Plan**

Mr. Scott Blakely of Insite Engineering; Ms. Tina Fischer, property owner; Mr. Armand Dibiase of Dibiase Filkoff Architects were present.

Mr. Blakely stated Scott Blakely with Insite Engineering.

Mr. Dibiase stated Armand Dibiase, Dibiase Filkoff architects.

Ms. Fischer stated Tina Fischer, the owner.

Chairman Cosentino stated how are you.

Mr. Blakely stated we have been before your Board for a conceptual review, we made a full formal application and we recently met with staff to review a potential revision that the owner has been talking to us about...

Ms. Fischer stated instigated.

Mr. Blakely stated instigated, and we developed this alternative plan and this was based on discussions with staff. Staff also asked us to provide some type of colored overlay to give the Board a better idea of what's transpired so what we've done is we have provided...

Vice Chairman Sturniolo stated thank you Scott.

Mr. Blakely stated just have to open those up, we've provided an overlay that basically shows the existing building in the dash blue lines along with the, what was the gravel access drive. The original proposal is shown in red and the current proposal by shifting the building to the south is shown in black. Based on discussions with, further discussions with the Board, we also reviewed the parking requirements, we had previously proposed 23 spaces based on our parking analysis. In discussions with the Board, there's a provision in your Code that basically states that if a building is under 5,000 square feet you have to add 5 additional parking spaces on top of the requirements but if we add up the office space which is 3,900, we add up the storage which is 1,500 on the lower level, we're in excess of 5,000 square feet, so that additional 5 spaces is not required. We're required to provide the number of spaces for the office and for the storage, so that reduces our parking count from 23 down to 18, we're still proposing to construct 15 but we're showing only 3 in reserve where we had 8 in reserve previously. So with all that being said, what we're looking to do is basically to take the building and shift it to this location and the main reason for that is the trees located on the north side there's a 36 inch, I believe it's a 36 inch Catalpa that the owner really wants to save, she wanted to save it previously based on some configurations and studies that were done, we really didn't have the ability to do that. There was an original proposal to put the parking in front and the building in back, we met with staff and staff said there's no way you're going to buy that. So the building came to the front, parking in back which I think is really the right way to go but we've been able to shift that building to the south, what that requires, there's two things that that requires, that requires us to push our access drive further to the south, what we would do is we would maintain the existing curb cut on Lexington Avenue and then bring the driveway straight back. The current plan shows a portion of that access drive which is this area right here is proposed to be located on Village property. As you can see the previous access drive which is shown in that dashed blue line was located on the Village's property and also if you've been to the site, well you know the buildings are down now but if you were out to the site before the buildings came down, you could see that the previous owner had utilized this area for part of his operation. So, what...

Mr. Hertz stated this section is Village property? It shows it up here but not...

Mr. Blakely stated this, I'll highlight mine...

Mr. Hertz stated I mean I understand, it's just that...

Mr. Blakely stated that blue line is the Village, this is one of the parcels that juts back into the Village, and it's pretty consistent if you look on our location which was on our previous submissions but this one just happens to come back, so it's this area in here...

Mr. Hertz stated oh, that's a wetland buffer line that I'm, sorry I was just mistaking it...

Mr. Blakely stated and then again Mardino's is to the south, they have a lease agreement with the Village for part of that parking area which is this back here.

Mr. Bonforte stated okay.

Mr. Blakely stated alright so the previous owners utilized this back building was a, it looked like it was an automotive repair garage and this was the residential structure in the back, so this area has all be disturbed. So what this requires is Village Board approval for access, an access easement, I think in this case would be a cross easement in favor of the Village over our property and in favor of us over the Village's property. And this would provide an access point for the Village for that strip of preservation district land that you don't currently have along Lexington Avenue. So it would allow us to save two large trees on our property and then bring this through an area where there's currently no vegetation, it's been previously disturbed.

Vice Chairman Sturniolo stated Scott, who did the demolition?

Ms. Fischer stated we did.

Vice Chairman Sturniolo stated you did, with your contractor?

Mr. Blakely stated yes.

Chairman Cosentino stated nice job.



Ms. Fischer stated of the demolition.

Chairman Cosentino stated oh yeah.

Ms. Fischer stated great.

Chairman Cosentino stated he did a nice job.

Mr. Blakely stated he left the site in good condition.

Chairman Cosentino stated yes, he did.

Mr. Bonforte stated will you have to trim the two trees to build a new structure?

Ms. Fischer stated I don't think so, the Catalpa, I don't think so.

Mr. Bonforte stated okay, good.

Mr. Blakely stated and what we've, and after further discussion and basically the other relief that we need is a side yard setback, because we're adjacent to the a residential zone, the PD zone even though its preservation district and you can't build a residential structure on it, it is a residential zone based on the Code requirement. So our side yard goes from what was I think we were somewhere at, I forget where our building was before but anyways we're looking to go into that 30 foot side yard, we're providing an 8 foot setback versus a 30 [foot]. And based on discussions with the architects and the amount of glass that we have on this side of the building, we may have to shift that structure open 2 feet for open area...

Mr. Dibiase stated unprotected open area is a percentage of the wall...

Mr. Blakely stated so we're probably going to look to just shift that building so we have 10 foot setback from the property line which would move it 2 feet to the north. So what we're asking your Board is to get some feedback tonight and if there is a way we could get a positive recommendation or at least positive reaction back to the Zoning Board and the Town Board, then we can proceed with the variance and the easements that we need.

Chairman Cosentino stated I went over this with Planning, I myself, as a member don't have a problem with this.

Ms. Fischer stated what's going on over here?

Jan Johannessen stated nothing.

Ms. Fischer stated oh good, do you have some questions?

Jan Johannessen stated I don't. I think the plan is preferable over what was previously proposed.

Ms. Fischer stated it's a much better location for the building with the two adjacent properties. We were going to hug, it was going to be ugly, too close to La Tulipe.

Chairman Cosentino stated big improvement.

Mr. Mareschi stated nice job.

Ms. Fischer stated yeah.

chairman Cosentino stated I don't have any questions either.

Ms. Fischer stated what about the setback for this little tiny piece here, no problem.

Chairman Cosentino stated no problems with any of it.

Mr. Blakely stated staff seemed to indicate...

Mr. Miley stated that will need ZBA approval.

Mr. Hertz stated that seems to be more of a function of the oddity of the...

Mr. Blakely stated of the Code.

Mr. Hertz stated plus the shape of this odd shaped property but I think in general you've improved the layout tremendously by doing this. Scott, just let me clarify, these are going to be land banked spaces over here in the shaded...

Ms. Fischer stated yes.

Mr. Blakely stated yeah.

Mr. Hertz stated on your alternative plan, I think that's what it is called, right? Alt-1?

Mr. Blakely stated these three spaces here would be land banked.

Mr. hertz stated okay and there are currently some trees there but they would not have to be removed because they're land banked unless they're going to be used.

Mr. Blakely stated and our ability to pull that parking over, you know pull over the proposed parking versus the land banked parking, that gives us an additional 10 feet to stay out of the root systems of those trees. We're going to look to save all of those along the property line.

Mr. Hertz stated in terms of screening, I mean I haven't taken a look at this Catalpa in terms, you're going to have some of your parking in the rear that sort of the building doesn't shield now, if you will, this, the three, the last section...

Mr. Blakely stated I mean there's 3 parking, there's basically 6 parking spaces...

Mr. Hertz stated right.

Mr. Blakely stated these 3 here and here.

Mr. Hertz stated I guess my question is, I'm looking at, it looks like you have landscaping plan for or some screening plan for the edge of that...

Ms. Fischer stated for La Tulipe?

Mr. Blakely stated no, here just to soften...

Mr. Hertz stated from the street scape.

Mr. Blakely stated and again we're 80 feet back...

Mr. Hertz stated I'm not worried about La Tulipe.

Mr. Blakely stated no, I mean we're 80 feet back from Lexington Avenue and you know the building next door is here, you know so there's not a lot of views...

Mr. Hertz stated so it's a narrow view in...

Mr. Blakely stated I think the only way you would be able to see this is if you were stopped at the traffic light and were kind of just moving your head around and looking.

Mr. Hertz stated Scott, I think this is...

Chairman Cosentino stated this is a big improvement...

Mr. Hertz stated a big improvement.

Chairman Cosentino stated it gives an incentive for everybody else to do something down there because this really going to be pretty.

Mr. Hertz stated you know and I think the, I mean it will feel more centered on the property...

Ms. Fischer stated it is.

Mr. Hertz stated even though, at least from the street scape if not in actuality.

Vice Chairman Sturniolo stated Scott, what about snow storage?

Mr. Blakely stated we have plenty of room to push it off the back in here, we do have some wetland mitigation plantings along here but we have a roughly an 8-10 foot shelf behind that, it's just going to be...

Vice Chairman Sturniolo stated is that going to be shown on the plans?

Mr. Blakely stated we can indicate snow storage on the plans.

Vice Chairman Sturniolo stated okay.

Chairman Cosentino stated anybody else have anything that, Mike? He has a question...

Mr. Bonforte stated well when you're done.

Mr. Blakely stated we're done.

Mr. Bonforte stated just as a follow up, last time there was a conversation point about the fence on the south side with Mardino's, there was a little bit of a 1 foot something going on there.

Mr. Blakely stated part this fence, part of the fence right here that's on Mardino's piece, this is on our piece and then this is on Village property. So the applicant is going to look to approach Mardino, part of our easement with Village will be replacement of that portion of the fence here. So what she's looking to do is just cleanup the view of this.

Mr. Bonforte stated okay.

Mr. Blakely stated Tina is going to contact Mardino's and see if they can come to an agreement.

Mr. Bonforte stated so there's nothing for us to be doing there.

Ms. Fischer stated actually, Whitney, when we have to ask for this whole fence, is that you guys or the Village Board?

Whitney Singleton stated it depends on which property it's on.

Ms. Fischer stated so its actually both, isn't it.

Whitney Singleton stated I think we had some discussion as Scott said to me and I've actually had some preliminary discussions with the Village Board about this as well. So this application is going to require for one small component of it to go to the ZBA and for a larger component to go to the Village Board. And so the question essentially is this, in order to preserve some existing trees, in order to have a better layout of the property, is the Village willing to work with the applicant to have a share driveway, so the Village can access its walking trails along the watercourse and is the applicant willing to improve certain things on or off-site for themselves and I think what Scott is essentially asking you is are you going to give your papal blessing for them to go to these other boards before they come back to you again.

Mr. Bonforte stated and how do we give that blessing?

Whitney Singleton stated just feedback. If you express your views, I will make them known to the Zoning Board and the Village Board.

Mr. Hertz stated so Mr. Chairman, I'd like to make a recommendation that we as a Board recommend alternative 1. That the applicant has shown as an excellent move forward for this property and that we recommend that the Village Board give its blessing and hopefully Zoning Board as well.

Chairman Cosentino stated I'll second that, I don't usually second anything but I'll second that.

Mr. Bonforte stated and I'll also support the...

Mr. Hertz stated I mean I don't think we need it in the form of a resolution but you know, I think that's...

Vice Chairman Sturniolo stated a verbal sign of support.

Mr. Hertz stated so you have one here, you have two, three...

Chairman Cosentino stated we have the Board.

Mr. Mareschi stated the whole Board.

Mr. Hertz stated you've got the Board.

Mr. Bonforte stated Whitney, if you could please provide that...

Whitney Singleton stated I will, the only, I'm not telling you what to do with the applicant as far as how far along they are or not with you but their stormwater, their design, they're layout any everything else. The only thing that's going to create an issue going forward is the same topic that came up with EK Cosntruction, they're going to have to go before other boards that are not going to want to be lead agency, they will simply concede lead agency status. The question is they're not going to be able to act on a side yard variance for a commercially zoned property and they're not going to be able to act with regard to necessarily granting an easement until your Board becomes lead agency.

Jan Johannessen stated if they act independently...

Whitney Singleton stated yes, they could do that, if you want to do that, that's always another option.

Mr. Bonforte stated what was that Jan?

Jan Johannessen stated its an unlisted action under SEQRA, that means that you have the option of doing a coordinated review, where there would be a lead agency responsible for the SEQRA process, or alternatively each Board can handle their SEQRA on their own. So the applicant can submit a Short Environmental Assessment Form to the ZBA and also to the Village Board and those Boards act, granting the easement or the variance, they would also be granting a SEQRA determination, so its kind of...

Whitney Singleton stated so your Board wouldn't have to make a SEQRA determination prior to them acting.

Mr. Bonforte stated so but okay, but given the disposition of the Board that we just expressed, how do we expedite that so they don't have to come back again to this Board, at least for that...

Chairman Cosentino stated yes, they have to come back here.

Mr. Bonforte stated at least for that step, is there a way to expedite that step?

Whitney Singleton stated I think what we would do, now that there are other boards acting, I don't know whether the EAF that was submitted, if it shows other Boards or not...

Jan Johannessen stated it maybe to the applicant's advantage to do a coordinated review because you also have the DEP involved...

Whitney Singleton stated yeah.

Jan Johannessen stated correct? The DEP is involved in this one?

Mr. Blakely stated that's correct.

Jan Johannessen stated they're sometimes hesitant forward to the finish line until the Planning Board has granted a SEQRA Determination...

Whitney Singleton stated Mike, to go back to your question, just like mapping things out...

Mr. Bonforte stated right.

Whitney Singleton stated the applicant cannot get on the next Zoning Board meeting because its next week, so the earliest they can get on the Zoning Board meeting, correct?

The Secretary stated yes, September 20<sup>th</sup>, all submissions are due on August 30<sup>th</sup>.

Whitney Singleton stated so they could get on September 20<sup>th</sup>, your Board is going to meet once before that date.

The secretary stated yes, September 13<sup>th</sup> is the next Planning Board meeting.

Whitney Singleton stated that's close and then I don't know when they'd be before the Village Board but let's say were before the Village Board prior to that, the Village Board isn't going to act without seeing a draft agreement anyway. So we're going to have to draft cross easement agreements and some other things, so I'm not worried about that and they meet twice a month, unlike the Zoning Board who only meets once. So as Jan just whispered in my ear, if you declare your Notice of Intent to be Lead Agency tonight, by the time they come back in September, to declare, you could make a determination. You could declare yourself to be lead agency and you could make a determination of significance and then the Zoning Board could act and the Village Board could act and it would be coordinated.

Mr. Bainlardi stated worst case scenario, you could still go to those other Boards, we'll just have reserve action but they can do their review. You can be doing this simultaneously and you know, from where I sit, my experience in this, you should be having your own counsel but I think you're better off with the coordinated review for the reasons that he's stating plus you don't have to worry about other Board's feeling that they don't have enough information to make their own environmental determination and looking back to this Board for direction anyway.

Mr. Blakely stated and we always take the chance that maybe the Zoning Board doesn't want to make a SEQRA determination.

Jan Johannessen stated they don't do it often, so...

Whitney Singleton stated it's not something that's routine.

Mr. Blakely stated so just to talk about schedule, the next Planning Board meeting is the 13<sup>th</sup>...

The Secretary stated September 13<sup>th</sup>.

Mr. Bonforte stated to submit by August 30<sup>th</sup>.

Mr. Blakely stated so we would need to get the lead agency letters out by...

The Secretary stated they have to go out by the 12<sup>th</sup>, so Friday to make that 30 days.

Mr. Blakely stated and I think we'll have to make some slight modifications to the SEQRA form because now we'll include Town Board and Zoning Board approval on there. There may be some other tweaks based on our revised layout but we can...

Jan Johannessen stated you have a zoning table in here.

Mr. Blakely stated yes, we do.

Jan Johannessen stated I would imagine that the circulation of this plan will be sufficient with an EAF.

Mr. Blakely stated okay so...

The Secretary stated do we need an architectural?

Mr. Blakely stated we have architecturals.

Jan Johannessen stated ARB will be an involved agenda.

Mr. Blakely stated as far as archtiectuals, it would just be the floor plan elevation, okay. I think we can pull that together and that doesn't slow us down.

Mr. Bonforte stated so ergo you would just coordinate with Michelle, if I'm following correctly.

Mr. Hertz stated and we're going to have to declare...

Whitney Singleton stated you're going to have to coordinate with me and the Village Manager, as far as getting on the Village Board agenda, and what you're going to submit.

Mr. Blakely stated and then...

Whitney Singleton stated and we've discussed what your submission would look like already and you're kind of halfway there.

Mr. Blakely stated okay.

Whitney Singleton stated you're also going to show what trees are being saved.

Mr. Blakely stated and those are actually shown on Alt-1.

Chairman Cosentino stated excellent.

Mr. Hertz stated yeah so, would you, it sounds like we what we want to do is make a motion to be lead agency.

Jan Johannessen stated declaration of intent to be lead agency.

Chairman Cosentino stated somebody want to make that motion.

**Mr. Bainlardi stated I make a motion that the Board declares, make a declaration of its intent to be lead agency for Polaner Selections application, 461 Lexington Avenue.**

**Mr. Mareschi stated I'll second that chairman.**

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

**UPON ROLL CALL VOTE:**

**Mr. Bainlardi**

**Mr. Mareschi**

**Mr. Bonforte**

**Mr. Hertz**

**Vice Chairman Sturniolo**

**Chairman Cosentino**

**The motion carried by a vote of 6 to 0.**

Ms. Fischer stated thank you.

Mr. Blakely stated thank you.

Chairman Cosentino stated good night. The last thing is the New York Metropolitan transportation council and that was it, is there anything else we want to come before this board? **If not, we have a motion to adjourn.**

**Mr. Hertz stated motion made.**

**Chairman Cosentino stated asked for all in favor. The motion carried by a vote of 6 to 0.**

The meeting adjourned 9:10 p.m.