

**Minutes of Meeting of the Planning Board  
Village/Town of Mount Kisco  
Tuesday, July 12, 2016**

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

Members Absent: Doug Hertz

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

Staff Absent: Anthony Oliveri, Village Engineer

Chairman Cosentino called the meeting to order at 7:30 p.m. and led the pledge of allegiance.

Mr. Sturniolo stated thank you, thank you.

Chairman Cosentino stated this is Tuesday, July 12, this is a Planning Board work session. The first thing we have on our agenda is the meeting, the minutes of the meeting of May 12<sup>th</sup> and July 14<sup>th</sup>, I myself, don't have a problem with either one, we can pass them both, we can do it together. Does somebody want to make a motion?

**Mr. Sturniolo stated Mr. Chairman, I'll make a motion that the Planning Board approve the minutes of May 12<sup>th</sup> and July 14, 2015 as printed.**

**Chairman Cosentino stated we have a second?**

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

**Chairman Cosentino stated we have a second by Mr. Mareschi, on the question. Will the Secretary poll the Board please?**

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

**Motion carried by a vote of 5 to 0.**

- 1. Exit 4 Food Hall – 149-157 Main Street  
PB2016-0326, 80.25-3-30 (SBL)  
Special Use Permit**

Mr. Isi Albanese was present to represent the application

Chairman Cosentino stated okay the next thing is a public hearing on Exit 4 Food Hall. Is there anybody in the room here, that's here for Exit 4, for or against.

The Secretary stated nobody signed up on the sheet, Chairman.

Chairman Cosentino stated nobody signed up.

The Secretary stated no sir.

Chairman Cosentino stated are you here for it? Nobody, did you say you here for it or you're not.

Mr. Mareschi stated that's Isi, Joe.

Mr. Bonforte stated that's Isodoro.

Mr. Albanese stated that's me, you need me to come up?

Chairman Cosentino stated if you want to say something, come on up, it's a public hearing, you're welcome, come on up, we're not going to bite you.

Mr. Albanese stated do I need to say anything.

Chairman Cosentino stated if you want to, you don't have to.

Mr. Vigliotti stated if you want to.

Chairman Cosentino stated alright gentlemen, we have a resolution here for Exit 4 for outside seating, are there any questions on this from the Board here or from Staff?

Whitney Singleton stated Chairman, I gave ministerial corrections to the Planner, during the work session just with regard to the referencing of sections which he has.

Chairman Cosentino stated these were minor changes, do you want to bring them up, just let us know the changes so we all know.

Whitney Singleton stated the Code takes verbatim, sorry the resolution takes verbatim many of the conditions contained in the Chapter 93 of the Village Code governing outdoor dining permit and café permits, they were incorporated into the resolution. And rather than reference this section, it should reference Village Code Chapter 93 and I've given the Planner those references, he's going to incorporate those and incorporate one provision from the last resolution of approval for an outdoor dining permit. That's it, so they're miniscule little changes.

Chairman Cosentino stated okay, any other questions from the Board or staff?

Mr. Sturniolo stated I have one question, Jan, is the railing for the outdoor seating, is that continuous in front of all the tables?

Jan Johannessen stated I'll defer to the Building Inspector.

Mr. Miley stated yeah, he'll have to contain the area and the exit will be through the business.

Mr. Bonforte stated is it continuous or contiguous?

Mr. Miley stated its supposed to be continuous.

Mr. Sturniolo stated it is.

Mr. Bonforte stated are you aware of that, Isodoro?

Mr. Miley stated its one of the conditions.

Mr. Albanese stated yes, except where the entrance is.

Mr. Miley stated in other words, correct me if I'm wrong, you concerned with people walking off the street or sidewalk and entering the tables. They would have to go inside and come through the doors.

Mr. Sturniolo stated and applies to the whole length of the outdoor seating.

Mr. Miley stated the whole area delineated.

Mr. Bonforte stated are we saying Peter that it's enclosed...?

Mr. Miley stated it is.

Mr. Bonforte stated from the outside. So meaning at the front entrance, there's going to be side enclosures, as you walk through the front entrance, on the side, on left or right of you.

Mr. Miley stated correct.

Mr. Bonforte stated the outdoor seating will be enclosed both on the side and lengthwise and then on the ends.

Mr. Albanese stated on the ends too.

Mr. Bonforte stated that's the way the resolution is written.

Mr. Albanese stated on the far ends to the right and left, on the inside, like it is on my drawing or different than the drawing.

Mr. Miley stated well it's going to be to Code, Isi. It's going to be separated from the public walking, it would have to be quartered off, and entry and exit would be through the doors provided, hence the reason for reduction in the occupancy load.

Mr. Bonforte stated the interior doors, referring to these, that will be enclosed.

Mr. Albanese stated so you want this going this way also, on each side.

Mr. Bonforte stated you come in and you have to go in like that.

Mr. Albanese stated okay.

Mr. Miley stated the Code speaks to specific materials, the fence the height and...

Mr. Albanese stated okay, I just thought if there was a table there they couldn't get out or in from that side, we can do that too.

Chairman Cosentino stated thank you Isi. Alright, anything else here. We have a motion, anybody want to...?

**Mr. Bainlardi stated I guess first make a motion to close the public hearing.**

**Chairman Cosentino stated yeah, that's what the motion is for.**

**Mr. Vigliotti stated well I'll second it.**

**Chairman Cosentino stated who made the motion.**

**Mr. Bonforte stated John.**

**Chairman Cosentino stated oh, John made the motion, seconded by who?**

**Mr. Vigliotti stated Mr. Vigliotti.**

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

**UPON ROLL CALL VOTE:**

<b>Mr. Bainlardi</b>	-	<b>aye</b>
<b>Mr. Vigliotti</b>	-	<b>aye</b>
<b>Mr. Mareschi</b>	-	<b>aye</b>
<b>Mr. Bonforte</b>	-	<b>aye</b>
<b>Mr. Stunriolo</b>	-	<b>nay</b>
<b>Chairman Cosentino</b>	-	<b>aye</b>

**Motion carried by a vote of 5 to 1.**

Chairman Cosentino stated on the resolution.

**Mr. Bonforte stated I'll be glad to make a motion to adopt the resolution of the special use permit approval for outdoor dining for Exit 4 Food Hall, 153 East Main Street, Section 80.25, block 3, lot 30, application number PB2016-0326 and the date is July 12, 2016.**

**Mr. Mareschi second the motion.**

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

**UPON ROLL CALL VOTE:**

<b>Mr. Bonforte</b>	-	<b>aye</b>
<b>Mr. Mareschi</b>	-	<b>aye</b>
<b>Mr. Bainlardi</b>	-	<b>aye</b>
<b>Mr. Vigliotti</b>	-	<b>aye</b>
<b>Mr. Sturniolo</b>	-	<b>nay</b>
<b>Chairman Cosentino</b>	-	<b>aye</b>

**Motion carried by a vote of 5 to 1.**

Chairman Cosentino stated okay Isi, you're all set. Thank you.

Mr. Albanese stated thank you very much.

Chairman Cosentino stated alright, the next thing on the agenda is, it's a formal application, 35 39 Kiskon Road, it is the former Whalen's. Mr. Martabano, good evening.

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

Mr. Charles Martabano, Esq., and Mr. Scott Blakely were present to represent the application.

Mr. Martabano stated good evening gentlemen and lady. As you know Mr. Chairman...

Mr. Sturniolo stated how are you Scott?

Mr. Martabano stated I was about to start but I want to let – when last we were here, the Planning Consultant asked for a description, a narrative description of the proposed used of the building, Scott prepared that and submitted, you discussed that at your work session, we're going to glad to answer them. I wanted to address Michael's questions because he was correct about a figure, the figure being 60% and you absolutely right and that was me that said it. What I was referring to and didn't do correctly was the amount of materials that are delivered either from the location or from distributors direct to job sites that are not picked up at the location, if you look at the 20 and the 40, there's the 60 but I unartfully said it, but you were correct in what you heard.

Mr. Bonforte stated thank you for verifying.

Mr. Martabano stated okay, not a problem, I wanted to correct that. Other than that we can respond to some of the questions you have, I know one of the issues Mr. Chairman, you brought up were the number of tractor trailers but I'll remind you of a couple things. Whalen's itself operated 40 tractor trailers from that location daily...

Chairman Cosentino stated but they started in the 1950's and it was nonconforming use and it was there.

Mr. Martabano stated it was a conforming use...

Chairman Cosentino stated I mean to say conforming use and it was there, so do we want to see it again.

Mr. Martabano stated not necessarily but just, when talking about the ability of the area, it's a Service Commercial area which is basically your light industrial area to begin with, when you talk about Whalen's have 40 tractor trailers, you talk about when the transfer station...

Chairman Cosentino stated they didn't have 40 but go ahead.

Mr. Martabano stated they did, Michael Whalen will tell you that, okay. I have pictures of the entire lot covered with tractor trailers.

Chairman Cosentino stated Charlie, you know what we're trying to do, okay.

Mr. Martabano stated if you look at it, and I was speaking with Tony Giardina, who's one of the neighbors that's been here for years, the transfer station was there, as he described it just a few minutes ago to me, it was a conga line of trucks all day. We're only going to have 2 to 3 tractor trailers per day that's it, at the

location, in terms of deliveries. So what we're talking about is very, very minimal for the area, for the prior uses and for this particular use itself, really very, very minor.

Chairman Cosentino stated I had to bring it up.

Mr. Martabano stated of course and I respect that, I wanted to respond to it because when you do that, I need to do that. Ralph, you brought up the issue of...

Chairman Cosentino stated as long as Mr. Giardina approves...

Mr. Martabano stated there he is, I think he's going to be one of our biggest supporters.

Chairman Cosentino stated I just didn't want him to come at a Village Board meeting and say 'hey guys we have 40 trailers coming here'.

**Mr. Giardina** stated now Joe, you and I know what went on there.

Mr. Martabano stated exactly.

Chairman Cosentino stated we grew up together.

Mr. Martabano stated if you think about when that transfer station started in 1979, I was telling Tony, he was a fixture at the Village Board meetings because that traffic started from that point and didn't cease for 30 years. Ralph, on your point, you know you called it a retail location, and it's not, it's a lumber yard, that's the description of it and if you look at our product line as we said in the statement of use, no one walks in and walks out, no one. At their location now, there's no walk-in traffic whatsoever, because what are you going to do, walk out with a bag of peat moss or walk out with a door or window. If you look at our products, okay, lumber, hardware, paint, window and door sales and distributions, concrete products, peat moss, no one walks in.

Mr. Vigliotti stated let's just clarify, when you say hardware, can someone go in and buy a hammer, buy tools, paint?

Mr. Martabano stated think about walking out with 2 gallons. Are you going to walk from your house to there with 2 gallons of paint?

Mr. Vigliotti stated let's not be facetious here...

Mr. Martabano stated I'm being accurate.

Mr. Vigliotti stated bottom line is it's a retail business, I've been to lumber yards and I've been hardware stores. It's a combination hardware store selling items to support to the lumber business, circular saws, power drills, whatever, shovels, picks, axes, all of that, correct?

Mr. Martabano stated but no one walks there, they have all this use at this location, at 105 Kisco Avenue and this gentleman's been there for about a year there, there's not walk-in traffic.

Mr. Vigliotti stated there's no immediate and the Building Inspector will render an opinion at some point. It's a retail business, we need to protect the residents who live on Kisco Avenue, who are going to walk there, there is a whole neighborhood right on Kisco Avenue, Lexington Avenue excuse me. There are folks that live in residential homes that will walk there to pick up some miscellaneous supplies and whether it be a utility sponge or paint brushes or hammer or nails, or whatever it may be, it is retail. I think it would be fool hearty not put a sidewalk system that protects the residents of the Village who are going to walk there.

Mr. Martabano stated that would be a Village improvement...

Mr. Vigliotti stated well that's something...

Mr. Martabano stated if that's what we're talking about, we don't have a problem with it, we're going to improve the site.

Mr. Vigliotti stated well I guess the site would have to conform to the State regs on sidewalks and perhaps the Village may have to meet you at the property lines. I think there needs to be, perhaps there needs to be a sidewalk system.

Mr. Martabano stated we'll talk about it with Peter.

Mr. Vigliotti stated we don't know down the road how the business may evolve, it may evolve to be more lumber, more larger products, it may involve to be more hardware products. You may subdivide and there may be another product line but it's the first time we're going to retail and I don't think that will be the only building in the immediate neighborhood of Lincoln, Kiskon and Columbus that will be retail over the years. There isn't a sidewalk system there, folks who will be walking down, whether it be Neighbors Link or another store, they're walking on the street and I don't think that's safe, so I just kind of leave that...

Mr. Martabano stated alright, we'll leave it that way.

Mr. Vigliotti stated and I just have one other comment, the narrative is wonderful, I would just like to see all the movement of trucks and traffic and everything in some kind of chart form, so its easier to read. You know its paragraphs of information, how many trucks are coming, how many trucks are leaving, I'm only one person but I think it will be easier for the Board to see the movements if its in a chart form from the narrative.

Mr. Blakely stated I think we can do that.

Mr. Martabano stated we can do that Ralph, that's not a problem.

Mr. Vigliotti stated those are my only comments.

Mr. Martabano stated that's great, that's wonderful.

Jan Johannessen stated if you can include in that chart specifically anticipated vehicle trips as a total on a per day basis or per hour basis.

Mr. Martabano stated I think we have that but I think we can do that.

Jan Johannessen stated I didn't see that.

Chairman Cosentino stated I thought we had it too.

Jan Johannessen stated talk about how many people you're going to have an hour. I don't see any discussion about vehicle trips.

Mr. Blakely stated we don't, we have not included that, I mean we could look at the ITE...

Jan Johannessen stated we talked about ITE and this gentleman's experience from his other store for an estimate.

Mr. Blakely stated what we'll do is we'll take a look at the ITE, we did take a brief look at it, you know its not specific to this size store but we can...

Jan Johannessen stated he's got a store on Kisco Avenue, I'll just use his existing establishment as [inaudible].

Mr. Martabano stated we'd love to do that because those numbers are great for us and I think they'll put your mind at ease and if Ralph wants them in chart form, I think we can do that, it's fine. Are there any other questions regarding the use?

Chairman Cosentino stated I think it's a good use for it there...

Mr. Martabano stated what we're looking to do obviously we, I appreciate that very much.

Jan Johannessen stated Charlie, before you move on from the narrative...

Mr. Martabano stated sure.

Jan Johannessen stated there was some discussion at the last Planning Board meeting about loading and unloading taking place within the building, that the truck is going to go inside the building up Columbus Avenue completely load from within the building and then pull out, is that true?

Mr. Blakely stated that is correct and we have 4 loading doors on the Columbus...

Mr. Bainlardi stated can you hold that plan up?

Mr. Blakely stated sure.

Jan Johannessen stated if that could just be specified in the narrative.

Mr. Martabano stated oh, okay.

Mr. Blakely stated not a problem, there's 4 overhead doors on the rear and you know there's adequate clearance on all those doors that the tractor trailers can back in.

Jan Johannessen stated if I have my own personal vehicle and I'm going to pick up 10 sheets of plywood, do I pull my truck inside or is somebody going to come out with that material?

Mr. Martabano stated well if its you, we're going to deliver it to your house.

Jan Johannessen stated that's a good answer.

Mr. Blakely stated I guess it would depend on where its located inside the building. You know, I've been to lumber yards where they have you pull in, in a certain door to pick up plywood...

Mr. Kracko stated back in beyond the paved area, you've got a big paved area driveway on the building before you go in.

Mr. Blakely stated so like a pick up your size could possibly get...

Jan Johannessen stated I'm trying to get a clear understanding of whether the materials are getting loading, the vehicles are getting loaded in or outside of the building.

Mr. Blakely stated I think it will be a combination of both.

Jan Johannessen stated but the trucks are going to be...

Mr. Blakely stated the trucks will not be, the trucks will be, they could be partially in the building and partially on the pavement shown in the loading zone.

Jan Johannessen stated and overnight everything is indoors.

Mr. Blakely stated we'll add some additional information.

Mr. Martabano stated okay, are we good?

Jan Johannessen stated we're good.

Mr. Martabano stated okay, so what we would like to do, we're before the ZBA for some variances, they can't act until you as lead agency act, you've circulated your notice of intent to be lead agency, I don't think anyone's been in touch with them wanting to assume those obligations, we can't go back to the ZBA until you've made a determination of significance which we hope will be in the form of a negative declaration, I believe the 30 days will have expired by your next meeting because I think the next meeting is August 9<sup>th</sup>, is it.

The Secretary stated yes.

Chairman Cosentino stated we have the one meeting, is it August 9<sup>th</sup>?

The Secretary stated August 9<sup>th</sup>.

Mr. Martabano stated August 9<sup>th</sup>, so presuming that we satisfy your issues and submit the material, we have some items from Jan's memo that we're almost complete on, we would be able to submit for the next meeting. We're hopeful that you might give consideration to having a negative declaration drafted...

Chairman Cosentino stated if Jan is pleased with everything, I don't see a problem.

Mr. Martabano stated that would be great, so that's what we would look forward to, we'll respond to everything that you've raised and if you're all satisfied you can do a negative dec at that point, we can go back to the ZBA and hopefully move it forward. Alright, sound good?

Chairman Cosentino stated sounds good.

Whitney Singleton stated just, I want a point of clarification...

Mr. Martabano stated sure.

Whitney Singleton stated you're not allowed to unload or do loading or unloading in the front yard which is what you have in that area. So you're loading and unloading is going to need to go on inside the building.

Jan Johannessen stated I think that the...

Mr. Martabano stated I think that's what we said.

Whitney Singleton stated no, he said its going to be both.

Jan Johannessen stated I am pretty sure that was determined that was not a front yard.

Mr. Blakely stated no, it's a side yard based on our determination with Peter. The Columbus Avenue is a side.

Whitney Singletons stated Columbus Avenue is a side, okay, it's a double corner lot.

Mr. Blakely stated it's a triple frontage lot but you can only have.

Whitney Singleton stated it's a double corner lot, okay, which gives you 2 front yards and 2 side yards.

Mr. Blakely stated correct.

Whitney Singleton stated what constitutes Columbus as a side yard rather than a front yard.

Mr. Blakely stated we have Kisona shown as a front yard and Lincoln Place shown as a front yard that was a determination that was made in discussions with the Building Inspector.

Mr. Miley stated can I see your plan.

Chairman Cosentino stated what about the address?

Mr. Martabano stated we found an old water, I can say this out loud, we found an old water bill from the Village that actually had a 42 Columbus address. We're trying to see if we can get that from the Post Office, so it would work...

Mr. Mareschi stated 42...

Chairman Cosentino stated because of deliveries.

Mr. Martabano stated absolutely, from everything, well look at it from a GPS point of view, look at it from every point of view. As you know we've, we don't permit any left hand turns to go onto Kisona and whatnot but we're trying to get the Columbus Avenue address and Mike Whalen came up with a 42 Columbus address, so if we can get that, that's what we'll do with it.

Chairman Cosentino stated go ahead.

Mr. Martabano stated sorry, sidebar.

Mr. Blakely stated I just talked to Peter.

Mr. Miley stated yeah, we determined 2 fronts and 2 sides.

Whitney Singleton stated so there won't be any loading...

Mr. Miley stated on the outside.

Whitney Singleton stated at the other building. There will be no unloading or loading at the other building.

Jan Johannessen stated is the front yard setback or the front yard.



Mr. Miley stated front yard.

Jan Johannessen stated from the street to the building.

Mr. Miley stated no, front yard, 2 yards.

Jan Johannessen stated meaning from the building to the street.

Mr. Miley stated that would be the setback.

Chairman Cosentino stated I don't want to get you sick.

Mr. Sturniolo stated thank you, Joe.

Mr. Miley stated determining 2 yards, 2 fronts and 2 sides on a corner, on a double corner lot.

Whitney Singleton stated clarifying what's going on and not going for the audience.

Mr. Martabano stated I'm about to clarify that with Peter.

Jan Johannessen stated for the sake of argument, if the front yard setback was 50 feet, can you not, you can't load and unload within that 50 foot area or is it from the street...

Mr. Miley stated there's no loading in the front yards, the entire front yard.

Jan Johannessen stated so that's problematic because of the storage structures that are in the front yard.

Mr. Miley stated no, because it's a side yard for one area, you're talking about the small indoor storage or are you talking about the larger structure.

Jan Johannessen stated the outbuildings.

Mr. Blakely stated he's talking about the outbuilding here.

Mr. Bainlardi stated what's the required yard for a front yard?

Mr. Martabano stated 10 [feet].

Mr. Bainlardi stated so you can't load or unload within that 10 feet.

Mr. Miley stated within a required yard, the yard starts from the front of the building all the way to the curb line.

Jan Johannessen stated the front yard setback and the front yard are two different things.

Mr. Miley stated two different things.

Mr. Bonforte stated so that's where Kisona Road, from that point inward, right Peter?

Mr. Miley stated correct, yes, that's the entire front yard.

Mr. Blakely stated so then I guess the question becomes what is the area in front of the remote storage building considered?

Mr. Miley stated that would be a front yard. That's the accessory structure, we're going by the main structure.

Mr. Blakely stated so you're saying we couldn't load in this area.

Whitney Singleton stated that's what the Code says.

Mr. Martabano stated that's problematic. It's so strange, I mean I'm not saying you're wrong because I haven't looked at it, here we have a permitted use which is a lumber yard which doesn't permit outdoor storage which is, so we put everything indoors and now we can't load it...

Chairman Cosentino stated can't get it out.

Mr. Martabano stated I'm not sure, I'm sure Whitney is reciting the Code correctly, but that would be very problematic.

Chairman Cosentino stated I see another variance coming up.

Whitney Singleton stated that would have to be an accessory building because you can't have 2 principal buildings.

Mr. Martabano stated no it's an accessory building, there's no doubt about it.

Whitney Singleton stated and you're loading in an area that would be the front yard which you're election is Kisco Avenue.

Mr. Martabano stated so you don't think it's the required front yard, you think it's the entire front yard.

Whitney Singleton stated oh yeah.

Mr. Martabano stated that's problematic.

Mr. Miley stated that's accurate.

Whitney Singleton stated it says in 110-28 you cannot have loading and unloading in the front yard.

Mr. Bonforte stated Peter, could you just restate that for everyone's edification please.

Mr. Miley stated the front yard goes from the corner of the building to the edge of the curb, it doesn't matter if it's 50 or 1,000 feet, it's still considered a front yard, the setback is the actual line of the building to the required setback where their property line meets.

Mr. Martabano stated that's not an issue, it's over here.

Mr. Blakely stated it's here.

Mr. Bonforte stated so how do we remove the front yard designation?

Jan Johannessen stated what if the front yard was Columbus, what if you flip them.

Mr. Martabano stated then we can't load on Columbus, right?

Jan Johannessen stated yeah but you can load it, you've already said that you have the ability to load inside the building.

Mr. Martabano stated okay, which we can, absolutely. Can we flip the yards? We're looking at you.

Mr. Miley stated I'm not going to shoot from the hip.

Mr. Blakely stated we're going to have to work out those details with Peter.

Mr. Miley stated I'm looking at the code as we speak but I'm not going to [inaudible].

Mr. Martabano stated no, okay, we'll talk about this hopefully, maybe even tomorrow.

Mr. Blakely stated there is possibility that we could flip Columbus Avenue to the front yard based on the fact that we may be changing the address to Columbus Avenue, so that...

Mr. Miley stated and as long as it meets the setbacks of the side yard.

Chairman Cosentino stated that sounds good.

Mr. Martabano stated yes it does, that might work, that might work.

Mr. Blakely stated so we'll look into that.

Chairman Cosentino stated anybody else?

Mr. Martabano stated on another, you're not going to let these people talk, the applicant's not even here...

Mr. Sturniolo stated I'm just caution.

Mr. Martabano stated they appeared when the application was on and conduct a public hearing and that application is not on, they want to talk about...

Chairman Cosentino stated they want to talk?

Mr. Martabano stated I don't know but they can't talk about an application that's not on the agenda. I mean I don't have my client here, I don't have...

Chairman Cosentino stated just bring them, you know...

Mr. Martabano stated I don't want to stay for that.

Chairman Cosentino stated I don't understand the whole question, they're here to talk?

Mr. Sturniolo stated they may be because of the letter they handed us earlier.

Mr. Vigliotti stated well its under correspondence.

Mr. Sturniolo stated its not a public hearing so there's nothing for anybody to say and the application is not even on the agenda.

Mr. Martabano stated thank you Tony, I agree. So it shouldn't be entertained. I don't want to leave and then have it...

Chairman Cosentino stated let's not complicate things, let's just get the thing done, you're the attorney.

Mr. Martabano stated yeah but my application is not on, but they're here to talk about my application.

Chairman Cosentino stated then don't let them talk, then. Okay.

Mr. Martabano stated okay.

Chairman Cosentino stated thank you Charlie.

Mr. Martabano stated thank you very much gentlemen, and lady.

Mr. Blakely stated thank you.

Mr. Sturniolo stated you're welcome.

Chairman Cosentino stated okay next is conceptual application 101 West Street. Oh, I'm sorry 461 Lexington Avenue.

**3. 461 Lexington Avenue , LLC  
PB2016-0329, 80.64-2-15 (SBL)  
Site Plan**

Mr. Scott Blakely of Insite Engineering and Ms. Cynthia Filkoff and Mr. Armond Dibiase of Dibiase Filkoff Architects were present to represent the application.

Mr. Blakely stated good evening, Scott Blakely with Insite Engineering and I'm here with...

Chairman Cosentino stated would you identify yourself for the record, please.

Ms. Filckoff stated Cynthia Filkoff, Dibiase Filkoff Architects.

Mr. Dibiase stated Armond Dibiase, Dibiase Filkoff Architects. The owners are away and could not be here this evening.

Chairman Cosentino stated that's okay, welcome.

Mr. Blakely stated we were last before your Board for a conceptual review, we presented the plan, got some feedback from your Board, presented the architectural drawings and we've pulled together a formal application that was submitted and reviewed by your consultants. Just to give you a little bit of history of other things that are going on, the applicants have made a formal application to the ARB and are appearing at the July meeting to review the architectural drawings, it's my understanding the ARB can't approve the drawings but they're going to get some feedback until your Board makes your formal approval. The plan really hasn't changed since the conceptual, basically what we've done is we have provided a layout plan, a landscape plan, a lighting plan, we've also included wetland mitigation on the landscape plan, just to refresh your memories, we're looking at a 2-story building in this location, access drive back to 15 parking spaces, we're showing 8 spaces in reserve to meet the Code requirement but we're not going to build those. We discussed the parking needs of the owners, they typically have no visitors to the site, this is parking for staff, there's a number of open spaces in the even that somebody may come. They occasionally will get a UPS delivery or something but they really have no customers coming to the site.

Chairman Cosentino stated it's an office.

Mr. Blakely stated yeah, we don't anticipate any foot traffic, we have indicated a sidewalk coming off the driveway here but the entrance that will mainly be used is on the rear of the building, there's a front entrance in the front to meet Code requirements. It's a strangely shaped lot, as you're aware if you've been to the site, they have frontage on Lexington Avenue and it's an L-Shape. The Village property actually surrounds this piece in the rear here, so there's a portion of this Village lot that was utilized by the previous owners so there's, you know there's been disturbance on this piece and as part of the reclamation, as part of the wetland mitigation, we wanted to discuss with your Board the possibility of doing some improvements on this Village property in the form of some tree cleanup and some planting. There is a dual fence, stockade and chain link, that runs along the common property line with Martino's, the runs partially on their property, partially on our property and this section of the dual fence is on Village property and I think it was put in to buffer the parking that's for the restaurant that's on Village property. Our client would like to do something along this edge to clean that up and just make it look more visually pleasing to them, they're not going to utilize this piece, they'd like to landscape it, clean it up but again we're looking to make some improvements on Village property, that we're going to need some approval, some permission. Also, as part of our application, we're showing some improvements on the Village property and the rear that Jan had mentioned, we had some under drains from our stormwater management that based on elevations, that we need to discharge and we just don't have the elevation change so we're looking at a couple of small pipes in the back.

Mr. Vigliotti stated so you'll need an approval from the Village for that.

Mr. Blakely stated whether its an easement or a license agreement, there's also some encroachments that were previously located on the site, there's a shed in the back, that's been removed. The garage appeared to be a repair garage in the back has been removed and the 2-story house. There was a cleanup that was done by an environmental company and we have the DEC closeout of that, we'll supply that to your Board, we'll also supply the report that that environmental company put together and submitted to the DEC, based on my discussions with that company, there was a couple of above ground oil tanks that were removed, there was a spill adjacent to one of those, they did the require soil removal, soil testing and they removed soil to about a 2 foot depth on side and again that's all in the report, so we'll get that to you, DEC has signed off, so the site is clean.

Mr. Sturniolo stated Scott, in the rear, how far away is the wetlands?

Mr. Blakely stated the wetlands actually are, this is the wetland line, and its actually a Village, as Jan pointed out, it's a Village wetland, not a DEC, there's a typo on our drawing that shows it as a DEC but this is a Village buffer and that line, the 100 foot buffer line is right here and we're proposing the, a portion of the rear parking in here and some stormwater improvements within that buffer, now this area has all been disturbed previously, you know, part of the building was removed from that buffer and that shed was removed. So what we're looking to do is to come back, vegetate this portion in the rear of the site as mitigation for our intrusion into that, so we're going to clean this up and then we would further like to do some plantings on the Village property.

Mr. Vigliotti stated now Scott...

Mr. Sturniolo stated so it's not...

Mr. Vigliotti stated there's a new trail system that abuts the back of that property, if you would be kind enough to stake that because the trail may have to be moved accordingly, and I don't know about that, so if you could stake where the end of the property and what you're trying to mitigate as far as wetland, that one wetland piece...

Mr. Blakely stated okay.

Mr. Vigliotti stated just to see whether that trail is cutting through and whether it needs to be relocated.

Mr. Blakely stated I've been back here, I don't believe is anywhere near the rear of the property...

Mr. Vigliotti stated okay, fine.

Mr. Blakely stated this does, basically we've got a high point that's right about here, this sheet flows to the back, this sheet flows to the front and then it drops off at the rear property line, it drops off by about 3 feet.

Mr. Vigliotti stated okay, so the trail must be over here, okay.

Mr. Blakely stated so I would assume it's between the edge of the wetland and here.

Mr. Vigliotti stated okay, fine.

Mr. Blakely stated but we can show the approximate location on our drawing.

Mr. Vigliotti stated that would end up being helpful. Now the trees in the bank parking, they're all going to be preserved, there's some really nice mature trees there, the goal is to preserve trees that are in the banked parking area...

Mr. Blakely stated bank?

Mr. Bonforte stated land banked.

Mr. Vigliotti stated land banked

Mr. Blakely stated this area here? Oh yeah, this is Village...

Mr. Vigliotti stated that's Village but in front, where's the land banking that...

Mr. Blakely stated right the parking in here, yeah, I mean...

Mr. Vigliotti stated so those trees that are there, there's some mature trees that there, the goal is to preserve.

Whitney Singleton stated they're on the first page of your plan.

Jan Johannessen stated it looks like only 6 trees are coming down, 7 trees.

Mr. Blakely stated there's a large spruce in the front here and that spruce is going to come out...

Mr. Vigliotti stated yeah, I understand.

Mr. Blakely stated and there's a number of maples along the frontage here that we're going to maintain.

Mr. Vigliotti stated okay.

Mr. Blakely stated you know and again, there's one twin hemlock on our property over here that's in really bad shape that we're proposing to take down, you know there...

Mr. Vigliotti stated there's a couple of nice deciduous trees that are back there.

Mr. Blakely stated yeah, there's a couple of maples that are just on the Village property here, they're going to be maintained.

Mr. Vigliotti stated good, okay great.

Mr. Blakely stated and again, we want to get in, you can see this is the old gravel driveway.

Mr. Vigliotti stated it's all a huge improvement, sure.

Mr. Blakely stated so that gravel portion will come off and again this site was utilized, and we're just going to look to clean this up, so we're going to need some permission to do this from the Village and we'll need some permission for the discharge in the back, so it's minor.

Mr. Sturniolo stated Scott, I'm sorry.

Chairman Cosentino stated no, go ahead Tony.

Mr. Sturniolo stated excuse me, again the wetland is not a K-12 wetland.

Mr. Blakely stated no, it's not a DEC wetland, it's just a Village regulated wetland.

Mr. Sturniolo stated okay.

Chairman Cosentino stated a couple things, you'll need to talk to the Village Board about the remediation of the...

Mr. Blakely stated of this area here and we'll also have to talk to them about...

Chairman Cosentino stated on the comments, Jan, on your comments, Anthony's comments and Peter's comments, they're all going to have to be addressed. Did you get copies of them?

Ms. Filkoff stated yes.

Mr. Blakely stated we did.

Chairman Cosentino stated okay, if you can address them, so we can have them for the next meeting, and get through this. That's the only thing I had, anybody else?

Mr. Bonforte stated yes, Mr. Chairman, I did. Scott, if you could pull that up again please, the plan.

Mr. Blakely stated the existing.

Mr. Bonforte stated yeah, I just want to confirm the 8, there's 8 land banked parking space, maybe in the color version, the contrast. And where are they going to be located, along the, all 8 will be in there?

Mr. Blakely stated there's 3 here, there's 3 here and then there's 1 here and then there's 1 back here.

Mr. Bonforte stated okay, thank you.

Mr. Blakely stated and again we don't believe those will ever be used.

Chairman Cosentino stated ever be used. Nice job.

Mr. Vigliotti stated that's great, it really is.

Chairman Cosentino stated you did a nice job.

Jan Johannessen stated Scott, would you have to coordinate also with Mardino's restaurant on the replacement of fence or whatever you're going to do there is that fence on Village property or is there a portion on their property?

Mr. Blakely stated the portion that's on Mardino's property is just this front section here, then it crosses over onto our property and then it goes onto Village property.

Jan Johannessen stated you have coordinate with them.

Mr. Blakely stated I believe the owner will contact them and have a discussion and see if they can come up with a, maybe a common solution to that.

Chairman Cosentino stated that's very nice and the comments should be addressed or any Board members here on this.

Mr. Mareschi stated no Chairman.

Mr. Hertz stated I think the mitigation in the end will improve the wetland buffer substantially from what it is.

Chairman Cosentino stated no doubt about it.

Whitney Singleton stated Scott, you're going to put together some sort of proposal as to the impacts and use of Village land that you're going to need.

Mr. Blakely stated we will.

Whitney Singleton stated is it going to include, in addition to discharging onto Village property, is it going to include that mitigation of that front area that the Village owns.

Mr. Blakely stated this piece.

Whitney Singleton stated yeah, any landscaping or...

Mr. Blakely stated yeah, we'll develop a plan, we didn't want to develop a plan until we had a discussion with the Board to make sure you were comfortable with us.

Whitney Singleton stated my suggestion to you is to discuss it with Jan and let him provide comments to the Village in support of or contradicting what you're suggesting, at least then they would have a report.

Chairman Cosentino stated well this won't come back before us unless the comments are issued and...

Whitney Singleton stated no I meant with regard to whatever recommendation or request is being made of the Village Board.

Chairman Cosentino stated I wish that would...

Jan Johannessen stated maybe we can get together, this way if you submit to the Board, I can submit a letter of support.

Mr. Blakely stated okay, that sounds great.

Whitney Singleton stated and you're not saving that 36" maple in the front? Because one spot you show it being removed and another spot you show it...

Mr. Blakely stated well its shown on...

Whitney Singleton stated the spruce, I'm sorry the 36" spruce.

Mr. Blakely stated no, we are definitely taking that down.

Jan Johannessen stated it shows it being reserved on the plan.

Mr. Blakely stated its on the removal plan.

Whitney Singleton stated yeah I saw that, just clarifying.

Mr. Blakely stated if you go out and look at it, it really needs to come down.

Mr. Vigliotti stated its seen better days.

Chairman Cosentino stated its in bad shape, I think.

Mr. Blakely stated its growing in amongst some other trees and you know its just, the canopy of it, its just not the proper place for that type of tree.

Jan Johannessen stated Scott, I think there's some trees that are shown to be taken down that show as remaining on the layout plans.

Mr. Blakely stated yeah, I don't think we've shown any trees to be removed on the layout plan, so the removals are shown on the...

Jan Johannessen stated can you do that?

Mr. Blakely stated we can, we can just turn that layer on, on the other drawings.

Chairman Cosentino stated okay, if there's nothing else, Michelle, when they're prepared, Mr. Miley will let us know and Michelle will put you on an agenda.

Mr. Blakely stated our goal is to get the comments addressed and get back into you for the August meeting.

Chairman Cosentino stated get rolling.

Ms. Filkoff stated thank you.

Mr. Blakely stated thanks for your time.

Chairman Cosentino stated thank you. Now, for 101 West Street.

**4. 101 West Street, LLC – 37 & 101 West Street  
PB2016-0335 & PB2016-336, 80.48-3-33 & 80.48-3-32  
Site Plan**

Mr. Perter Gregory of Keane Coppelman Gregory, Ms. Marion McBride and Mr. Harry Johnson were present.

Chairman Cosentino stated good evening, Peter, how are you.

Ms. McBride stated hi, how are you.

Mr. Johnson stated hello.

Chairman Cosentino stated welcome.

Jan Johannessen stated Mr. Chairman, before you get underway here, I just wanted to disclose that I live directly across the street from the subject property.

Chairman Cosentino stated not a problem.

Jan Johannessen stated and I met with applicant and the owners on one or two occasions and I think they're aware of that.

Chairman Cosentino stated not a problem. Okay.

Mr. Gregory stated my name is Peter Gregory, with Keane Coppelman Gregory Engineers in Mount Kisco.

Chairman Cosentino stated just for the record, your name.

Ms. McBride stated Marion McBride.

Mr. Johnson stated Harry Johnson.

Chairman Cosentino stated and you're the owners.

Ms. McBride stated yes.

Mr. Gregory stated so we're here tonight for a conceptual review to construction 2 two-family dwellings on the properties located at 37 and 101 West Street. The properties are located on the east side of West Street, just across the street from West Streets intersection with Elm Street. Both properties, right now, are currently vacant with the exception of an existing asphalt driveway and a garage that's located on 37 West Street which will be removed as part of this application. What we'd be looking to do and we're looking at both applications simultaneously, they are individual lots, they're already separate from one another but based on how we propose to do things here, we're going to look at them at the same time.

Chairman Cosentino stated with a common driveway, so...

Mr. Gregory stated its going to be a common driveway, the idea here is to serve both homes with a common driveway that would allow us to access garages in the basement of each building, as well as accessory garages, 2-car accessory garages at the rear of the property. That would give us the ability to



maneuver in and out and be able to pull head back out, you know, frontwards onto West Street and avoid backing out onto the street.

Chairman Cosentino stated as you know, at conceptual is what the Board likes or dislikes, either have you come with an application but to save time, we just discuss it, that's what this is for.

Mr. Johnson stated perfect.

Mr. Mareschi stated they're in both basements, the garages?

Mr. Gregory stated yes, they are, in the rear of each, we have the 11 foot wide common driveway that would come to the rear of the sites and we have two car garages located in the basements and the rear of each dwelling.

Chairman Cosentino stated Peter, I think we're going to need...

Mr. Mareschi stated is that on the plan?

Mr. Vigliotti stated it's not on the plan.

Mr. Mareschi stated it's not on the plan.

Mr. Gregory stated it may not be called that way but that's what the plan is for the buildings themselves.

Chairman Cosentino stated I think we're going to need more of a drawing than what we presently have here, I think we're going to need the garages shown and the topography of the land, looking from the street and I could be wrong because I can't tell by the drawing, okay. It seems like from the street its just a high building, you're going to see the whole foundation, is there another way to eliminate that. I don't know I can't tell by this drawing.

Mr. Gregory stated this is just basically our layout plan showing what our grades are.

Chairman Cosentino stated normally a conceptual should really state or put there what you're actually going to do. We can't tell.

Mr. Gregory stated well the idea was to try and be consistent with the homes that are on each side and on this particular case at 33 West Street, the building is up higher and we were lifting ours to be more in line with those from an elevation standpoint, it's not easy to see on this plan.

Chairman Cosentino stated no.

Mr. Gregory stated we're also looking to try and be consistent with lining up the buildings as well and that was one of the things that we were looking for in terms of a variance in encroaching into that front yard setback was for the main purpose was to keep them in somewhat line with the other buildings and also provide more area into the back of the homes to maneuver the vehicles.

Chairman Cosentino stated you know I look at the property and a building lot in the Village of Mount Kisco is either 50 by 125 or only 50 by 150 which is 6,250 square feet. I don't understand why so many variances are needed here when it's a standard lot within the Village, I just can't you know, why are so many variances need?

Mr. Gregory stated as a result of the size of...

Chairman Cosentino stated I'm not saying you can't for variances, I'm just saying that we, I, this Board needs to know why are so many, 6 variances on a lot...?

Mr. Gregory stated each lot has 3 variances, is requesting 3 for each one.

Chairman Cosentino stated yeah, okay but...

Mr. Gregory stated and its basically the size of the footprint of the main building...

Chairman Cosentino stated can't we size it down?

Mr. Gregory stated the existing...

Chairman Cosentino stated to comply with the lot?

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

Mr. Gregory stated each building is, footprint wise is approximately 28 by 57 feet, which is what the footprints are. Roughly about 2,400 square feet.

Mr. Mareschi stated 2,069.

Mr. Bonforte stated not per the details you provided us.

Mr. Mareschi stated is that it?

Mr. Miley stated its 1,521 per story as indicated on the plan, correct?

Ms. McBride stated yes.

Mr. Gregory stated yes, it is, 1,521 that's what it is...

Mr. Miley stated times 2.

Mr. Gregory stated that is correct, so we're looking at about 3,000 square feet, a little over 3,000 square feet.

Chairman Cosentino stated that's a big building.

Mr. Gregory stated yes it is.

Mr. Vigliotti stated that's excluding the basement?

Mr. Gregory stated that's excluding the basement, that's correct.

Jan Johannessen stated is that a full basement or just a partial basement for the vehicles.

Chairman Cosentino stated its got to be a full basement.

Mr. Gregory stated well a portion of it would be allocated for the garage space.

Jan Johannessen stated but the rest of it...

Mr. Gregory stated the rest of it would be I'm assuming...

Mr. Johnson stated boiler room and laundry room.

Mr. Vigliotti stated I would think that we need to see the turning radiuses for the cars that would be parking in the detached garages and the garages under both of the houses. As you see it, a car coming in going into one of the garages, under the building, are they backing in or they able to make a full turn and come into the building.

Mr. Gregory stated I was looking for them to make the full turn, come into the building and then back out of the building.

Mr. Vigliotti stated have you done any kind of data research to see if the radiuses work.

Mr. Gregory stated just quickly looked at that...

Mr. Vigliotti stated okay.

Mr. Gregory stated to see what we had in terms of room to back out but we can definitely look at that in terms of the radiuses.

Mr. Vigliotti stated I would think that the footprint of the building should shrink, so you don't need to apply for the number of variances that you're applying for, I mean its 57 feet in length, it's quite a big building. I think and also at some point we will need to see, at least I need to, for my head, my mind's eye doesn't see it yet but I think we should see the elevations and what the front of the building is going to look like and where the garage will sit as you're looking from the street. I think we need to see a full street

scape of what the elevations look like and so on. From grade level to the peak of the roof, how many feet is that going to be?

Mr. Gregory stated I don't have a height on the buildings yet, I don't think...

Mr. Johnson stated well its two 9 foot stories and a peak for the roof, its underneath the Building Code.

Mr. Vigliotti stated okay, and that's front grade level, at the foundation, at grade level.

Mr. Johnson stated you have an overall height you're allowed by Code.

Mr. Gregory stated we calculate that based on what the Code is required in terms of how we establish our average grade.

Mr. Mareschi stated both entries in the front of the building, its 2 doors and 2 doors...

Mr. Gregory stated there's one door that comes in and then it splits, so from the street it would appear to be just an individual door.

Mr. Miley stated just to get back on the heights, I'm sorry Mr. Chair. Also, the half a story, story, you need to determine if it's going to be a full height basement, how far, if its 4 foot or 5 foot depending on the level coming out of grade will result in a story and the roof height, the roof gable dimensions what are you doing, what type of pitch because that's also going to come into play with the mean average height and whether we're counting it as a story or not.

Mr. Gregory stated qualifying it as a story and also looking at the height.

Mr. Miley stated correct, thanks Chair.

Mr. Mareschi stated say that again.

Mr. Gregory stated so the front of the building would have just one door from the street, once you go in then it would split to the lower level and to the upper level. So you're only going to see one door on the front.

Mr. Mareschi stated oh okay, I understand.

Mr. Johnson stated there's a vestibule inside.

Mr. Vigliotti stated the common driveway, I haven't seen a common driveway like this in years, just reminds me of houses I've seen in Queens, where there's a common driveway and very, very tight houses, street by street by street, this is somewhat uncommon to Mount Kisco. So I understand the common driveway gives a little bit more green space where or allows no parking in the front, is there any backyard at all?

Mr. Gregory stated small, there's a small backyard adjacent to the garages...

Mr. Vigliotti stated what size, I don't see a size on here.

Mr. Mareschi stated is it green space?

Mr. Gregory stated its lawn area that would be located...

Mr. Vigliotti stated what size would that backyard be?

Mr. Gregory stated 15 by 40 feet maybe.

Chairman Cosentino stated and you comply with coverage?

Mr. Gregory stated we exceed the coverage as a result of the footprints, the driveway, the parking area...

Chairman Cosentino stated so you exceed the coverage then.

Mr. Gregory stated we exceed building coverage and site development coverage also, those are the three, and the front yard setback are the 3 variances we would be seeking relief for.

Mr. Sturniolo stated is there a snow storage area?

Mr. Gregory stated the idea would be in that greenspace, beyond the parking area adjacent to each building and in between the two also.

Mr. Vigliotti stated the common driveway to the right and to the left between both of the homes, is that macadam or is it going to be grass, what type of, what's going to be there?

Mr. Gregory stated the plan was for it to macadam.

Mr. Vigliotti stated from house to house macadam?

Mr. Gregory stated no, no, just on the driveway itself and then we would have greenspace between the building and the driveway.

Mr. Vigliotti stated oh okay, okay fine.

Chairman Cosentino stated its quiet...

Mr. Vigliotti stated its quiet, I'm not sure how my fellow Board Members feel but I think this is quite a lot to go on the 2 properties, there's a lot of macadam, I'm not sure that cars are truly going to be pulling back there to park, I don't know if you're going to have 2, 4, 6, 8 cars truly back there parking. My gut is that half of those would park on the street, which is already impacted but...

Mr. Johnson stated our goal is to provide parking spaces indoors for everybody.

Mr. Vigliotti stated just my comment is I'm not sure the parking radiuses that you may end up showing us without trimming the size of the house is going to work and that folks will feel uncomfortable about parking back there, particularly in the winter, unless that is plowed, every inch is plowed of snow, no one is going to pull back there.

Mr. Johnson stated we're going to be living there, we're not absentee landlord.

Mr. Vigliotti stated good luck. Anyway, that's all I need to say.

Chairman Cosentino stated I'd like to see if you can comply with the lot and eliminate variances. I mean the lots are good size lots, 50 by 150, it's not a small lot, it's not a substandard lot.

Mr. Johnson stated well we're just trying to achieve a [inaudible] unit.

Chairman Cosentino stated I realize that but I think that I, myself would like to see you comply with the size of the lot. It's not a small lot, I mean my lot is 50 by 150 and I think every lot on that street is 5 by 150, I don't think there's any there that are smaller.

Mr. Gregory stated it is, yes.

Chairman Cosentino stated I just can't see why you can't look at something that complies with the lot instead of getting, you know, you can go for the variance, I don't know if you're going to get one.

Mr. Sturniolo stated and its 6 variances that you're looking at.

Chairman Cosentino stated 3 on each lot.

Mr. Johnson stated 3 for each lot.

Chairman Cosentino stated so I don't know if you can get a variance on something that like, its up to you.

Mr. Bainlardi stated with respect to the variances, the building setback variance to me with respect to the front yard, I don't see it as an issue for me personally because I think the object was to try to keep aligned with buildings on the street and maybe even, you may want to consider pulling them a little bit further forward in an effort to try to get some more backyard.

Mr. Johnson stated that would be wonderful.

Mr. Bainlardi stated I consider this a tradeoff but I think that the level of the building coverage and the development coverage variances that you're looking for, you may be better served by trying to see if you

can shrink that a little bit, I think that's generally the comments that came from the Board, that I've heard in our work session and I'll repeat it again here, again for me, if you meet building height and it works and meets the Code, I have no issue with you doing 2 ½ stories.

Mr. Johnson stated alright, shrink the house a little, move the house a little farther forward will help tremendously, and get within compliance.

Mr. Bainlardi stated I mean from my viewpoints, if you did that, you would give yourself the opportunity to increase some greenspace, no impact the two building sites as...

Chairman Cosentino stated it would help with the coverage.

Mr. Bainlardi stated and help with the coverage. As far as the common driveway is concerned, in my pervious profession, I did a lot of closing throughout Westchester County and as you get down county you see a lot more of the common driveway, I think in this case I don't really have any issue with it because I think that having the common driveway will again reduce the pervious, the impervious surfaces.

Mr. Johnson stated the other issue too is we have the huge catch basin right here, it's kind of in a bad spot, I don't want to have to relocate it.

Mr. Bainlardi stated ultimately you'll have to deal with an easement to deal with the common driveway...

Mr. Gregory stated we are proposing an easement for the access to come through.

Mr. Bainlardi stated and those sometimes are not without their issues but I think it's a good tradeoff from a site layout standpoint. We talked a little bit in the work session about you know, the benefits of trying to get the cars out of site and into the building but I think as Ralph had indicated, you really need to demonstrate that the cars can get in and out of there properly and turn around.

Mr. Johnson stated I agree with you fully about as far as moving the buildings further forward, if you're okay with that, that's going to help tremendously in the back.

Chairman Cosentino stated well there is a setback, I don't know if the setback from the...

Mr. Miley stated well it would be, it would increase the variance but the tradeoff I think, as the Board is indicating that they would like to see more greenspace and shrinking the building to comply more and allow for radius...

Chairman Cosentino stated yeah if you could shrink the building and comply more with the radius, that would...

Mr. Miley stated so they're not deterred from parking in the rear, that its impossible to get in and out of the garage.

Chairman Cosentino stated that still doesn't help, the, I'm visualizing the height of the building at the side, where the foundation is really coming out, Peter, you know what I'm talking about?

Mr. Gregory stated I know what you're saying, its going to be an exposed foundation for the midpoint to [inaudible – spoken over].

Chairman Cosentino stated its going to be an exposed and just from the road, it doesn't...

Mr. Johnson stated well the front is going to be fairly level, you'll get a house...

Chairman Cosentino stated the front will be level but not that side though.

Mr. Johnson stated we can soften that up.

Jan Johannessen stated the lot doesn't lend itself to...

Chairman Cosentino stated if you can soften that up, the side.

Mr. Johnson stated a retaining wall and some greenery...

Chairman Cosentino stated something...

Mr. Johnson stated that's fine.

Chairman Cosentino stated you should show a rendering of the house to help us out. I'm sure if you going to be living there you'll want something nice.

Mr. Gregory stated we can look at that.

Mr. Vigliotti stated what you'll also have to demonstrate when you do the radiuses is when there are two cars in each of the driveways, how does one car pull out beyond the car that's alongside it and actually then make the turn to get out, I think its quite easy if there's only one car, because you can start to make the turn.

Mr. Gregory stated I understand, sure.

Mr. Vigliotti stated so I think you need to demonstrate that there...

Mr. Gregory stated considering other vehicles...

Mr. Vigliotti stated if there are two vehicles in each of the garages, how would you be able to back out knowing that you don't have room for error with the car that's parked next to you.

Mr. Gregory stated the other thing that I should just mention is that we do have to provide two additional parking spaces whether they're in a garage or on the site...

Chairman Cosentino stated you need 4 parking spaces, the Code calls for 4.

Mr. Gregory stated we need 4, 2 being inside, in reducing the footprint, if we were to consider removing one of the building, that may help with our building coverage number but there would still be a site coverage number as a result to the 2 parking spaces that would be shown on the...

Chairman Cosentino stated you need 4.

Mr. Gregory we need 4.

Mr. Mareschi stated you plan the porches too?

Chairman Cosentino stated is this a modular?

Mr. Johnson stated Simplex...

Mr. Gregory stated there's a sliding glass door off the dining rooms on each side and that would just be a walk out and then stairs coming down to the back.

Mr. Johnson stated you have the brochure.

Mr. Mareschi stated it's here Joe.

Chairman Cosentino stated oh it's in my packet, I have to go look at it.

Mr. Bonforte stated can we just go back to that...

Mr. Bainlardi stated he's doing a garage that has a common wall and that's not without its issues but that may work out. What I was suggesting is if they're looking at on the detached garages, a possibility maybe of looking of putting a garage that has a common wall on that, on the dividing line between the properties...

Mr. Johnson stated we discussed that, we didn't approach that but we did talk about it.

Mr. Bainlardi stated but its something that may make the layout more efficient.

Mr. Johnson stated absolutely, we're at least trying to make the setbacks meet, the side setbacks.

Mr. Bainlardi stated well the side setbacks, and again that's a type of variance that I personally don't have an issue with...

Mr. Johnson stated that would help tremendously.

Mr. Bainlardi stated if that was something that the Board thought might work.

Jan Johannessen stated that's just going to be very visible from the street. From the street you're going to see a 4-car garage which...

Mr. Johnson stated yes.

Mr. Bainlardi stated right.

Jan Johannessen stated and that's going to be, from a visual perspective, problematic.

Mr. Bainlardi stated that would be the one issue with that.

Mr. Johnson stated most of the houses on the street, going south of us, all have 2-car garages in the back.

Jan Johannessen stated yeah but that would look like, that would appear to be a 4-car garage. It seems to me like this, you could reduce the size of the macadam in the back to get 2 parking spaces and reduce your development coverage. If you were to remove one or both the garages and reduce the macadam at the rear of the buildings, you would probably comply and those are oversize parking spaces, they go right to the edge of the building and they don't need to. There is definitely room to reduce the amount of macadam in the back.

Mr. Bainlardi stated if it were one 2-car garage straddling the line, would you still have the same concern?

Jan Johannessen stated I think there's an opportunity to not see the garage from the street.

Mr. Vigliotti stated I agree.

Mr. Gregory stated configure it in a way where don't see that from the entrance, the driveway entrance.

Jan Johannessen stated from the street.

Mr. Vigliotti stated so the Fairfax 4 is that you're thinking of building...

Ms. McBride stated yes.

Jan Johannessen stated what you really have...

Mr. Vigliotti stated so when you do the elevations, this, it's a nice look but its sits on grade level, so we would get a better visual when we can actually see elevations and the foundations and so on.

Mr. Johnson stated yes, you'll have elevations. First floor, second floor, it's a 6:12 pitched roof.

Mr. Bainlardi stated so the front of the building would essentially on, roughly on grade, the finished floor elevation will be roughly on grade at the street and then you're going to be excavating down as you head into the property, so the driveways will be going down.

Mr. Gregory stated that's correct, it pitches to the rear of the site.

Mr. Bainlardi stated so any structure in the back will appear as though, you're not seeing them straight...

Mr. Gregory stated they will appear lower than the street, yes they will.

Mr. Bainlardi stated that will allow you then to have a partially exposed basement in the rear of the building to get your access into it.

Mr. Gregory stated and that will happen maybe from halfway on the building to rear of the site.

Mr. Bainlardi stated and Peter, what is the maximum that could be exposed before that's considered to be a story?

Mr. Miley stated 4 feet.

Mr. Bainlardi stated 4 feet.

Mr. Miley stated anything over 4 [feet] is considered a story.

Mr. Johnson stated Peter, is there an average of the whole?

Mr. Miley stated there's two ways to look at it, you have average, you have height and then you have story, two different Code sections.

Mr. Johnson stated okay.

Jan Johannessen stated it appears almost like you have 6 parking spaces per lot because you have the 2 within the dwelling, you have 2 parking spaces in the macadam and then you have a 2 car garage. Is there a need for that much parking?

Ms. McBride stated well I have 4 cars, myself.

Mr. Johnson stated they're in storage.

Mr. Bonforte stated Peter Gregory, did you say before you need to provide 2, besides the 2 inside on each, 4 inside spaces for each dwelling, you said we have to provide another 2 spaces, is that a Code?

Mr. Gregory stated 2 spaces for each unit.

Mr. Johnson stated for a total of 4.

Mr. Bonforte stated in addition?

Mr. Gregory stated for a total of 4 for each lot.

Mr. Bonforte stated oh 4 which is what this says but not 6.

Jan Johannessen stated but it doesn't necessarily have to be enclosed.

Mr. Bonforte stated so where did 6 come from? We were just discussing that?

Mr. Miley stated no, it's 8 in total.

Mr. Bonforte stated understood.

Jan Johannessen stated there's actually 6 per lot because you have 2 in the house, 2 in the macadam, and then 2 in the detached.

Mr. Bonforte stated 2 in the back.

Mr. Gregory stated you would consider 2 on the macadam even if they were in front of the doors?

Jan Johannessen stated there's parking for 2 vehicles there.

Mr. Vigliotti stated is that true? You have to have access.

Mr. Gregory stated I think if we showed vehicles there, I don't think we'd able to represent the maneuver of cars coming out of the garages.

Mr. Johnson stated yeah, can't block the garages doors.

Mr. Vigliotti stated so it's a total of 8, 4 for each.

Jan Johannessen stated no but I think that there's going to be cars parked there.

Mr. Gregory stated oh because of, I see what you're saying.

Jan Johannessen stated I'm also saying that you could remove those garages and still have adequate parking on the lot.

Mr. Gregory stated yes, the building coverage will go down but I think we would have some site coverage, getting close...



Ms. McBride stated then I'm still stuck with storing cars elsewhere.

Mr. Bainlardi stated you have something fun?

Ms. McBride stated [inaudible].

Mr. Vigliotti stated well I guess that begs the question as far as storage of cars versus the amount...

Ms. McBride stated all owned personal, I own them.

Mr. Vigliotti stated no, no but I think the idea is that 2 cars per unit that are being used as opposed to be stored. So if you're storing 4 cars, then your net is 4 parking spaces for 4 cars, so if you have long term storage, is it long term or short term?

Ms. McBride stated long term.

Mr. Vigliotti stated so I guess it begs the question, I don't have an answer but it begs the question, if its long term storage, then you really only have 4 spaces that are active for the tenants and the homeowners and I don't have answer but at some point we do need to get an answer for that.

Mr. Miley stated I understand what you're getting at, if there's 4, if there's long term storage, where is everybody parking.

Mr. Vigliotti stated yeah.

Mr. Bonforte stated right.

Chairman Cosentino stated she's going to store them some place else.

Mr. Johnson stated they are in storage in Banksville.

Chairman Cosentino stated yeah.

Mr. Bonforte stated you're intending to occupy one of the 4 dwellings, not 2.

Mr. Johnson stated one and one, first floor one and one.

Mr. Bonforte stated okay.

Chairman Cosentino stated well even the size of the building, I'm looking here, the rooms aren't that really gigantic.

Mr. Johnson stated no.

Chairman Cosentino stated okay.

Mr. Johnson stated its giving them a nice layout though.

Chairman Cosentino stated yeah, yeah, it is.

Mr. Johnson stated nice kitchen.

Chairman Cosentino stated you're not going to go bowling but its nice. Okay...

Mr. Bainlardi stated well does there have to symmetry?

Mr. Johnson stated yes, parts of the construction, they're near each other top and bottom.

Mr. Bainlardi stated but I mean could you, could you reduce the size of one?

Mr. Johnson stated possibly.

Chairman Cosentino stated alright, I guess you have some homework to do and we'll...

Mr. Johnson stated absolutely.

Chairman Cosentino stated get it on, when you're done, let Jan go over and then let the Building Inspector Peter Miley go over and then Michelle, when its ready, we'll put it on the agenda again. And if there's any legal referendum then we'll have to check with Whitney.

Whitney Singleton stated so you're not, you're going to come back here for further conceptual, what's going on? Are you going to the ZBA?

Mr. Gregory stated that's something I think we'll have to discuss based on the feedback that we're getting tonight.

Whitney Singleton stated the reason I ask is because I can see a multitude of questions coming from the ZBA, some of which are not answered here tonight. There is a question as to whether or not your satisfying the maximum building height, I have no idea what you're doing with the driveway grade and whether or not that meets Village's minimum Code requirements and some of the concerns that were raised by the Board tonight, so...

Jan Johannessen stated I think it would be best served by making some adjustments to the plan and then coming back for another conceptual would be [inaudible].

Mr. Miley stated Chairman, can I suggest myself, Jan, and the client, after he makes all the adjustments, I drafted all the concerns of the Board, we'll address them.

Chairman Cosentino stated excellent.

Mr. Miley stated and then, I think its better served he does come back, as Jan indicated.

Chairman Cosentino stated excellent.

Mr. Mareschi stated that's a good idea, Pete.

Chairman Cosentino stated okay.

Mr. Gregory stated alright, thank you for your...

Chairman Cosentino stated thank you for coming, we'll try to work it out. I need legal advice on something.

Mr. Sturniolo stated so Enrico, how's the wedding business?

Mr. Mareschi stated good, busy.

Mr. Sturniolo stated yeah?

Mr. Mareschi stated August is slows a little but May, June, July and August was busy. Thank you.

Mr. Sturniolo stated I see they finally knocked down that other place on Central Avenue, what was it called, the Garden, no...

Mr. Mareschi stated on Central or on?

Mr. Sturniolo stated right off the parkway, north of your place, right on the...

Mr. Mareschi stated they're building a building there now.

Mr. Sturniolo stated yeah, it had a white picket fence all around with the horrible food.

Mr. Mareschi stated the food is horrible there. Yeah, they're building a building there now, a big building.

Chairman Cosentino stated okay, the next thing on the agenda is...

Mr. Vigliotti stated special discussion, that was Charlie Martabano.

Chairman Cosentino stated Charlie Martabano was here already for special discussion. Okay, New York City DEP, HVA Realty, I guess we read up on that. Now Correspondence and the letter here from Rhodes and of course the Beautification Committee. You know I have to say something, the Beautification Committee, we never acknowledge them much but they really, really do a great job in the Village and I

read their minutes and they're a lot of good people that belong to the Beautification committee and if you look through the Village, there's a lot of improvements made by them. And I also see that they have a budget that we don't but they do a wonderful job and I just wanted to acknowledge that the wonderful job that they do throughout the Village.

Whitney Singleton stated Chairman, there's some members here from the CAC, this evening, I believe they're all from the CAC, correct?

Mr. Gmelin stated the Historical Society and the CAC.

Whitney Singleton stated I know you're here regarding your correspondence but generally we don't discuss the correspondence, the Board reviews it, it's not a discussion item. And I don't know whether you anticipated speaking to it tonight. I saw that it was addressed to the Village Board.

Mr. Rhodes stated we'd asked to because there were some ongoing issues with that 99 Moger development...

Whitney Singleton stated 77...

Mr. Rhodes stated 77-91...

Chairman Cosentino stated 77.

Mr. Rhodes stated and that, first of all there are some ongoing issues with the digging that they did do to do some core samples, there has been a lot of correspondence flying around about that, basically at your last meeting you gave them permission to do core samples...

Whitney Singleton stated no, no, that's not correct.

Chairman Cosentino stated I don't think so.

Whitney Singleton stated this Board has no permission to give permission to the applicant to do work on Village property...

Chairman Cosentino stated we didn't do that.

Whitney Singleton stated the Village Manager gave them that permission.

Mr. Rhodes stated I think they're basically saying that if it was okay with him and he had proper insurance that...

Chairman Cosentino stated was done, not through us. What I would like to do...

Mr. Rhodes stated it was discussed.

Chairman Cosentino stated what I would like to do, is I would like to hear what you have to say but I'd like to put it on an agenda because...

Mr. Rhodes stated we thought since its...

Chairman Cosentino stated I think that the opposition, I use the word opposition but they should be here to listen to what you have to say.

Mr. Rhodes stated well they were last time and they didn't want to hear it.

Chairman Cosentino stated say that again.

Mr. Rhodes stated they were here last time when we were here when we presented the letter and it didn't seem like they, I know you advised them to get together with us but they've no ability to do that. I don't really think it's an opposition thing, it's just that we have some concerns that we'd like to see addressed.

Chairman Cosentino stated but I'd like to have it on the agenda.

Mr. Vigliotti stated I think you're right Mr. Chair, if we can get it on the agenda, then the conversation that is needed can be had.

Chairman Cosentino stated he'll need to hear it, I will make them hear it, if they're here.

Whitney Singleton stated let me word this, you have an applicant that has paid fees and is paying for review fees and everything else...

Mr. Sturniolo stated a public hearing, that's the point, they should...

Chairman Cosentino stated you're right.

Whitney Singleton stated and has certain rights under the Zoning. Now, it's fine for you to send in correspondence but its inappropriate for this Board, other than acknowledging the receipt of that correspondence to discuss and application of a applicant without giving that applicant forewarning that they're going to be an agenda item. So, the next time that they are an agenda item, I think that the Chairman would like to see any correspondence that you have submitted...

Mr. Sturniolo stated but they're concerned about impacting the stream and environment.

Whitney Singleton stated to be recirculated and to be put on the agenda and for the applicant to address those comments or issues that you've raised but it would in appropriate for this Board to enter into discussion with you regarding your correspondence in the absence of the applicant.

Chairman Cosentino stated and I don't want this to go on deaf ears, I want them to know what's going on, I appreciate this Board doing what you're doing, it's a big help to us, okay and we do want to hear it but I think that we put it on an agenda, give you time for each person to talk and also, there will be a public hearing on it.

Mr. Rhodes stated I think that the reason that we wanted to have a preliminary discussion was to save everybody, including the developer, the time and the expense of you know, you get to that point we say okay, this creates a problem, they say okay that creates a problem, now they've got to go back to the drawing board, they've got to spend a lot more money...

Chairman Cosentino stated your Board is too important, I don't care what they have to do, I want to listen to your Board, it's important to us that we listen to you.

Mr. Vigliotti stated so let's get this on the agenda and we can have that conversation.

Whitney Singleton stated and I don't think, you were at the last meeting, I recall, and the Chairman was not here because of a family emergency. But I think that you heard pretty loud and clear from this Board that this Board did not want to see the applicant return to this Board unless and until they got much clearer direction from the Village Board, that the Village Board was going to allow any utilization of Village property because it's a fool's errand to entertain the application that involves Village property if they have no right to use Village property. So I think the next appearance is likely going to be before the Village Board and you submitted your correspondence to them and I would imagine that the Village Board will make sure that that is a discussion item when they appear and this Board can make sure that any submissions to them are discussion items the next time 77-91 South Moger appears on an agenda here.

Chairman Cosentino stated I was a member of the CAC, years ago, so I know how important it is.

Mr. Rhodes stated I'd just like to, the correspondence I submitted was personal, it wasn't from official, officially from the CAC, even though Jim was involved in it. There's some serious issues there and they can probably be resolved but if they're not addressed early enough...

Mr. McCartney stated it's really a combination of the Historical Society and the CAC, based on the trail building, utilizing greenspace here in the city, the DEP greenspace, New York City that goes back 100 years. So we're building self-guided trails all throughout the Town, the Historical Society, along with the CAC in partnership, so we're keeping our eyes and ears open because we have this beautiful greenspace and there's 10-30 foot canopy trees in that little area and that's one of our trails that's our trail to, so anyway, that's where...

Whitney Singleton stated I know, every tree is slated for removal, I saw that.

Mr. McCartney stated so we will absolutely, Village Board or, get the opportunity to...

Whitney Singleton stated at some point in time...

Chairman Cosentino stated that's not going to be a problem.

Whitney Singleton stated at some point in time your Board is going to do a site visit as well.

Mr. Vigliotti stated absolutely.

Whitney Singleton stated and you're obviously welcome to the site visit.

Chairman Cosentino stated you can come on the site visit with us and point things out, that would be great if you could do that with us.

Whitney Singleton stated if, not to make extra work for Michelle, if Michelle has your contact information, she can keep you abreast of any future appearances before the Board, site visit and anything else. Right Michelle?

The Secretary stated sure.

Mr. Vigliotti stated absolutely.

Mr. Rhodes stated and at some point, at the appropriate time, with the developer, we would like to, as much as its useful to the Board, you know, present some of these issues.

Chairman Cosentino stated absolutely.

Mr. Vigliotti stated absolutely.

Chairman Cosentino stated not a problem, I want to work with you.

Mr. Mareschi stated thank you.

Chairman Cosentino stated and I thank you for coming in, really, great. Okay. Do we have a motion...

Mr. Bonforte made a motion to adjourn. Mr. Mareschi seconded the motion.

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