

Minutes of Meeting of the Planning Board
Village/Town of Mount Kisco
Wednesday, February 9, 2016

Chairman Cosentino called the meeting to order at 7:35 pm in the Municipal Building.

Members Present: Chairman Joseph Cosentino
Anthony Sturniolo
Ralph Vigliotti
Enrico Mareschi
Doug Hertz
John Bainlardi

Members Absent: Michael Bonforte

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

Chairman Cosentino led the pledge of allegiance.

Chairman Cosentino stated this is Tuesday, February 9th and this is our Planning Board meeting and the first thing on the agenda will be the minutes. Michelle, do we have quorum?

The Secretary stated you have a quorum for April 14th.

Chairman Cosentino stated somebody want to make a motion on the minutes of April 14th, that's all we have a quorum for, we've read them. Do we have a motion? **I'll make the motion that we approve the minutes for April 14th. Do we have a second?**

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

Chairman Cosentino stated on the question. Will the Secretary poll the Board please.

UPON ROLL CALL VOTE:

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

The motion carried by a vote of 5 to 0.

Chairman Cosentino stated next on the agenda is a public hearing...

Whitney Singleton stated Chairman, why was there not a quorum for the 24th of November, I believe there was.

The Secretary stated Mr. Bonforte isn't here.

- 1. Michael & Justine Rutherford – 87 Beverly Road
PB2015-0318, 80.23-3-40
Steep Slopes Permit**

Mr. & Mrs. Rutherford were present.

Chairman Cosentino stated Michael and Justine Rutherford, with a public hearing and a resolution on that. There was nobody here to sign for the public hearing. We can close the public hearing and vote on the resolution. Counsel, we can close this public hearing and vote of the resolution, then?

Whitney Singleton stated if that's your pleasure.

Mr. Hertz stated Mr. Chairman, should we just, because maybe not everyone is familiar with, if there's anyone who wants to speak regarding either of the three public hearings, there are sign up sheets in the front.

Chairman Cosentino stated is there anybody here who wants to speak on behalf of this application at this time? Okay, then we'll continue to, somebody want to make a motion on this?

Mr. Bainlardi stated I make a motion to close the public hearing on the matter of Michael and Justine Rutherford, 87 Beverly Road for a steep slopes permit, PB2015-0318, tax lot 80.23-3-40.

Mr. Mareschi seconded the motion.

Chairman Cosentino stated motion put forward by Mr. Bainlardi, seconded by Mr. Mareschi, on the question. Will the Secretary poll the Board, please?

UPON ROLL CALL VOTE:

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

The motion carried by a vote of 6 to 0.

Chairman Cosentino stated the next item is...

Mr. Hertz stated we closed the public hearing, are we going to vote on the resolution? Michelle, has there been any written comment received by...

The Secretary stated no, sir.

Audience Member stated are we on number one still?

The Secretary stated yes.

Mr. Hertz stated Mr. Chairman, being that there has been no written comment and there was no oral comment at the public hearing, I would move that we approve the steep slopes permit that John just referenced, PB2015-0318.

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

Mr. Mareschi second the motion.

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

UPON ROLL CALL VOTE:

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

The motion carried by a vote of 6 to 0.

Chairman Cosentino stated thank you. Next is Mavis Tire.

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

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

Mr. Pirro stated yes, Mr. Chair.

Chairman Cosentino stated welcome Mr. Pirro.

Mr. Pirro stated Mr. Chairman, members of the Board, consultants. My name is Albert Pirro and I represent Mavis Supply Corp. Matt Sheffield, who is our senior engineer from DCAK, which is our engineering and architectural firm. Mr. Chairman, as you're aware the public hearing is closed and there was one open item that we had and that was a letter that was requested to be delivered from the DEP that they had no jurisdiction in view of the minimum impact and based upon their reviewing our drawings, and on January twelve, 2015, I delivered a copy of that no jurisdiction letter to the Board. I don't know if you received it or not.

The Secretary stated the letter was forwarded the Board in their packets.

Mr. Pirro stated okay, great. So, with that, that concludes our entire presentation. I would like to just, if I may, make one observation and then talk about the draft resolution, with your permission.

Chairman Cosentino stated sure.

Mr. Pirro stated number one, I'd like to thank the Board for the amount of time they've put into this, it's been a long process and again thank you for letting Mavis correct its errors with the Village, and now we'll have to go down and pay our dues to the Village Judge and so forth, that will be what we're doing next. But I just wanted to thank the Chairman and members of the Board, I particularly want to thank the Planning Consultants who helped guide me through the process. They put a lot of time in and so I wanted to say thank you. I do want to address however the draft resolution of approval. I went over this with Jan, a few times and I just wanted to point out that we only had two comments and I would respectfully request that you take into consideration. One page 7 of 8, condition 26 and 27, I'd like to address first. On our plans we did indicate, Matt indicated, that the trailer would be white or neutral in color, I checked personally with the tire supply company that is Mavis' subcontractor and I told them I said "look, this is a big deal, the color of this trailer" they indicated to me in an e-mail that they will do everything they can to make sure the trailer is neutral or white or whatever it needs to be. However, one of my concerns and I also worry about this condition, I don't want to be in violation, so I always worry that if God forbid, something happens and they happen to have a trailer in the area, there's a snow storm or something and they have to once or whatever it is, put it in, I know the big problem was this orange one that they had. I would respectfully request that in the beginning of 27, we change the language to say that the applicant shall make all reasonable efforts to have the storage trailer, which is replaced twice weekly, be neutral in color, white or beige. And I would make a representation to the Board that I have personally contacted the supply company and indicated and got an e-mail back from them that they will comply with the Board's wishes on this. I just would ask for a little wiggle room, I don't want to be violation if something happens but I think we understand each other's intent on this issue. So that's one observation and respectfully, we request that change. The second request has to do with condition 27 on page 7 of 8. We're not there many times when the company that's delivering the trailer, drops the trailer into the location which we've dug out, put in there and they drive away. So it's kind of hard, we can certainly, I've made the company aware of this, whoever delivers these trailers, we don't want this beyond the front façade of the building and they indicated to me that they would make sure that they put this as special notes on the Mount Kisco site, you know there's a lot of sites that Mavis has, but that this will be a notation that will be on their records. So once again, I would respectfully request if we could, add the same type of language on 27 the beginning that the applicant shall make all reasonable efforts to ensure that the trailer doesn't not extend beyond the front façade of the building. The only other observation that I have which is not a request but I'm concerned about it because I don't want any misunderstanding. Condition 33 had to do with signage, we have signs that are prior legal, nonconforming on the site that are the Mavis logo. And as you know, logo's and trademarks are fairly well respected and preserved, having been through that a number of times with Exxon and Mobil, particularly but I just want to make sure that I advise the Board, there are no signs on the plans but if an issue arises regarding the plans in the future, I guess we go to the Architectural Review Board on it, at least that's my understanding, what I was advised. But for the time being, we're not changing the signs and I want to make sure the Board understands that because it just has, you know Mavis Tire logo on them. I know there was a discussion about a preference in the Town that they have some different signs now.

Jan Johannessen stated but the monument sign is shown on the site plan.

Mr. Pirro stated that won't change.

Jan Johannessen stated and then there was signage, I believe that's shown on your architectural drawings that have already gone to ARB and was approved.

Mr. Pirro stated I just want to make sure that I advise the Chairman because I know that issue was brought up and I just want to...

Chairman Cosentino stated does the ARB have something to do with this, the sign package, they have...

Jan Johannessen stated its my understanding that they already approved it.

Mr. Pirro stated I just wanted to let you know, one of the Board members made that comment or the old Village Building Inspector made that comment, but I just wanted to let you know Mr. Chairman, where we stand with that. So with that, I want to thank the Board and ask respectfully if you would consider those changes to 26 and 27.

Mr. Vigliotti stated I just have a question for Whitney. Whitney, on 26 and 27, in our resolution, do we use the words reasonable effort, do we have a leg to stand by when that reasonable effort becomes unreasonable because there's no effort, I mean how do...

Whitney Singleton stated you can use commercially reasonable, that's a little bit more enforceable. I think there's another way to look at this, notwithstanding Al's approach towards it. I don't think that the Code Enforcement Officer or Building Inspector are going to go out there with a measuring stick, if it's 3 1/2 inches outside the plane of the building...

Mr. Vigliotti stated but if 2-4 feet on a regular basis.

Chairman Cosentino stated well, then he's got a problem.

Mr. Pirro stated I understand that, respect the Village Attorney's position on this, we have a good professional relationship. Let me explain my plight, when the owner of Mavis calls me personally and says this is my concern, these two issues and everything else you guys have done, costs us a lot of money but its okay, I really would again, notwithstanding Whitney's comment, can you give us the benefit of the doubt on this one and I'm sure that if you put in commercially reasonable, and I have a problem and I know Whitney is going to come down on me, I just respectfully request...

Chairman Cosentino stated I don't have a problem, our Building Inspector, I understand he drives the roads...

Mr. Pirro stated he's at the site every day.

Chairman Cosentino stated 35 miles a day, I don't have a problem, I don't know if the rest of the Board members have a problem.

Jan Johannessen stated can you just identify the size of the loading area, the depth of that stall?

Mr. Pirro stated by the way, that's another thing that I called him about, start, if you can, producing smaller trailers and that will help me not have this problem with the Board, you know. As an engineer, you're not supposed to need a scale.

Mr. Sheffield stated yeah, yeah. Its I think, 55 or so feet, 55-60 feet where...

Chairman Cosentino stated well that's big enough, the trailer is 53 feet.

Mr. Pirro stated so I don't think we're going to have a problem.

Mr. Sheffield stated granted there needs to be a little room in the back, obviously for the doors to swing open and for them to get back there and load the tires. But I think we pushed that back as far as we can with the limits of the slope the height of retaining wall, that it's deep enough to get a trailer in that area and maneuver behind there.

Mr. Pirro stated one of the things we were concerned about was this façade issue as well, so that's why we made it a little deeper to you know, give room for the back of the trailers to open.

Mr. Sturniolo stated excuse me, when you said the door in the back to load, are you referring to the door where you would use to empty the trailer into the store?

Mr. Sheffield stated well it would be the, well the same door on the back of the trailer where they'll load in the used tires, correct. That door will swing open in the back and they'll need a little room to maneuver in the back to put the tires in.

Mr. Sturniolo stated thank you.

Chairman Cosentino stated well if we're all okay with those changes, Michelle will have to make those changes on the resolution.

The Secretary stated Jan makes those changes.

Whitney Singleton stated for clarification purposes, let's just go through them. The item number 26, the commercial storage trailer which [inaudible] weekly, shall be of a neutral. Do we wish to make that, the applicant shall make commercially reasonable efforts.

Chairman Cosentino stated he's quoted white or beige.

Whitney Singleton stated we put that in. I think what Al is saying...

Jan Johannessen stated based off the plans.

Mr. Pirro stated yes, that we had proposed that the applicant shall make all, add the words commercially reasonable efforts to have the storage trailer which is replace twice weekly be neutral in color, white or beige. Michelle, we can always speak tomorrow, if you need the exact...

The Secretary stated sure, Jan actually crafts the resolutions.

Mr. Bainlardi stated and use the same modification for 27.

Mr. Pirro stated yes, the applicant shall make all commercially reasonable efforts to secure that the storage trailer shall not extend beyond the front façade of the building. That's my only request.

Mr. Hertz stated on 27, are you comfortable that with the swing of the doors, you have room to have operating space in the back and still have it more or less...

Mr. Sheffield stated yes.

Mr. Hertz stated so specifically language for 27, what exactly are you suggesting?

Whitney Singleton stated the same introductory clause.

Chairman Cosentino stated okay, so we have resolution...

The Secretary stated Chairman, you have to make a motion to close the public hearing.

Mr. Bainlardi stated I think you should ask if anyone is here to speak.

Chairman Cosentino stated I thought we closed it already. Is there anybody here on behalf or wants to talk on this public hearing? Nobody signed up, right Michelle?

The Secretary stated no, sir.

Mr. Bainlardi stated I'll make a motion to close the public hearing for Mavis Discount Tire, 182 and 90 North Bedford Road for Site Plan and a Special Use Permit, PB2015-0305, tax map 69.66-3-22 and 23...

Mr. Pirro stated and just a point of information, there's also a steep slope permit application as part of it and the resolution has a SEQRA findings, so which is a prerequisite, as you know.

Mr. Bainlardi stated the motion here is as stated, included the Steep Slopes permit, this is a motion to close the public here.

Chairman Cosentino stated okay, we have a motion, do we have second here?

Mr. Vigliotti stated I'll second that.

Chairman Cosentino stated Mr. Vigliotti seconds that motion. On the question, will the Secretary poll the Board, please?

UPON ROLL CALL VOTE:

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

The motion carried by a vote of 6 to 0.

Mr. Hertz stated we have not received any written comment?

The Secretary stated no, sir.

Chairman Cosentino stated okay, now we have the resolution. Mr. Bainlardi do you want to...?

Mr. Bainlardi stated I think the first order of business is the neg. dec.?

Jan Johannessen stated its included in the resolution.

Mr. Bainlardi stated I make a motion to adopt the draft resolution on the Mavis Discount Tire, as just stated, the resolution is dated February 9, 2016, amended as discussed earlier regarding Special Use Permit conditions 26 and 27, to be modified that the applicant will use all commercially reasonable efforts to assure those conditions.

Mr. Hertz stated and Mr. Bainlardi, that includes amended Site Plan Approval, Special Use Permit Approval, and Steep Slopes permit.

Mr. Bainlardi stated correct.

Mr. Sturniolo stated all in one document.

Mr. Mareschi stated I'll second that Chairman.

Chairman Cosentino stated the motion was made by Mr. Bainlardi, seconded by Mr. Mareschi, on the question. Will the Secretary poll the Board, please?

UPON ROLL CALL VOTE:

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

The motion carried by a vote of 6 to 0.

Mr. Pirro stated thank you, Mr. Chairman.

Chairman Cosentino stated I have to tell you something, counsel. I've been here a long time and commend you for the way you just handle yourself. It was a pleasure.

Mr. Pirro stated I'm embarrassed, but thank you. I appreciate that but I have to tell you, I can only say to you honestly, no matter what other attorneys may tell you, without your staff, you have a great staff.

Chairman Cosentino stated counsel, I would like at this time to close for an Executive Session on a legal matter.

Whitney Singleton stated adjourn. You need a second.

Mr. Mareschi stated I'll second that.

Chairman Cosentino stated will the Secretary poll the Board, please?

UPON ROLL CALL VOTE:

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

The motion carried by a vote of 6 to 0.

Chairman Cosentino stated and this will be on 333 [North Bedford Road].

Executive Session commenced at 8:01 p.m.

Executive session adjourned at 8:44 p.m.

Chairman Cosentino stated thank you everybody for being patient. We'll continue our regular agenda now, we now have Mercedes.

Mr. Monteleone stated Estate Motors.

**3. Mercedes Benz of Mount Kisco – 333 North Bedford Rd (Former Wine Enthusiast)
PB2014-0285, 69.50-2-1 (SBL)
Amended Site Plan and Change of Use**

Mr. Anthony Monteleone of Monteleone & Monteleone, Mr. Peter Catizone of Catizone Engineer, Dr. John Collins of Maser Consulting, Mr. Anthony Assalone of Mercedes Benz and Mr. John Penney of Penney Design Group.

Chairman Cosentino stated would you come up and identify yourselves for the record please.

Mr. Monteleone stated good evening Mr. Chairman, Anthony Monteleone, Monteleone & Monteleone, attorney for Estate Motors. We have a number of presenters tonight, the first one is Anthony Assalone, he is the personal representative of Estate Motors and he's the gentlemen who really coordinated this whole site with Diamond Properties and Mercedes Benz USA. He'll be making the first few comments and then we have Peter Catizone with the site plan and then we have John Penney with the interior. And then we have John Collins, who will finish up and Jim Diamond and his attorney Neil Alexander are here and Neil may make a few comments at the end, so Peter.

Mr. Catizone stated good evening, my name is Peter Catizone, with Catizone Engineering, representing Estate Motors and I just want to, for anyone who's not familiar with this project, just take you through, very quickly, the site plan and where we are with things and we'll be prepared at the end to answer any questions. So as if this project weren't complicated enough, it consists of four parcels, the first parcel is known as 333 North Bedford Road, it's the site with the more significant development on it, as a matter of fact, with the exception of the water storage tank and associated building, all of the development on the large lot is in this district here. The second lot is the portion of the 333 parcel which is in the Town of Bedford, this, we're calling it the Certified Preowned parcels, are two parcels, they're owned by Charisma which is the same Board of Directors as Estate Motors and those lots are located in this area. There are four separate zoning districts here the ML district, which is this block in Mount Kisco, there's also portions, these fingers here which are in the CL district and then this portion of land in Bedford is in the LI district and the portions along or abutting 117 are in the RB district. Just very quickly, what's involved in this project. There's a number of, this aside from Estate Motors, from a SEQRA standpoint that are included into this project, so I'll go through all of them. The first is the Change of Use of approximately 113, 280 square feet from a warehouse use to automotive sales, service and related activities. The second is the improvements to the parking area, the western parking area will remain largely unchanged but the eastern portion is currently a loading dock, that's going to require that the grade be brought up against the building approximately 4 feet to make the grade level with the finished floor of this building. Third, is the development of the CPO, the Certified Preowned parcels. Fourth is the development of approximately 40,866 square feet of land on the 333 parcel specifically to service the SPO building. When we get into zoning, these parking spaces are not included in our zoning analysis for the remainder of the site as they are dedicated specifically to the CPO. Also, just some cleanup, there's exterior storage, it's a temporary structure which demonstrates a certain type of flat surface that's available through one of the tenants,

Cosentino, that's about 520 square feet, was never part of any site plan approval, its included in this application as part of a cleanup, just to make things accurate. Next is, the Field House building, the Field House is, I guess it goes back 3 or 4 years now, but it's something that I know that this Board is pushing for and I think it's a great asset to the property, it provides restrooms and spectator seating and also some storage for the field that is in this area. And the last item is really a variance issue, which is to expand the U-Haul parking spaces, we currently have a variance for ten spaces, we want to expand that to seventeen, so that's for parking of fleet vehicles within the front yard. Also, included in that, in addition to seventeen, fleet vehicles that are utilized by other tenants, Diamond Properties, the different warehouses, RDI, some of these facilities have fleet vehicles, which are, could be parked anywhere on the site but particularly within the front yard but we thought that would be something that's worth of securing. With respect to access to the site, there are currently two access points on the 333 parcel, the first is the southern entrance, known as Ice House Road, that is a full movement intersection that is signalized and its an offset intersection and it has 5 phases and if anyone's ever, which I'm sure we all have, really studied that intersection in detail and how it functions, our hat's off to Dr. Collins for that, it's really quite interesting. It is a five phase intersection which basically each phase needs a certain amount of time, we're going to get into traffic a little late but that's the main entrance. The next entrance is a northern entrance, which is here, and that is a right turn in, right turn out intersection, restricted movement, those are the two main access points for 333. With respect to the CPO property, there is one access point which is here, approximately 30 feet north of the northern 333 entrance that is an un-signalized, full movement intersection, there are no restrictions on that, so cars are a making a left in, left out, adjacent to the restricted northern 333 driveway. So the project proposes to eliminate the CPO driveway and we thought, staff thought, traffic consultant thought that this would be a significant increase or modification to safety, its very confusing here with cars making illegal lefts in with the two intersections right on top of one another basically, so we decided to eliminate this intersection. All of the traffic will utilize the existing access points on the 333 parcel, so cars coming in from the south or from the north could turn into Ice House Road and either go through the parking lot or better yet, utilize this bypass road to get to the Certified Preowned parcel, again when people leave, vehicles leave, they could either go out the northern entrance and make a right turn or, again use the bypass road to Ice House Road and make a right or a left.

Mr. Hertz stated can I just ask you one question. Can you just restate the Nohilly property, the existing for the CPO, has no limitations?

Mr. Catizone stated is unrestricted, no limitations.

Mr. Hertz stated left turns out.

Dr. Collins stated currently. It was standalone parcel, there's a driveway and right now there's a driveway that could be used and its unrestricted.

Mr. Hertz stated thank you.

Mr. Catizone stated similarly, cars coming in to visit the sales facility would use the same traffic patterns as are in existence today, unchanged traffic patterns. There will be, which Dr. Collins will talk about later, there will be some mitigations that we're proposing for traffic but as far as circulation other than the closing of the CPO entrance and allowing the access internally, there are no changes in the circulation. Zoning, the original approval for this goes back to, what is 2001, and as such it was approved by Mount Kisco, there were several conditions traffic cap, other things but as such the Village has declared themselves lead agency, as we know, which means that we need to get a SEQRA determination of some sort before we go to other agencies. There are a series of approvals that are required for this project on top of SEQRA, they include Site Plan approval and Change of Use from this Board, also from this Board is permit for activities within sensitive areas, this is the 100 foot setback from a wetland, obviously we're doing some grading in that area, also in this area which triggers that; we need two variances from the Village of Mount Kisco, one is for development coverage and the other is, as mentioned earlier for the fleet vehicles, parking in the front yard from 10 U-Hauls to 30 fleet vehicles total, 17 of them being U-Haul. We require Town of Bedford approvals, site plan approval from the Town of Bedford, wetlands from the Town of Bedford Wetlands Commission, we need variances from the Town of Bedford for the CPO building for rear yard setback for development coverage and for parking, we need approval for a septic from the Board of Health, which incidentally we already received for the CPO parcel, since it is not in the Village of Mount Kisco, it is not in the sewer district, they have an individual septic system. We need approval from the New York City DEP for work within the Designated Main Street District, this blue is the divide between the Town and the Village, it's also the divide between the Designated Main Street District identified by New York City DEP and the non-Designated Main Street District. We need coverage under the general stormwater permit and we need DOT approval for any improvements we're making here, including closing off of the access, any sidewalks and also for any signal modifications, timing modifications for Ice House Road. With respect to previous approvals, again, the most recent approval which is for the Rockin' Jump facility, which is in this area, required 941 parking spaces and the approval states that 799 spaces were

provided, that leaves a shortage or a shared parking space count of 142. The 142 however doesn't account for a few things, the first is the 10 spaces occupied by U-Haul, secondly is the additional spaces by fleet vehicles of other facilities and 5 spaces occupied by dumpsters. If you make those adjustments that number is around 170. Under the proposed use there's a much heavier parking demand for the automotive use, particularly for the service bays, the work stations. And under the proposed conditions, the parking requirement is 1,023 and we providing 861 and the way we're providing those is 832 spaces exterior, and 29 spaces, one for each work station, of interior parking. That would bring the shared parking number...

Mr. Sturniolo stated excuse me, when you said one for each work station, could you expand upon that?

Mr. Catizone stated okay, so the work stations are defined in the Code and they include lifts, prep areas and even the car detailing area. The project proposes 27 lifts, there's one alignment station and then there is the car wash, so that brings us to 29. The parking requirement for those work stations is 3 parking spaces per each work station. Now, we've made the argument early on the project that there's parking interior and that some of those customer cars would be serviced and parked interior, and the agreement we came to after much discussion is that we are allowed to account for only customer parking space per work area. So, you know, the car that's actually on the lift or in the work area, counts as a customer space.

Mr. Sturniolo stated thank you.

Mr. Catizone stated so, again, the shared parking goes from 142 to 162, however, it doesn't include the fleet vehicles, it includes the dumpsters, it includes the adjustments for U-Haul, so if you compare that against the adjusted number of 170, you know, which was the old approval with those adjustments factored in. It's actually a slight decrease in shared parking when you're comparing apples to apples.

Mr. Vigliotti stated can I ask you one question? How many parking spaces interior again?

Mr. Catizone stated 29.

Mr. Vigliotti stated now, originally you were proposing 36 bays with three prep, so is there additional room, interior where cars are going to be parked, where the bays are not installed, how is that working?

Mr. Catizone stated yes, so those spaces count as storage spaces and there's also a parking requirement for those as well, which...

Mr. Monteleone stated I think John Penney can address that as well.

Mr. Vigliotti stated I guess the question is, have you designed the interior to accommodate 39 bays?

Mr. Catizone stated 39 work stations, yes.

Mr. Vigliotti stated okay the proposal now is 27, plus 3.

Mr. Catizone stated 27 lifts, plus one prep which is the alignment, plus the car wash, so its 29 work stations, 27 of which are service lifts.

Mr. Vigliotti stated thank you.

Mr. Catizone stated with respect to grading and utilities, this is the northwest portion of the main building on 333, where the Change of Use is proposed. Again, we're filling this area to grade, this parking lot remains largely unchanged. We will likely replace the existing pavement that's there, the pervious pavement with a different type of pervious pavement. Originally there was a grass-crete pavement proposed for that and we do have a pavement plan that shows how that would be accomplished but again, as far as grades those remain relatively unchanged. Water and sewer is interior to the building, there are services there now, it's both by the Village of Mount Kisco. Stormwater, there are a couple things going on, one is any impervious surface within the Designated Main Street, is captured, any new impervious surface is captured and treated by a surface sand filter, which then discharges into an existing inlet and discharges to the brooks which runs north to south along the west end of the property. There's also two inlets proposed in this parking area, due to the regrading, we want to capture any runoff, put it through a stormwater filter, we have one there and one here, and then those filters would discharge into a series of water tight underground storage pipes, the purpose of those pipes is that we're filling below the 292 elevation, which is the 100 year flood elevation and we're filling 1,400 cubic feet and the pipes have a capacity of 1,400 cubic feet, they strictly act as an overflow, they do not act as detention in any way. The Certified Preowned site, again the area highlighted in yellow is the Certified Preowned parcels proper and the other areas are development on the 333 parcel, the CPO building is outside of the Mount Kisco sewer district and as such requires a individual septic system which we've submitted and had approved in a joint

review with the Health Department and DEP. The primary septic would go in this area, the reserved system would go here, the project is serviced by public water from the Town of Bedford and stormwater for this project, stormwater flows in this direction, is captured and treated and then detained in the subsurface detention system. This is the southeast corner of the building, the ballfield is in this area, this is the area of the field house, access to the field house will be from the north side that will be a men's room, a ladies room, janitorial closet and also a storage area for sports equipment, there is a planter in this area and these walls are setup such that they provide spectator seating. Water is from an existing water main, which we would tap in this location and bring a water service to the building and also sewer would tie into an existing sewer line which currently runs from the Canine Kindergarten building to the sewer system along the west end of the property. We also prepared lighting and landscaping for these three areas, only ten more pages guys, and then I just want to go through the field house architectural very quickly before I turn it over to John Penney for the remainder of the architectural. So, this is the layout of the field house, again, restroom on either side of this central corridor, janitor closet straight ahead, vending machine inset, then a storage area, basically the pedestrian or the spectator area is on the roof of this building. There is a parapet wall around the perimeter and as you can see from the illustration, there is room for people to stand and watch the ballgame. Also, these walls in front to the south of the field house are step at 30 inch increments so they act as seating. The walls themselves will be a metal panel, kind of rust colored, also, there will be elements of stucco on the parapet portion of the building. I'll hand this over to John...

Mr. Monteleone stated so you can see this application, not only is the site plan approval of Estate Motors but certain site improvements for 333. I would like at this point for Anthony Assalone to just give a few comments in regard to Estate Motors, its history and family.

Mr. Assalone stated thank you Tony. Mr. Chairman, members of the Board, first of all I would like to express on Charles Bounanno's behalf, his regrets, he asked me to convey those to you, he wasn't able to attend this evening, he very much would have liked to have been here. For those of you who don't know, Estate Motors is one of the oldest Mercedes Benz dealerships in this area, I daresay in the country. Having been owned by Charles since 1963, we're celebrating 53 years this year and as it turned out, when the original dealership was established, it was just north of the site, on Green Lane, on the corner and then ultimately in the mid-70's, he moved up where he is now. And during these many years, he's outgrown that location basically, and based on Mercedes Benz standards, he needed to find a new location and he always eyed the area south, he wanted to come back closer to where the hub of the market is for him and so we were fortunate enough to find this site. It took some ingenuity so to speak, to design it so that it would be approved by Mercedes Benz and that approval is not easy to get I can assure you, but ultimately when we made the presentation to them, they approved it, obviously with some modifications so here we are today. On Charles' behalf and on my personal behalf and I wish to thank you for hearing us and to allow us to present that to you and I hope that, what can I say, give us an approval as quickly as possible because we need to get it done. Thank you very much.

Mr. Penney stated on that note, I'm John Penney with Penney Design Group, I will be as quick as possible. Obviously there's not as much to go over as Peter did. So, this is the CPO site, again we have the CPO site, we have the main facility at 333. We'll start with a rendering, then I'll walk you through the flow of both buildings, obviously the second building is a little bit more complicated from a flow standpoint. This is a perspective rendering from North Bedford Road, the site is sort of Z shaped and at the fat part of the site is where we placed the building, we have an approximately 7,000 square foot building. The building is approximately 32 feet high, with this wing wall with signage, the signage being about 44 feet. Obviously, going through the Mercedes Benz process, as Tony said, it was challenging, this was an important piece to get the approval from Mercedes Benz, so visibility from the street, we've looked at this building a number of different ways, putting the building up here, putting it sideways here, we felt at the end of the day for circulation and to properly show the CPO cars, this was the best location. Obviously, there's Mercedes of Mount Kisco signage there, again storefront up to about 24 feet, we have spandrel panels here, and then Mercedes Benz has an international branding, like most retailers and its sort of consists of these black, it used to be blue columns, now they've changed it to black, its called auto house black, these columns here with a George Jetson-like top and then we have an eyebrow roof structure that sticks out approximately 4 feet. That sort of branding element you'll see on the main facility as well, as far as the floor plan goes for this facility, again, its about 6,700 square feet, this is the front facing North Bedford Road, we have storefront all the way up to here, again, this is the back of the building. Back of the building is going to be treated with EFIS, its obviously not visible from the street. We have open sales desk here, approximately 5-6 cars, we have a use vehicle delivery bay so when someone buys a CPO car, they can just drive it right off the lot and then we have some backup house with some F&I managers, a CPO manager, some training and then obviously restroom facilities and a small customer lounge. Question on this building so far? Let's start with the rendering again...

Chairman Cosentino stated can we go back to the other building, wasn't there supposed to be a parking storage area?

Mr. Penney stated this just shows the actual floor plan of the building.

Chairman Cosentino stated you don't have to bring it up, its in the rear of that building though.

Mr. Monteleone stated the rear and the north side of the building.

Mr. Penney stated so the main facility, is again approximately 113,000 square foot existing warehouse, the challenging part of this design obviously, a typical car dealership whether it be 60,000 square feet or 20,000 square feet, multiple points of entry and exit, circulation around the building. We have one elevation here and the side elevation which is really unused. So essentially all of the vehicles in and out, both for customers and for service has to be essentially through these four doors. We have new car delivery right here, so that's backing a car in and the customer driving it out but essentially the service reception, 80% of the traffic is service reception, service customer comes in and this is essentially, the showroom here and the circulation is inside the building to service back to parking, then back out. Again, this is the front façade here, the parking lot is over here, these are the four doors, the service reception area is located here, a service person drops it off, comes into the facility, either waits at customer lounge or receives a loaner vehicle and then drives off. A porter will take the car inside, this is that designated interior storage facility here, with the ability to do stackers in the future. We have service bays here, and then service bays here which constitute the 29 total bays. We have a carwash internal here, and then essentially this is all showroom space with back of house office here with F&I, so again, this is the main circulation path from the customer point of view.

Mr. Vigliotti stated can you show the other 10 bays?

Mr. Penney stated yes, so they'll be bays here. We had two even service departments and we just eliminated the bays. That could have flip flopped but I think we chose to have the bays on that side. And then another interesting part of this which typically you'd have parts delivery where the parts department is, so we had to create a parts delivery door, we screened it with a wing wall and then the parts, shipping and receiving typically that's dropped off early and then this will would just be walked back to the parts department. It's a bit of a unique feature but because we only have one side of the building to use. Questions?

Mr. Monteleone stated John.

Dr. Collins stated traffic and all the related issues. First, key number is the fact that the number of trucks generated by this particular project when compared to the Wine Enthusiast is significantly below. All deliveries will be on site, none will be on 117, as lot of cars dealers do today, everything will be on the site and even anything coming into the preowned, will be also onsite, not off-site. One of the reasons we're closing that driveway to Bedford Road for the preowned site is to make sure that we have no deliveries, no access et cetera to that particular location. The next issue is the fact is that in doing the analysis, the traffic analysis, we took into account the existing operation up in Goldens Bridge, we took into account the increase in number of bays and we used the same trip rate, even though we consider it conservative. We wanted to make sure that we were most conservative, not only from the standpoint of estimating the traffic but also imposing it on the highest hour in the morning or in the afternoon et cetera for that analysis. With that analysis, most of the traffic to and from the site, as it is today, uses the Ice House Road access and as Peter pointed out, the fact is that there is a 5 phase signal at that location, our intention was to make sure that we do derogate the level of operation along 117. Which means traffic heading north and south will move as it does today and we wanted to maintain whatever the level of service was on Ice House Road today, which is primarily people exiting 333, going back out to 117, North Bedford Road, we want to keep that where it was. In looking at the timing plan, the side roads, there are three of the Ice House Road, Park, and 309, are getting time from that signal in addition to what's happening to 117. Looking at the times, we'd be able to take 2 seconds from that, assign it to Ice House Road, not take time away from 117 but from the side roads, we maintain the current operation on Ice House Road and all the other roads. Therefore we will mitigate, we feel the DOT will be reasonable in setting the time because we can't set the time, we have to suggest the timing changes to DOT, I see no reason why we're not doing it. The DOT may elect to take the 2 seconds and not put it on Ice House Road but put it on 117 but that's will benefit the travelling public but we will make that application to DOT. The next question that came up was the cap and the cap on this particular site, started some 15 years ago with this Board, started out initially at 300 vehicles and was increased when the athletic club came to 450. The way I read the resolution is if the cap is exceeded by 10%, then we should come back and talk to this Board and in fact, that's what we're doing. If I take a look at the almost 2 weeks of counts we have for the two driveways, taking into account every vehicle that's coming in and out of the site, over the time period, there are certain time periods where we exceed that cap on a spike, one particular hour may exceed it, however if I look at the average condition over the week or 10 weekdays or 9 weekdays and the Saturdays and Sundays, I have everything below the cap and just for demonstration purposes, we went back to the information that was contained in a traffic study that had the volume of traffic coming in and out of every driveway by every hour of the day for that two week

timeframe and we took the average of all the weekdays, took the average of Saturdays and Sundays not applicable but if you look at this particular chart and I have handouts but I don't want it to be considered a separate submission but this is the average for every hour during the week coming in and out of both driveways, some are both driveways. This line right here is the 450 cap and you can see from this demonstration, most of the volume of traffic is below that particular cap period. In fact, in looking at it, I have to say when we did this 15 years ago, we were pretty close to what's actually occurring today because the intention of the Board was to keep it under this particular cap and what we find that there's two ways of looking at the cap. We can keep the cap where it is today, assuming that its an average condition for the week or you can increase it to take care of those individual spikes, my recommendation to the Board and it may also be from staff, I'll let them speak for themselves, is that if we take the average, I think its more appropriate to do because you might get that sudden peak, all of a sudden it starts snowing and everybody leaves the gym to get, et cetera, so it avoids that particular issue. With that, with Mercedes, they'll be a slight decrease in this because of the closing of Wine Enthusiast and that will be made up by the increase in Mercedes and you may get some penetration into the area above that 450 line but you probably will not, my estimation is you will not exceed that 10% above the 450 because of the adjustment between what you're going to be losing from Wine Enthusiast and then gaining from the Mercedes operation. That in summary is what we're talked about, that is summary is what we have on the record, and I'm prepared to answer any questions.

Mr. Bainlardi stated the very first thing I think that you said, was that there will be a reduction in the amount truck traffic in comparison to Wine Enthusiast, can you quantify that? What are we talking about? What is the level of magnitude?

Dr. Collins stated I think depending upon the time of year, the number of trucks because they have deliveries et cetera coming in and out, I think its 50 trucks trips today, on average and then it will probably go down to less than 10.

Mr. Mareschi stated 50 trucks per week.

Dr. Collins stated a day.

Mr. Monteleone stated we will only 5 or 6 car carries come in a week.

Mr. Assalone stated at most.

Dr. Collins stated the others are parts trucks, UPS truck, that kind of thing.

Mr. Monteleone stated yeah and the delivery truck comes in, in the evening, at night for the parts delivery.

Mr. Sturniolo stated I have a question for Peter. At the beginning of your talk, you mentioned a litany of things that you need, we need this, we need that, we need this and the whole nine yards, have you forgotten anything else that you need?

Mr. Catizone stated Architectural Review Board from the Village of Mount Kisco, I don't think I mentioned that.

Mr. Sturniolo stated so, with that in mind you are set to proceed ahead with this project?

Mr. Monteleone stated yes, we are. And we would like to begin to apply to some of these Boards for some of the variances and other things we require. To do that we need a neg. dec and a SEQRA determination and possibly Neil can speak to that.

Mr. Sturniolo stated Tony, would you repeat that last part again, what you need?

Mr. Vigliotti stated I had a question of John at some point.

Mr. Hertz stated can we just discuss the presentations?

Chairman Cosentino stated let Tony finish and then Ralph has a question.

Mr. Alexander stated Chairman, I was going to address Tony's question, if that's okay? Good evening, just for the record Neil Alexander, I'm a partner at Cuddy & Feder, here on behalf of Diamond Properties. I think you brought up a great timing question which is something we're struggling with, which is that we intend to apply to all of the other Boards, some of which we've started doing, we'd like to go do that because we think everything is well set but ultimately because you're doing coordinated review under SEQRA, no other interested other Board can grant an approval until you finish the SEQRA process. So the

sooner we can bring that to a fair culmination to everybody, the sooner we can start squeezing some of the timelines, so that way when we come back to you at end for site plan approval, we'll have most of our approvals in hand. At least that's how we were thinking about it, moving to a negative declaration sooner and then coming back at the end of the process for site plan approval instead of without having the conditions there.

Mr. Sturniolo stated how long do you think this conditioned neg. dec. would take, timewise?

Mr. Alexander stated I feel bad, I'll stay on this train of thought...

Chairman Cosentino stated I think we're getting off the track a little bit.

Mr. Alexander stated we can come back to that, I'm perfectly comfortable with that.

Chairman Cosentino stated I'm going to be honest with you, a neg. dec. is almost impossible right now.

Mr. Alexander stated so you're thinking about a conditional neg. dec., that's fine with us, we don't have a problem with...

Chairman Cosentino stated there's too many pieces to the puzzle that have to...

Mr. Alexander stated that have to coalesce and we understand. I think the key is to bridge that gap, and I hadn't looked at a conditioned neg. dec in a little while and it was good thing that I did recently and as you know there's a notice and a public comment period associated with a conditioned neg. dec. so you basically have to give notice in the Environmental Notice Bulletin and then have a 30 day comment period, so our concern is on time. We understand process for you all, and I think Peter's presentation tonight was, you know, was exquisite, it really had a command of everything that we've all be struggling with for a long time. So our issue and I think we've found a way, as long as you understand we're going to go to those other Boards during those 30 days period and get that primed and we're comfortable with that in speaking with Diamond Properties, I think, and I don't want to over speak for Mercedes but I think they'd comfortable with that.

Mr. Monteleone stated we are.

Mr. Alexander stated as long as you all understand we're going to go and then at the end of that 30-day period, some of those agencies will be able to then take formal action, because we anticipate that most of those boards will take two meetings, so even if Pete pulled his crazy abilities as he does and we had all those things submitted by the end of February, it would take March and April, some Boards might fall to May and by then your conditioned neg. dec. will, assuming you were to adopt something like that on February 23rd, March 23rd, it essentially becomes effective, in April, other Boards could take action. So then if we came back to, say May, we can say well this board's acted, this board's had their public hearing and we can give you. That's how we're thinking of the timeline, I can go over that many more times but I...

Chairman Cosentino stated very good Neil, I'm proud of you that was nice. Tony, has your question been...

Mr. Sturniolo stated just to wrap it up Neil. Am I correct in saying that the other boards that you have to visit that you intend to get their involvement within 30 days or so?

Mr. Alexander stated definitely, some of them have already been warmed up, as you know we met with the Bedford Planning Board as we had told you we were going to, two meetings ago we had mentioned we were going to them. We met with them, we all wanted to make sure collectively that they had an opportunity to provide comment if they wanted to before tonight's public hearing and we relayed the nature of that to staff and we met with them, and I think there a conversation with the Town Planner, at some point with your staff directly, I don't want to speak to that. So, I think a lot of them are warmed up but they've all sort of taken a certain level of consideration from SEQRA perspective which they've done but they haven't thought about their approvals yet because they've been waiting for SEQRA. So I think where we're headed as the scheduling that I was, I don't want to over speak for our side of the table but I think it meets the expectations and the hopes, so I think it works for us and if someone else wants to cut me off and tell me I'm wrong, that's fine with me too.

Mr. Monteleone stated no, I agree with that, we've already got a meeting scheduled with the Wetlands Commission in Bedford, we'll go on their ZBA list. Bedford does want you to act though, so they can move forward.

Chairman Cosentino stated Tony, your question is answered now, okay. Ralph?

Mr. Vigliotti stated John, if you can just clarify, your chart says weekday, does that include Saturday?

Dr. Collins stated no, there's a separate chart, right under this for Saturday, does not include, this is purely Monday to Friday.

Mr. Vigliotti stated if you could show us Saturday, I just want to take a peek at that. Now, so that's the trip generation for Saturday, my understanding is that Wine Enthusiast is a Monday to Friday operation.

Dr. Collins stated with some employees on Saturday. Not as heavy as during the week.

Mr. Vigliotti stated okay, when you say some, is it 10%, is it 5%...

Dr. Collins stated probably close to 20%, so if they're generating 50 trips during a peak time during on a weekday, they could be generation 10 trips on a Saturday.

Mr. Vigliotti stated how many cars are being generated, their thrust is mainly they arrive, they park, they stay most of the day, unless they're going out for lunch and then they leave early evening. Now how many cars, how many trips is that in the a.m., I'm just trying to get a sense if it's 300 trips...

Dr. Collins stated on a weekday it's roughly 50 trips in the morning and then about the same number, maybe 40 during the evening rush hour, they drag out a little bit longer during the evening rush hour. So that's the kind of number I'm talking about.

Mr. Vigliotti stated I just thought they had more cars parked on site, they only have 50 employees.

Dr. Collins stated 50 is what usually come in, we're looking at the peak hour. They may have a few more before and a few more after but the peak time.

Mr. Vigliotti stated well the point I'm trying to make is, how many employees do they have, so how many, your trip count during the week is counting Wine Enthusiast but it really isn't counting it on a Saturday? Where conversely, Mercedes is going to be very, very busy on a Saturday with all the servicing, and all of the stop bys to view cars and so on. So I just wanted to make sure that that Saturday trip count is somewhat accurate and there's a footnote indicating what's missing.

Dr. Collins stated everything that's there today, is included, so Wine Enthusiast is included in these numbers. Everything that's, Wine Enthusiast is in operation and it's included both on Saturday and on the weekday, so whatever the current conditions are out there, that's what happened. So for example, let me go back to the weekday for a little bit. The evening rush hour, which we're touching at 450, that's occurring at roughly 5 p.m., that's when you're going to have the people from Wine Enthusiast leaving. So that line, when they leave, this line comes down but that will be replaced by Mercedes shifts during that particular time frame and as I indicated, there might be a slight breach of this line.

Mr. Vigliotti stated I agree with you for the weekday but my disagreement is the accuracy of trip counts on a Saturday.

Dr. Collins stated Saturday, we're probably around the 440 mark, right now. So if it goes down, let's say 430 or whatever the case may be, we're in the afternoon, the service is primarily in the morning, the sales are in the afternoon.

Mr. Mareschi stated what are the hours on Saturdays for the dealership.

Dr. Collins stated 9-6, something like that.

Mr. Assalone stated 9 to 6 but it's not a full schedule, in other words you don't have all of the bays occupied. It's probably a quarter of that much on a Saturday.

Mr. Monteleone stated and initially we anticipate that, there are 16 bays in Goldens Bridge and it's going to take some time to get the service at this location up beyond 20, that will probably take a year or so, well you hope not but...

Mr. Assalone stated don't put that on there.

Mr. Monteleone stated the services bay at 16...

Mr. Alexander stated I think they have to hire and train and find, and so it's going to take a little bit of time. They're going to get up and running to their full complement as fast as they can but the reality is they have to go out and hire and find.

Mr. Monteleone stated and the customers are going to have to be there to increase the number of use of the bays.

Mr. Alexander stated it's the normal scale up of any new business, I don't want to talk for you Tony.

Mr. Monteleone stated we don't think we're going to go to 16 where we are now, to 27 immediately when we open, it's going to take some months for that to happen.

Dr. Collins stated we're not going to see the projected volumes day one, it's going to take a year or two to get up to speed.

Mr. Vigliotti stated six months or a year down the road, the volumes are there. It's just when you look at the Saturday average and you just flip it and you show the week and then the bars are very different. It's going to be a very, very busy Saturday trip counts coming out of that site with everything that's going on, that's all I wanted to know, thank you.

Mr. Hertz stated if I can just pick up on what Ralph said, so if you ignore the averages and go to the actual day counts...

Dr. Collins stated spike.

Mr. Hertz stated if you look at the hourly counts, on an hour by hour basis...

Dr. Collins stated with no averaging.

Mr. Hertz stated with no averaging, how often are you, what percentage of those things are over the caps.

Dr. Collins stated well first of all that's not charted here, okay. What happens here, okay, what happens is over that two week time frame, we have about six violations of the cap because of the spikes and in the report, the traffic study that we put out, is if we take each of those, we would recommend raising the cap from 450 to 500, that's if you take an individual spike and discussing with staff, there was a better way of doing it if I took the average, so we don't have to raise the cap, so we keep it as low as possible with the same conditions that if we do violate it, we have to come back in and see what we can do for the property.

Mr. Hertz stated so in those spike conditions, how long is the wait at Ice House Road.

Dr. Collins stated the spike conditions would occur, let's say at nine o'clock in the morning when the gym let's out and the gym can let out like that, and then all of a sudden we've got everything clustered together, so you have to wait.

Mr. Hertz stated that's exactly what happens, so how long is the wait?

Dr. Collins stated the wait may be several cycles, three to four cycles to get out in that particular timeframe, which is roughly 4 minutes to get out.

Mr. Hertz stated and with the Mercedes scenario, how is that?

Dr. Collins stated should be about the same number. It's the gym that's causing, Mercedes is a steady process, the gym is what causes the spike.

Mr. Hertz stated was the dates that you did your recording, were all the businesses that are currently open...

Dr. Collins stated we made sure of that, they were from March and June of 2015.

Mr. Hertz stated what was the newest business?

Mr. Catizone stated Rockin' Jump.

Mr. Hertz stated were they in operation for both of those dates.

Dr. Collins stated we made sure of it. We had some earlier numbers without them and we went back and did a count of them.

Mr. Hertz stated I have a question for Peter, actually, can you put up the site plan? I'm sort of confused, you have right now an unrestricted, I know where it is, unrestricted driveway, left in, left out, right in, right out and you have a restricted driveway here and you're incorporating the sites together. So, am I missing something? If we have a traffic problem and we have a single site that allows left hand turns and you have another spot that you bought that allows left hand turns, why on earth wouldn't you want to have two places that have left hand turns?

Mr. Catizone stated so let's remember a couple things, one, this is un-signalized...

Mr. Hertz stated still un-signalized, in your new plan as well.

Mr. Catizone stated yes, but the CPO parcel is un-signalized and its low volume and one of the things we had a concern with is cars doing this, going through here, through the site and making a left out and avoiding this Ice House, this is obviously the northern 333 driveway, is a prominent driveway. It has higher amounts of volume and it was a concern not only from our technical team but also from staff, Village Staff and also Town of Bedford, that...

Whitney Singleton stated wait, that's not fair to say...

Jan Johannessen stated I don't think that ever came as a recommendation from us, not to have a curb cut on that.

Mr. Catizone stated okay.

Mr. Hertz stated I'm just confused, if you have, why even use the other driveway, why not close off the other driveway, you have a site now that allows left hand turns...

Dr. Collins stated DOT, right now if it was a standalone site, you had a full movement driveway because that's what the preexisting condition was, if you went back in and wanted to close or move it, DOT would never approved because the same reason they restricted this driveway, I'll call it the old Grand Union driveway, was because of the left turns at this, Foxwood Drive, is it, the offset light. The fact is that they would never permit that to occur with the left turns in because you would completely destroy this intersection.

Mr. Hertz stated and now you're moving farther away from it.

Dr. Collins stated you're moving it the length of this table, basically.

Mr. Hertz stated its 30 feet.

Chairman Cosentino stated he's right, I tried that.

Dr. Collins stated I would not recommend, I could not sleep at night by recommending that be maintained as a full movement access because somebody's going to get clipped coming out of there.

Chairman Cosentino stated I wish something could be done.

Mr. Sturniolo stated Peter, then is it an accurate statement to say it's to Bedford's advantage?

Mr. Catizone stated I'm not sure that its Bedford or Mount Kisco's advantage, I think it's to the general public, it's a safer situation, if you sit out here and watch what goes on with cars making illegal lefts, in and out of the site to begin with, its just mind boggling. So it's definitely having two intersections 30 feet apart where that can happen concurrently, right now this is very low volume driveway, the old truck sales and service facility, they weren't really doing a high amount of traffic...

Chairman Cosentino stated the bottom line is this, you could make that intersection work but nobody wants to pay for it, its costly.

Dr. Collins stated you have to align it.

Chairman Cosentino stated nobody is going to put the money into it. It could work, like Doug says, it could work but nobody wants to pay to have it done.

Dr. Collins stated on the other hand, there may be a future solution that's even better.

Chairman Cosentino stated I don't know but that's the bottom line.

Mr. Hertz stated so you're observing the legal left hand turns that exist there today on the northern driveway, so that would suggest to me that we already have a problem, cars are making illegal lefts. So if the situation on Ice House Road is already so substandard that you have cars choosing to make illegal lefts out of the property, we're not doing anything to make that better. We're stealing time off of the signal that will take two seconds off of Ice House Road's timing, so you're going to increase the wait time on Ice House Road, you're going to encourage additional people making illegal lefts out of the un-signalized, northern end of the property and there's no suggestion of any change in this that's going to make any of that better, anything we're going to is a zero change position on North Bedford Road and a slightly lessened position on, about two seconds more wait time on Ice House Road, with no other change to any other egress, is that accurate, or not?

Dr. Collins stated the latter part is accurate, the first part when we talk about people making illegal lefts, we're talking about four-five cars, we're not talking about...

Mr. Hertz stated I didn't bring that up, your staff did.

Dr. Collins stated in other words, we're not talking about a major redistribution of traffic, my thinking is if somebody they've got there didn't know they were restricted and just made it...

Mr. Hertz stated or they waited for light changes and are fed up.

Dr. Collins stated also remember the fact is that 2/3 of the traffic existing the site, make a right turn, so if they were fed up waiting in line to make the right turn, today they have the option to go up to this driveway, come out and make the right turn and go down 117, they have that option. Some elect that, not many but some elect that. The Ice House Road driveway, 2/3 of it make the right turn, not the left turn.

Mr. Vigliotti stated John, you just said it correct, the Ice House driveway because that's really what it is, it's a driveway for a major, major complex in the Village and as Doug had said, very little has been addressed on the northern exit which is wide enough. The total mitigation has been two seconds, two seconds is the total mitigation that has taken place to make this project and every other project that's in there work, two seconds and that's assuming that the state allows that but you sound like you're convinced that that will happen but you're whole total mitigation is two seconds.

Dr. Collins stated in fact what we're saying is the fact is that part of the mitigation is later on but I fought the battle three times on the north driveway, I had DOT out here on the north driveway. We looked at what could be done with the coordination of two signals and the Chairman is correct, if you aligned the two, it goes away, then you don't have that issue. Barring that, there's no thought process either I or the State could come up with, to allow signalization of the north driveway. Even to the point that all we were asking for is a left turn out, no left turn in.

Mr. Vigliotti stated but left turn out is a key component to make the site work.

Dr. Collins stated and the fact is that we went round and round and I did it with two or three different representatives at DOT to see if I would get a different answer and I couldn't get a different answer and that's been for the last 10 years.

Mr. Catizone stated one of John's early statements is as a standalone driveway, a standalone parcel, its an unlimited, unrestricted movement driveway to the CPO parcel but once you connect the CPO to 333, there would be no way that DOT would approve one, two driveways within that vicinity or two, that we would, let's say abandon the northern driveway and utilize the CPO driveway because it has no restrictions, they'd impose those restrictions on that driveway as well and I think that's the key. The mitigation is also a reduction, this application is for 27 lifts but originally the applicant had a proposal for 36 lifts, so the mitigation is also the reduction in the number of lifts and as a representative of Estate Motors, I can tell you they're going to be pushing, once they're geared up in their 27 lift situation, I could tell you that they're going to be pushing for the additional lift spaces.

Mr. Monteleone stated and the only way that's going to happen is a significant improvement of Ice House Road....

Chairman Cosentino stated listen, we're not going to close the public hearing, this is really taking, we have other clients. This is a public hearing, is there anybody from the audience here that wanted to say anything on behalf of this application, nobody signed.

Ms. McCloud stated I live very close, and just the whole concept, I have small children.

Chairman Cosentino stated come up and identify yourself.

Ms. McCloud stated my name is Bonnie McCloud, a resident of Mount Kisco, I have two 11 year olds and the now with Rockin' Jump, just in a thoughtful way with Rockin' Jump and the Saw Mill there, the illegal left, I mean I've done it, and I know a lot of parents who are getting their children at Rockin' Jump and so just in a parental way, I would like to just bring it up for safety because I heard the possibility but that, when you're going north on 117 and the traffic, I live in a development right off of 117, the traffic does get horrendous. So just for the sake of the Town, I would just like to address that with businesses Grand Prix, Rockin' Jump, the Wine Enthusiast, I also have been an avid jogger and walker, the Wine Enthusiast when I walk down and jog past that, I have worked in business and is my background but I don't see a lot of traffic coming in and out of the Wine Enthusiast and just to have small children in Town and think about big trucks with Mercedes, I would hope that they are certainly coming in at late, I would hate to see a traffic accident or anything, but that is, that particular, now with the new business that's down there, and with a lot of children, that is a highly traffic, people come from Pound Ridge, but it's all 117, there's a lot going but I do have to go but I just wanted to say that.

Chairman Cosentino stated fellas, we have a lot on our agenda and we're going to continue the public hearing, I'm going to end it now. I appreciate you coming, we got a lot tonight, really we absorbed a lot tonight.

Mr. Alexander stated one question, I already told you I'm not going to ask you about closing the public hearing. When we come back in two weeks I assume, is it possible that staff will be working on a conditioned neg. dec. drafting one. That's okay to work towards that goal?

Chairman Cosentino stated towards what?

Mr. Alexander stated towards working on a conditioned neg. dec. for you to review in two weeks.

Chairman Cosentino stated wait, there are other things that have to come in before that.

Jan Johannessen stated I think there's some threshold issues that need to be resolved by the Board before they're in a position to adopt a neg. dec.

Chairman Cosentino stated I forgot.

Jan Johannessen stated we have two comment memos out, one from my office and one from Anthony's, there's some technical comments, some are more substantive than others, I think some are related to SEQRA, while some may not be. I think there are definitely comments in here that would need to be addressed before the Board was in a position to issue a neg. dec. Also, the two main issues that you started your presentation with, the cap and the traffic impact and whether the Board is comfortable with the mitigation as proposed. I haven't heard that, whether they've made determinations on those two issues and I don't think until they do, we're in a position to issue a neg. dec.

Whitney Singleton stated and in addition to that, the comments that were purportedly going to receive from Bedford, to the best of knowledge, we have not received those.

Chairman Cosentino stated no.

Whitney Singleton stated or from any other interested or involved agency.

Mr. Monteleone stated I'll contact Bedford to get their comments in. If we could be on the agenda for the 23rd, and Peter, I think you can address the issues raised by Jan and Tony...

Jan Johannessen stated at this point the submission for the 23rd has passed. We have a page and a half worth of comments here.

Mr. Catizone stated the comments and as we discussed with staff, we're also meeting with the Town of Bedford, with the Bedford Wetland Consultant, we have to go through a site plan approval with them as well and they're providing some technical comments as well, so the question is where do we draw the line between SEQRA and site plan approval? We do have two comment memos, one from Jan and one from Anthony, and again the comments are most technical, I think there was one SEQRA issue on that.

Jan Johannessen stated I think I have several SEQRA related issues, I may have 1 EAF comment but I think some of my, I had several issues on lighting, I think lightings a SEQRA issue, I had several comments on landscaping, I think that's something that needs to be addressed for...

Mr. Catizone stated the lighting and the landscaping are also in the Town of Bedford. So, we want to respond to all comments and make sure that both Boards, the Village Planning Board and the Bedford Planning Board are satisfied and feel that they got a good project out of this and that's what we want to deliver to you. But again, we're in two municipalities and you know its...

Jan Johannessen stated its two municipalities but this municipality is the lead agency.

Mr. Catizone stated the only question is where do we draw the line between SEQRA and site plan, that's the only question.

Mr. Bainlardi stated could I make a suggestion, I mean, could we have staff work towards a conditioned neg. dec., so that the Board can see what may be in there, what may be open and we can have this conversation with a document in front of us at the next meeting, so we can make a reasoned decision...

Chairman Cosentino stated with all due respect, Jan, do what you have to do, okay.

Jan Johannessen stated I can tell you just from a timing perspective, I cannot put together a neg. dec. in that timing.

Chairman Cosentino stated I want to tell you a fast story and this is fact. We had a gentlemen come before this Board with two towns, it was Chappaqua and Mount Kisco, it was a subdivision, by the time he came in, he announced that he had a little son that was born, he got his approval when his son graduated school, that's a fact. His last name was Singer. I'll never forget.

Whitney Singleton stated Chairman, I'm sorry, we're going to have them on for continued public hearing at the next meeting.

Mr. Alexander stated you want us back on the 23rd.

Mr. Monteleone stated thank you.

Chairman Cosentino stated Estate Motors.

**4. Estate Motors Warehouse -19 Kensico Drive
PB2015-0307, 69.50-1-4 & 5
Amended Site Plan**

Mr. Peter Catizone of Catizone Engineering was present.

Chairman Cosentino stated Estate Motors is a draft resolution, Jan. Public hearing again. Whitney, you've looked at this resolution?

Whitney singleton stated yes, I have.

Chairman Cosentino stated are there any questions on this, from staff or...?

Jan Johannessen stated there's one comment in here, regarding the dumpster enclosure, we had asked the applicant to provide the location for a dumpster enclosure, one has been provided on the site plan. I believe it's shown in the location that's in the setback, so the condition reads that that is to be determined by the Building Inspector.

Chairman Cosentino stated what number is that?

Jan Johannessen stated the Building Inspector is to determine whether it's a compliant location, if it's not, is either to be removed or a variance obtained. I think there's a potential option that the applicant can store the refuse indoors...

Mr. Catizone stated yes, that's correct, if the location is not suitable, we will look to move the refuse indoors and if not we'll need a variance or find a new location.

Mr. Hertz stated Mr. Chairman, Jan, this is for you, on page two, there's a discussion of the land banked parking spaces, we're land banking interior parking spaces, can you explain for the record what it is that we're doing?

Jan Johannessen stated the site plan of record approved a certain number of vehicle lifts, the applicant has installed more lifts than shown on that site plan. The applicant is required to have...

Mr. Hertz stated nine parking spaces and we're waiving 5.

Jan Johannessen stated waiving nine, so they would actually be land banking those parking space inside, the lifts would installed in those parking spaces, at such time as the Board determines that additional parking is required, those lifts would be removed and converted back to conventional parking spaces.

Mr. Catizone stated so this is the original site plan that was approved there were seven parking spaces, six parking spaces indoors and three outdoors. So we're basically, the new site plan has additional lifts that...

Mr. Hertz stated are these parking lifts?

Mr. Catizone stated they're storage lifts, what happens is cars come in there, they get prepped in this area, detailed and they're just stored there until the customer is ready to pick it up. At that time, it's driven to the dealership and the car is delivered to the...

Mr. Hertz stated what I'm getting at is how is that removing parking, be removing lifts gains parking? I mean its gaining useful parking and getting rid of dead parking, which is storage...

Jan Johannessen stated well for instance they have one staff member, in the future if that increases and there needs to be more parking staff, those vehicle lifts would have to be removed so that staff can parking interior to the building.

Mr. Hertz stated why can't you park under a vehicle lift, it's a parking space? I'm just missing the point you're elevating a car up in the air because it's a lift, aren't you leaving a space underneath to be used?

Jan Johannessen stated I think that's been accounted for.

Mr. Hertz stated I don't understand the math, at a very base level.

Mr. Catizone stated you could parking under the lift, it actually doesn't meet the dimensional requirements of the Mount Kisco...

Mr. Hertz stated is that what we're getting at here that they're not functional spaces, storage spaces?

Jan Johannessen stated there's only three exterior parking spaces, all the required parking historically has been interior to the building, the approved site plan showed...

Mr. Catizone stated its basically intended for employees, there's only one employee there that details the cars, they'll have delivery guys dropping off cars, management staff visiting once a week, twice a week, but there's one full time employee.

Mr. Mareschi stated that's for new cars only?

Mr. Hertz stated so at the point at which we determine there's too much parking on site...

Mr. Catizone stated they could be certified preowned, they could be, yes.

Whitney Singleton stated Doug, what's precipitating this whole review and kind of making it work is that the applicant did not build the site in accordance with the approval.

Mr. Hertz stated I understand that. Okay.

Chairman Cosentino stated let's continue here. We have a draft resolution here, Whitney, you've looked at this one too, right?

Whitney Singleton stated yeah, I have some proposed changes Chairman. I don't think its, while adjoining property owners may have rights of ingress and egress of this property, I don't think it's appropriate for there to be newly created rights on the condition two, so what I suggest doing in lieu of condition number two, substituting it with the following language: that continuous access to adjoining parcels shall be

maintained in an unobstructed fashion at all times, nothing herein shall be deemed to abridge, alter, or diminish any access rights of any adjoining property owners. There is a circulation that exists for neighboring sites here, that both benefits and burdens this site.

Chairman Cosentino stated anything else?

Whitney Singleton stated no.

Chairman Cosentino stated okay, we have a resolution, do we have a motion?

Jan Johannessen stated was there a public hearing on this?

Whitney Singleton stated there's no public hearing.

Mr. Bainlardi stated I make a motion that we adopt a resolution approving the amended site plan for Estate Motors Warehouse, 19 Kensico Drive, PB2015-0307, tax map 69.50-1-4 and 5. With the amendment to condition number two as stated by Counsel.

Mr. Mareschi stated I second it.

Chairman Cosentino stated on the question. Would the Secretary poll the Board, please?

UPON ROLL CALL VOTE:

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

The motion carried by a vote of 6 to 0.

Mr. Catizone stated thank you.

Chairman Cosentino stated Devereux, oh I'm sorry, Tesla.

**5. Tesla Motors – 115 Kisco Avenue
PB2013-0252, 69.65-2-3 (SBL)
Site Plan**

Mr. Liam Smith was present to represent the application.

Mr. Smith stated Mr. Chair and members of the Board, my name is Liam Smith, I run store facilities for Telsa Motors. During the initial buildout of our site at 115 Kisco Avenue, we were issued a temporary Certificate of Occupancy to get our doors open, because we needed to install an inlet and an outlet in the rain garden separating the employee and the customer facing parking lot. The original project manager who ran this buildout subsequently left Tesla Motors and did not disclose at the time of his departure that we did not have a permanent Certificate of Occupancy here. It was then brought to my attention just this last December that we had let our temporary Certificate of Occupancy and also the prior Planning Board approval expire. When I received the notice, I reapplied for the original site plan approval, I had the inlet and the outlet installed in the rain garden, separating the parking lots. So as this point, I'd like to apologize to the Board and the members of the Building Department for the inconvenience its caused and also ask if you could please reapprove the original site plan, so we can call for our final Certificate of Occupancy.

Chairman Cosentino stated Peter, do you have anything on this?

Mr. Miley stated they've since renewed their T.C.O., as they proceed.

Chairman Cosentino stated so he's here for...

Mr. Miley stated essentially his site plan expired, he's looking for another approval of the original site plan.

Mr. Smith stated reapproving the same plan that was previously approved.

Chairman Cosentino stated and you've inspected this and...

Mr. Miley stated we have not inspected, in order to get a permanent Certificate of Occupancy, it requires a fire safety inspection, complete a final inspection including the site plan and the building aspect. That has not been conducted yet.

Chairman Cosentino stated so he's here to renew the site plan?

Mr. Miley stated correct and then he would file for a C of O and then we'd subsequently do a final inspection of the site.

Chairman Cosentino stated so Jan, if he's going to renew the site plan, we've got to get the place inspected.

Jan Johannessen stated he's asking for you to reapprove the site plan. We conducted an inspection probably four or five months ago and we had noted some landscaping deficiencies...

Mr. Smith stated the inlet and the outlet and the grading of the...

Jan Johannessen stated the rain garden and there were some dead trees and trees that had been removed, I think I had provided an e-mail to your...

Mr. Smith stated to Bradley, the previous project manager, yes.

Jan Johannessen stated so that will have to get addressed, the landscaping issue but that could be wrapped up with the, prior to the issuance of a final C.O., so you can simply reapprove the resolution that you...

Chairman Cosentino stated so we need a motion on that? Anybody want to make a motion to reapprove the site plan?

Mr. Hertz stated I'll move that we approve Tesla's site plan.

Mr. Vigliotti stated I'll second that.

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

UPON ROLL CALL VOTE:

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

The motion carried by a vote of 6 to 0.

Mr. Smith stated thank you very much.

Chairman Cosentino stated Devereux, please identify yourselves for the record.

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

Mr. John Lopez of Devereux, Mr. Michael Zarin of Zarin & Steinmetz, and Mr. Scott Blakely of Insite Engineering were present.

Mr. Zarin stated Michael Zarin from Zarin & Steinmetz.

Mr. Lopez stated John Lopez from Devereux.

Mr. Blakely stated Scott Blakely from Insite Engineering.

Mr. Zarin stated I think we have been responsive and responsible to the comments of this Board, I hope you think so at least. We had a very productive meeting with Staff on January 19th and we submitted by packages, January 26th and 27th, this revised queuing plan that I think meets many of the, start with many of the concerns that were expressed by this Board at previous that had staff. First of all, we will limit the site

as you can see to queuing no more than twelve buses at any one time. We've supplied a traffic management plan, provided by John Collins that explains much of this but essentially will be coming off of Radio Circle, we will be bringing it around, we won't be blocking any of the back parking lot, we'll be queuing along in here, we'll be dropping off on the side of the building. There will be two staff people with walkie-talkies, one at the entrance and one here, we will have a drop off period in the morning, we expanded it from 8:05 to 8:45, which at the current location allows the buses to get through at that time. We will program and pre-notify the various buses and let me just make clear, it's not buses, its vans, from the school districts that twelve should arrive at 8:05 and twelve should arrive at 8:20, however we will take the vans on a first come first serve by allowing more than twelve on the site at any one time in the afternoon, the p.m., we will have the pick-up period between 2:45 and 3:15, vans arrive at 2:45 and 3:10, afternoon obviously as we've discussed. Some of them will come early, they can queue up in here, again only up to twelve and we will control that and also let them in on an ongoing basis but no more than twelve at any time, then they will exit onto Lindy, we will use here the pervious pavement, not requiring DEP approval, we will exit through Lindy. We did a title search on Lindy and Lindy interestingly is owned by the Village of Mount Kisco by tax foreclosure and will supply a copy of the, I didn't bring an extra copy but we have the title insurance.

Whitney Singleton stated excellent, you'll send it to me Michael? What year was the foreclosure?

Mr. Zarin stated yes, its buried in the document, I'm not sure but I'll send you the whole thing.

Whitney Singleton stated I know the neighbor's looking to buy it.

Mr. Zarin stated and guess who's representing them. We, this is approximately 250 square feet of additional, what we considered coverage, we will offset that by 475 square feet in that area...

Mr. Blakely stated the triangular shaped area here, we're going to remove that building and part of that asphalt and then landscape this area and a landscaped island we're proposing here to offset that increase in coverage.

Chairman Cosentino stated that's an improvement.

Mr. Hertz stated I'm so pleased that this will be solved, it's a stunning improvement over...

Mr. Zarin stated we appreciate that and we appreciate that input, staff was extremely helpful in working through some of these issues and obviously we took to heart what were strong sentiments from the Board, so we've analyzed the program with respect to the EMS, and the Fire Code. Scott could address that briefly but its all in compliance.

Mr. Blakely stated we basically walked the property, there are currently no Siamese connections on the buildings...

Mr. Miley stated there is one Siamese connection on the building, it's inaccessible, it's on the west corner, on the number four exposure. Adjacent to the Rattner Property, LLC.

Mr. Blakely stated on the backside?

Mr. Miley stated yeah, I walked the site yesterday and I discovered that its unfortunately blocked off, its inaccessible. Its really hard to find but I found it, its actually painted the same color as the building, as well.

Mr. Blakely stated and there's not access around that side of the building.

Mr. Miley stated the only access would be where the truck loading spot would be and then there's that fenced in area, so you would have to essentially cut through the fence, walk around the building and hit that one four corner and that's the location of the Siamese connection.

Mr. Zarin stated is it fair to say that nothing we're doing is impacting the inaccessibility of that.

Mr. Miley stated the only thing that would be is the loading spot, it would probably have to be relocated, if access if needed, that's essentially where the first engine would park in order to access....

Mr. Blakely stated I was on three sides of the building, I didn't even think to go on the back side to look for one.

Mr. Miley stated yeah. The Siamese is located right here. Not to scale.

Mr. Blakely stated unless there was an access to it prior to this being developed.

Mr. Miley stated the only access I can see, was at some point possibly and I'm shooting from the hip, is the area where the wood playset is.

Mr. Blakely stated yeah because there's a pretty severe slope coming off that access drive down. I don't know how you would get a vehicle back in there...

Mr. Miley stated you wouldn't, they would be parked essentially closest possible and then bring a hose over to it.

Chairman Cosentino stated okay, work on it.

Mr. Blakely stated we can work with Peter.

Mr. Miley stated we can make it work, no question.

Mr. Zarin stated otherwise I think we're...

Chairman Cosentino stated you guys are ready for a draft resolution.

Mr. Zarin stated so we would hope for a draft resolution at the next meeting.

Anthony Oliveri stated one question, you talked about I think two loading spaces, there's only one on the plan.

Mr. Blakely stated we eliminated the one loading space on the back of the building. There was a loading space here, when we reversed the circulation, bring that through here, well it would have been a very tight turn.

Anthony Oliveri stated loading can be in the aisle...

Mr. Blakely stated we're only required one loading space. This is a loading dock but there's not tenants that require anything being unloading through a loading dock. That loading dock services one small portion of the building. We're got one loading space on the site plan.

Jan Johannessen stated do you think there's going to be deliveries at the back parking lot at all or the back of the building, do you think Devereux is going to receive deliveries through another door?

Mr. Blakely stated I would think they would receive them through the front, that loading space.

Mr. Lopez stated any deliveries we get are UPS or FedEx, we don't have a cafeteria, we don't have a large store room.

Mr. Blakely stated so its going to be a single unit truck.

Whitney Singleton stated Scott, I'm going on recollection, didn't you have a substantial portion of the building which is going to remain unoccupied, you're treating it as warehouse.

Mr. Blakely stated we're treating it as vacant space right now.

Whitney Singleton stated vacant space, so when you come back to this Board and you don't have a loading area to get into that space, and you're going to propose a low intensity use like a warehouse at 1/1,000, you're not going to have any access to it?

Mr. Blakely stated if we come back for that space, there may be some amendments to that site plan to include some additional parking.

Mr. Zarin stated but we appreciate if we come back with a clean slate, we have to...

Anthony Oliveri stated does it make sense just indicating a loading space in the back lot, in the aisle now to anticipate that?

Mr. Blakely stated at this point we don't need it for the tenants that are existing and proposed, we will need to come back to your Board when the landlord finds a tenant for that space, depending on the use but we

will be back. We've study some alternatives for additional parking but again, any new pavement requires DEP, so we will be back.

Chairman Cosentino stated okay.

Whitney Singleton stated wait, I've got one more thing that's a little bit more significant, obviously the pervious pavers, you're not going to be seeking to dedicate those to the Village but what are you going to do with Lindy Street. Its obviously not built to Village specifications and it's a not a dedicated road, what are you proposing to do with it? You're not going to come to the Village and please curb, drain, pave and put in sidewalks here in from the Village.

Mr. Blakely stated it is partially curbed.

Whitney Singleton stated it's a disaster right now, they've got things in the front of the building, equipment stored there, gates, there's some logistical issues that we have to talk about how you plan on approaching...

Mr. Blakely stated the pavement width on Lindy is 24 feet.

Whitney Singleton stated its actually paved in that area in the back?

Mr. Blakely stated its paved right up to that rubble wall.

Whitney Singleton stated an with that big refrigeration system sitting in the front yard.

Mr. Blakely stated we haven't surveyed it but we measured it up that refrigeration or whatever that little structure is, is 27 feet from the curb line on this side, to the northern most side of that structure. So we have 24 feet clear on Lindy. There's some vehicle parked there, we assume from the tenant that's utilizing this space...

Mr. Bainlardi stated has that tenant been approached yet, do they know that this is coming?

Mr. Zarin stated we approached them but that tenant is not the owner of the property, so we've reached out to the owner. We literally got a title report like a couple days before approaching the owner to get the title and be able to give them the full information.

Whitney Singleton stated so Joe, what your Board is going to have to determine is to what extent that area needs to be suitably improved for access.

Jan Johannessen stated and who's going to maintain it.

Chairman Cosentino stated well obviously the Village is not going to maintain it, they're going to have to maintain it.

Whitney Singleton stated correct and the Village has never accepted dedication, they've only apparently obtained title by foreclosure.

Chairman Cosentino stated I think there's some legal issues here and I think that either Peter or somebody has to go there and see what the road looks like if they're going to use for vans going up and down, naturally you want it to be safe.

Mr. Miley stated its just not for vans, its also for emergency vehicles, it has to be an accessible street.

Chairman Cosentino stated I think maybe we're going to need a report from you on it, you know.

Mr. Miley stated that's not a problem, I can go out there.

Chairman Cosentino stated I think we need a report from Peter on this and report back to our Board, if you can, just to see what you think.

Mr. Bainlardi stated I was there, my observation when I was there was that the biggest issue I saw was maintaining the portion of Lindy that's closest to where you want to make the connection free and clear of personal property and of course cars. Whether or not you curb the other side or not, maybe that's appropriate.

Chairman Cosentino stated that's where the tree trucks are...

Mr. Bainlardi stated yeah, there's vehicles parked in there.

Chairman Cosentino stated Peter, while you're there, can you look at the site where these big trucks are and see if it's up to par. I think that a lot has been changed there, I think we should look at that at the same time. I don't think it matches the original site plan.

Jan Johannessen stated is that gate to remain?

Whitney Singleton stated Peter, that's the resolution and the plan.

Mr. Blakely stated the gates that are there, we have to work out those details with whoever placed those gates.

Jan Johannessen stated do you have a preference?

Whitney Singleton stated those gates are going to have to be removed.

Mr. Zarin stated we'll have to, you can make it a condition of your approval that we have to maintain the gates open if we have to use Lindy. We are committing to using Lindy.

Anthony Oliveri stated the site plan needs to the right of way property lines, you're going to survey this on an updated drawing.

Chairman Cosentino stated want to prepare a resolution.

Jan Johannessen stated Chairman, can I ask that, due to scheduling that that be prepared for the first meeting in March?

Chairman Cosentino stated fine.

Jan Johannessen stated I can't have it prepared for the second meeting in February.

Whitney Singleton stated Joe, as long as there's going to be a 4 week hiatus, is there any coordination you would like Anthony or Peter do with Scott to properly reflect the improvements that need to be done to Lindy Street?

Chairman Cosentino stated we need a report back on that and what has to be done.

Anthony Oliveri stated I think we have to decide, if its not going to be a dedicated road that we're going to be using, we would treat this as a driveway.

Mr. Blakely stated that's our thought too.

Whitney Singleton stated but it still has to be done to some standard.

Chairman Cosentino stated and they're going to report back to us with what has to be done. Anthony, I guess you have to get involved, Peter has to get involved.

Mr. Miley stated in all honesty, if I can make a recommendation Chairman, myself Anthony and maybe Scott will review the site.

Chairman Cosentino stated absolutely, good idea.

Mr. Miley stated because there are some other issues that I have concern with if they're going to utilize that as some sort of access, there has to be no congestion, if we can modify one or two of the buses to reflect that. I'm available.

Chairman Cosentino stated so Anthony, get together with Scott.

Mr. Blakely stated I'll send out an e-mail and we'll coordinate it.

Chairman Cosentino stated so we'll get the report and the resolution will be the first meeting in March.

Mr. Zarin stated thank you very much, appreciate it.

Chairman Cosentino stated Maplewood Senior Living. Identify yourself for the record please.

**7. Maplewood Senior Living – 2 Morgan Drive
PB2013-0247, 80.55-1-2.1/4
Site Plan and Special Permit**

Mr. Charles Martabano, Esq and Mr. Scott Blakely of Insite Engineering were present.

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

Mr. Blakely stated and Scott Blakely with Insite Engineering.

Mr. Martabano stated this is a procedural requirement, we started this process back in January of 2014, we've made a presentation to your Board, to the Village Board, this is the SEQRA process and we thought that with the Village Board making a decision with respect to the zoning and with then Planning Board then having site plan approval, it's a coordinated review, we thought the Planning Board should be the lead agency. We ask you to be lead agency and circulate your notice of intent, that's what we're here. We've seen the resolution, we're fine with the content of the resolution, so it's the Board decision, we'd like you to adopt that and circulate your notice of be lead agency.

Whitney Singleton stated as I previously stated to the Board, because of my representation of one of the principals of the contract vendor, I'm going to recuse myself from this application.

Chairman Cosentino stated Jan, are we prepared to...?

Jan Johannessen stated I prepared a resolution for the Board to declare your intent to serve as lead agency, along with the lead agency notice which would be circulated to the involved and interested agencies. I've identified the involved and interested agencies, I reviewed that list with the applicant, they believe its complete. This is a necessary step in the SEQRA process, something that needs to take place as soon as possible.

Mr. Bainlardi stated I make a motion that we approve the resolution for Maplewood Senior Living, 2 Morgan Drive, Planning Board 2013-0247, tax lot 80.55-1-2.1 and 4, this is a draft resolution for intent for lead agency.

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

Chairman Cosentino stated we have a motion by Mr. Bainlardi, a second by Mr. Mareschi. On the question, will the Secretary poll the Board, please?

UPON ROLL CALL VOTE:

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

The motion carried by a vote of 6 to 0.

Mr. Martabano stated thank you.

Chairman Cosentino stated Win Development.

Mr. Hertz stated I just have one question, Jan, can I ask a question?

Jan Johannessen stated yes.

Mr. Hertz stated this is a conceptual application, how can we be lead agency for a concept?

Jan Johannessen stated your responsibility is to establish yourself as lead agency as early on in the Planning process as possible. They've submitted a conceptual application and a part one EAF, which is...

Mr. Hertz stated so we don't require a formal application to...

Jan Johannessen stated no.

Chairman Cosentino stated okay.

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

Mr. Charles Martabano, Esq, Mr. Scott Blakely of Insite Engineering, Mr. Todd Albright, Mr. Ira Grandberg and Mr. George Gaspar of Grandberg Associates were present.

Mr. Martabano stated okay, shall we all introduce ourselves or Michelle, do you have us all...

The Secretary stated I think I know who everybody is at this point, except for the gentlemen who’s not up on the dais.

Mr. Albright stated Todd Albright from Win Development.

Mr. Martabano stated as you probably got an idea from the letter that I drafted, I really feel this is an exciting opportunity, the property that’s involved in this application, you all know it, its known as Eduardo’s. It has, obviously a bit of a past, it was originally developed, I believe as a gasoline station and then a combination gasoline station/restaurant, then a restaurant/tire store and now it’s a restaurant and Win Development would like to...

Whitney Singleton stated you missed something, there was an antique store and a pizzeria.

Mr. Martabano stated it’s a triangular lot in a particularly unique location in the Village. Win Development, as you saw from the letter it looking to redevelop the site. I want to just go over the existing conditions on the site plan, if we could and again you are all pretty much familiar with it, the building is obviously tucked over to this portion of the site, what’s significant is that it has two-way traffic onto South Moger Avenue at two different locations and when it came to the thought of redeveloping the property, the applicant came to see me and we talked about it being a special site in Mount Kisco and at that point in time, the applicant had an idea for the development of the property, it was nice, it gave a great presentation from a certain point of view of the Village but I really felt as though this site in Mount Kisco deserved a little bit better. So we went and we saw Ira Grandberg and Ira has come up with a plan for the building, Scott’s come up with the site plan and I think we’ll just show that site plan now. Now, what is important about this site, and it does involve getting an easement from the Village but from a Planning perspective, we’ve eliminated one of the accesses which would end up with it adding two parking spaces on South Moger Avenue and we’re trying to establish one-way traffic flow, which would come in, because now you have two accesses, two-way traffic at each point, we don’t think it’s a great situation.

Mr. Vigliotti stated it’s the Mount Kisco U-turn.

Mr. Martabano stated that’s a very good point, that’s what it is. Hopefully we’re going to go to the Village Board, hopefully with your support to get access through Shopper’s Park because when you come through here, Scott will tell you, you get to go to either a signalized intersection at Main Street or the stop sign at Green Street, it’s a much safer situation...

Chairman Cosentino stated eliminate the bridge?

Mr. Martabano stated which bridge?

Whitney Singleton stated he’s coming out on the turn onto the bridge.

Mr. Hertz stated you’re pre-bridge.

Mr. Blakely stated pre-bridge, that pond is located right here.

Mr. Martabano stated now, we’re described the building to you, at least in the letter, I’ve deliberately withheld the rendering for reasons that you’ll see. But it’s going to 8,196 square feet of a business office, two-stories and again the design we think is unique and unique to the Village, so now I’m going to let Ira show you what we plan to put at the site.

Mr. Grandberg stated the design was that the site presently, is basically a parking lot if everybody agrees and everybody coming into the Village sees cars and a parking lot and not even a very attractive parking lot. Also, the areas to be mitigated for any architect was that we’re dealing with a triangular site which inherently does not lend itself to a normal building. And the balance between the parking and building and

program of what had to be on site, establishes a whole bunch of different criteria as to what this could be. The owner originally had an architect from the mid-west who basically maintained the front parking lot and it was an attractive building but it basically didn't change the nature of the Town. As Charlie mentioned, that as of a kind of gateway entrance to the Town, even though you have a taco, a garage and Heller Shoes across the street, we felt this was an important element since the furniture store and the building on this side is such an imposing large building, how do you maintain, call it Main Street USA. So with the blessing of the contract vendee we felt that a dynamic building was needed, one that could enhance the Village, one that could create safe parking and safe ingress and egress, I don't know how many of you experienced it but on numerous occasions, I almost got sideswiped, it sounds sexist but by women in SUV's that almost nailed me driving by.

Mr. Martabano stated I will tell you, I'm almost 63 years old, the one accident I've been in is when someone came right out in front of me from that location, one accident in my entire life.

Mr. Grandberg stated this is the building we want to do.

Mr. Mareschi stated wow.

Mr. Grandberg stated the building will have an entrance, a two-story glass entrance that you enter within a covered space, in developing this, George and I utilized the triangularity of the site so that we couldn't really put a building, we created the portal in. It's not just on another store front on the street, its not just another sign over a door, its designed so that the conference public areas are in the middle, the entrance lobby is over here, you drive in and the existing curb cut and the parking is behind the building, its not in front of the building and again if we took the liberty of meeting the intent of the law and left the parking in the front, we might be able to meet the parking requirements or not but by putting them in the back, we're two short, based on the count, even though we're adding two spaces to Moger and that's one of the issues that we'll have to discuss. The building would be clad in zinc coated copper or stone and the two-story lobby would be seamless glass or butt-jointed glass and that's pretty much the design.

Mr. Mareschi stated very nice.

Mr. Hertz stated have you named it yet?

Mr. Martabano stated not yet, but soon.

Mr. Hertz stated Flat Iron North?

Mr. Grandberg stated in seriousness, to ignore the triangularity of the site with a rectangular building, we just felt it was the wrong way to handle it.

Mr. Martabano stated now, we are hopefully and I think as Ira pointed out, some of the uses across the street could certainly use a bit of renovation, et cetera, we're hopeful that with the change to this site, at this location, it might act as a little spur of revitalization to the area as well, but most importantly it really does represent a gateway building coming from Armonk or Chappaqua and this Mount Kisco as far as we're concerned and we really think that Ira's done a great job presenting a building that will really have that impact on the Village.

Mr. Grandberg stated and the developer is willing to go the full nine yards to not put up a two story taxpayer box.

Mr. Martabano stated we haven't told him anything about pricing yet, that's why he's here tonight.

Chairman Cosentino stated nice job, Ira and George, you guys did a great job.

Mr. Martabano stated and the other thought again, that's so important is from a safety point of view, from a site plan point of you, granted, we definitely do need assistance from the Village Board but we think this works so much better in terms...

Chairman Cosentino stated what is the outside, the composites.

Mr. Grandberg stated the outside material will be zinc coated copper. If you know the Lodolini Dental office, you know that siding with the mahogany colored windows. It's a material that's low maintenance and its an expensive material and it might be an alternate material, we have to make that decision but on a plainer level, that's what it looks like.

Mr. Martabano stated now as I pointed out in the memo and as the consultant memorandums also point out, we will probably need a variance for two parking spaces, whether we can apply is also procedure for discharging that obligation, we'll seek the variance for it because as we pointed out, we are actually putting two more parking spaces on the street by eliminating that access, so I think it will be a good argument when we go to the Zoning Board. But what's critical, is that we do need permission from the Village Board for a couple of different things, number one, Scott, if you'll just point out that access that goes across Village owned property there and also we are required to put some stormwater measures as well, I think you've got them draft somewhere, Scott, or no, not on this plan, a later plan.

Mr. Mareschi stated what's the square footage building?

Mr. Martabano stated 8,196.

Mr. Grandberg stated can I point something out, what Scott did, that you all should be aware of, you know how everybody crosses over the parking lot of Eduardo's when you want to go from Moger to, right, what Scott has done...

Mr. Martabano stated that's a different plan, we'll get there in a second. We did have a chance to meet with staff and of course you've got some staff memorandums as well. And Jan brought up a very good point about, there is a certain degree of tightness in this particular area with respect to the parking spaces. We believe that it works, obviously it might be a little bit better if we had a little bit more room but we don't have any more room on the site. So we would like to go to the Village Board, we do have to go for the access itself and for the stormwater measures as I mentioned but taking that idea that Jan als brought up about a pedestrian corridor. We worked out a little plan to make the site work a little bit better but it will require a further encroachment onto Village property, I'd like to show you that plan as well because after we got Jan's memo, we worked on this. Scott, why don't you walk us right through it.

Mr. Blakely stated sure, one of the concerns that Jan had was you know although the dimensions of the parking area on the previous plan met the Code requirement for 60° parking and the access aisle, you know it was somewhat congested, he had some concerns about these end spaces, backing up into this pedestrian access across here. And so what we did was we took a look at changing the parking, maintaining that one-way circulation through and creating perpendicular parking, it requires us to encroach into the Village property by about 6 or 7 feet, moving this curb line back.

Mr. Martabano stated I do want to point out the existing site also has an existing parking encroachment on it. This is a little bit more significant though, this would and that's why we want to make application to the Village Board obviously.

Mr. Blakely stated and then by reconfiguring the parking, what we were able to do was to create this pedestrian access through the portal of the building across the access aisle and then create access through to Shoppers Park.

Mr. Vigliotti stated that is a nice suggestion on your part there, sir. It works.

Mr. Blakely stated and we agree.

Mr. Martabano stated so, this plan obviously does then involve several points that we need to take up with the Village Board, which we want to do at probably the next meeting or perhaps in a couple of weeks. We'd love to be able to tell them that we made this presentation and the Board thought highly of it, I don't want to put words, we'd like to get some input from you as to what you think about obviously the overall building and the site plan that takes us through, one-way traffic, that's the access here but as well for the other change here, a little bit more room here for parking and then we have this pedestrian access right through Shoppers Park.

Chairman Cosentino stated a big improvement for downtown Mount Kisco, it really is.

Mr. Martabano stated we think so and a lot of credit really needs to go to the applicant because he immediately embraced these suggestions when we saw what Ira was able to create, it was let's go with that. And we just think it's going to be a fantastic addition to the Village of Mount Kisco.

Mr. Vigliotti stated it could change that whole area.

Mr. Martabano stated we think it will be a catalyst, and like I said, you come in and you're going to see the new Police Department, I say new but you know what I'm saying and then boom, this building and that anchors the Shoppers Park area, and it us it will really be a great improvement to the Village.

Mr. Blakely stated and what it really does besides improve the circulation from South Moger through the site, it also grabs this last piece of property and brings it into Shoppers Park.

Mr. Mareschi stated the whole thing from Shoppers Park.

Mr. Martabano stated when the Village did it, they were able to do it with all the other properties, as he says, and it's the last piece to come in.

Mr. Mareschi stated right and you see everything because it's open.

Mr. Martabano stated it all works at this point in time, so we do feel, like I said, it's going to be a great improvement to the Village. So our next stop will be, we're going to do two things, we're going to make the formal application to your Board, okay, we'll deal with the issue as we have to with respect to the parking spaces but we need to, our next step is to go to the Village Board, without the approval of these encroachments, this site plan doesn't work quite as well.

Chairman Cosentino stated well I hope the Village Board works along with you, and I think that they will because it is a masterpiece.

Mr. Martabano stated thank you, if there's anything at all that the Planning Board could do in terms of letting their thoughts known to the Village Board before that time, what would be really good.

Whitney Singleton stated Charlie, why did you use, when you started your presentation, you used the work easement and then you changed it to access?

Mr. Martabano stated its an access easement, I was using it interchangeably.

Whitney Singleton stated why do you need an easement? Why can't it be a license?

Mr. Martabano stated well a license is temporary in nature, I don't know if their title company would go with that. You and I can discuss that Whitney, you cross over when you go into a right of way, you encroach into the public right of way with the driveway, how is that any different? I see a major problem for you getting an easement from the Village. I don't know that they're going to be in a position to give you that, if you want to make the improvement with a license agreement, that's something else.

Mr. Martabano stated well I guess it would depend on what the license agreement says and we can work that out.

Whitney Singleton stated and with regard to the encroach for parking spaces, are you seeking, again, just like we don't allow other people to encroach onto publicly owned property, I can't see that happening but I could see it happening if you were to dedicate those spaces towards Shoppers Park. Are you planning on keeping those privately retained or are you putting public aside.

Mr. Martabano stated that's an issue that we have not talked about, its obviously something that we can talk about, again that will be up to the applicant more than anyone else but before we go to the Village Board, perhaps you and I will work on those issues and figure out what's the best way to proceed. From our perspective, so as long as they're okay from a title perspective going forward, we'd like to see this happen.

Whitney Singleton stated and in your meeting with staff, not to put anyone on the spot, in your meeting with staff, outside of parking, are you otherwise Code complying with regard to all coverages, setbacks, building heights...

Jan Johannessen stated the only other issue that came up was, we talked about the threshold for a special use permit, 8,000 square feet.

Mr. Martabano stated which is in my letter to the Board from January 26th.

Jan Johannessen stated I believe that the Building Inspector has requested some additional information on the use so we can determine...

Whitney Singleton stated so its not determined with finality that the use is permitted, or it is?

Mr. Miley stated we discussed the use.

Mr. Martabano stated we discussed the use and I sent a subsequent letter to the Planning Board and the Building Inspector, I believe that we're confirmed but it is determined that I think we need a special permit since it is over the 8,000 square foot threshold.

Mr. Miley stated its actually included the memo, its specified in the memo. 8,164 square feet.

Anthony Oliveri stated the stormwater management easement or something, to what nature, is it some pipe or are you talking about a practice?

Mr. Martabano stated a couple of large fountains with lights.

Mr. Blakely stated we're Designated Main Street, we've had some preliminary discussions with Andreea, those will continue.

Anthony Oliveri stated they're not going to be significant.

Mr. Blakely stated we're going from impervious to impervious but...

Anthony Oliveri stated a couple of spots.

Whitney Singleton stated you're pretty close to 110% now, aren't you.

Mr. Blakely stated we believe there will be a reduction but the way the DEP looks at it, is if you're putting impervious on top of pervious, you're treating it, wherever you're putting it. So we're working through those issues with them right now.

Jan Johannessen stated the Board should also be aware that there's wetlands [inaudible] to the site that are regulated by both the Village and the DEC, there's going to be encroachments into the buffer areas, so this application would require wetland permits from the Planning Board and the DEC.

Mr. Blakely stated and we've had the wetlands flagged, they were field verified by Heather Gierloff from the DEC, we've had some discussions with Heather, Heather was involved in the development of Shoppers Park when we went through that process, so we've already got her on Board and started some discussions with the DEC.

Jan Johannessen stated you talked about going to the Village Board for a license agreement, easement, what have you. I would imagine that given the number of agencies involved, this would be something that would be a coordinated review for SEQRA.

Mr. Martabano stated I believe that's correct.

Jan Johannessen stated certainly go to the Village Board, discuss with them the project, but I don't believe they'll be in a position to act until SEQRA is complete.

Mr. Martabano stated I think that you're probably, well wait a minute on the granting of a license.

Jan Johannessen stated well you talked about an easement.

Mr. Martabano stated Whitney indicates that it might be a license, but again, we'll sort that issue out. We need to get there to see what they think about the project, if they'll support the project and the rest of it will hopefully fall into place after that.

Jan Johannessen stated you did not submit an EAF but if you wanted to start the SEQRA process, a Short EAF would be sufficient in this case.

Whitney Singleton stated what do you have on the old underground tanks...

Chairman Cosentino stated they're out of the ground...

Jan Johannessen stated submit a Short EAF and we'll get lead agency process...

Mr. Martabano stated okay.

Chairman Cosentino stated okay, thank you very much.

Mr. Martabano stated thank you.

Chairman Cosentino stated we have nothing else between this Board. **Motion to adjourn.**

Mr. Hertz stated yes.

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

The meeting adjourned at 10:twelve p.m.