

**Minutes of Meeting of the Planning Board
Village/Town of Mount Kisco
Tuesday, June 28, 2016**

Members Present: Vice Chairman Anthony Sturniolo
Doug Hertz
Enrico Mareschi
Michael Bonforte

Members Absent: Chairman Joseph Cosentino
Ralph Vigliotti
John Bainlardi (Alternate)

Staff Present: Anthony Oliveri, Village Engineer
Whitney Singleton, Village Attorney
Jan K. Johannessen, Village Planner
Robert Melillo, Assistant Building Inspector

Vice Chairman Sturniolo called the meeting to order at 7:30 p.m.

Vice Chairman Sturniolo led the Pledge of Allegiance.

Vice Chairman Sturniolo stated just take a quick moment of silence and keep in our minds Chairman Cosentino's daughter has undergone serious surgery and we all wish the Cosentino Family the best in coping with this situation. The first item on our Planning Board agenda for Tuesday, June 28th, is minutes and we don't have a quorum to do anything with those minutes.

The Secretary stated not tonight you don't.

Vice Chairman Sturniolo stated and speaking of quorum, there are 3 items that were going to be voting on tonight, as you can see we're only 4 members out of 7 here, so for something to pass affirmatively, all 4 members have to be in agreement. If one person votes nay, then that's the end of the application but what we traditionally do is give the applicant the choice of having us vote on it tonight, the 4 or waiting for the next Planning Board meeting when there would be a full Board and then you know, kind of take your chances that way. Maybe take your chances is not the proper term but you have that option of waiting or letting us go tonight. So if you want to change your mind or anything, just let me know. Formal application Bare Burger, 441 Main Street.

**1. Bareburger – 441 Main Street (Former Friendly's)
PB2016-0322, 80.50-4-4
Amended Site Plan**

Mr. Patrick McCue of Katonah Builders was present.

Mr. McCue stated where would you like me to go?

The Secretary stated up here Pat.

Vice Chairman Sturniolo stated we have a draft resolution and a letter and your site plan. If you could identify yourself for the record.

Mr. McCue stated Patrick McCue from VKS Architects.

Vice Chairman Sturniolo stated do you have a business card to leave Michelle.

Mr. McCue stated I would unfortunately my vehicle was totaled two weeks ago and all my business were destroyed with my card. They're on order, they should be here tomorrow or the next day.

The Secretary stated I know Pat, its okay.

Vice Chairman Sturniolo stated go on.

Mr. McCue stated I'm sure you guys are already well aware of the plan. My understanding is we've made all the changes based on the previous Planning Board comments and are here for the final resolution.

Vice Chairman Sturniolo stated is my fellow Planning Board members, everybody comfortable with that question of the tables being too close to 117, that was raised I assume a couple of meetings back.

Mr. McCue stated the front dining area?

Mr. Hertz stated they've removed...

Mr. McCue stated correct.

Mr. Mareschi stated they removed it.

Mr. McCue stated all the tables and chairs from the outdoor patio in the front are all gone, basically just a standing area for patrons when they're waiting for a table for a short period of time.

Mr. Hertz stated and I see on your plan that you propose 2 benches there.

Mr. McCue stated I believe so, yes. That is actually...

Mr. Hertz stated so on A-1, there are, it says proposed outdoor patio, patron waiting area with benches. In there I see 2 sort of ghosted in outlines. Any other changes that we should be aware of?

Mr. McCue stated I know we had removed the, we had a wrought iron railing in the front patio area, that all obviously has been removed. The dumpster enclosure the details are on A-2, everything else I believe is up to Code standards.

Mr. Hertz stated okay, again I caught that one but I wasn't sure if there were other changes that we should be aware of, okay. No further questions Mr. Chair.

Vice Chairman Sturniolo stated anybody else? Staff any questions on what's in front of us?

Jan Johannessen stated Mr. Chairman, there is a draft resolution prepared for the application tonight, if the Board is going to act on that, there's a couple of revisions that I can go over with the Board, when you're ready.

Vice Chairman Sturniolo stated okay.

Jan Johannessen stated the 7th whereas clause on page 1 is going to be revised to read the subject property is located within the New York City DEP's Designated Main Street Area and is subject to New York City DEP rules and regulations. And then on page 2, we're going to add a condition that requires the applicant to obtain a determination from the DEP as to whether DEP approval is required for front patio area. For the applicant's benefit, that's only because on the site plan it shows loose stone pavers which is not impervious.

Mr. McCue stated impervious surface, correct.

Jan Johannessen stated I think there's prior iterations that showed a gravel surface which probably wouldn't be subject to DEP approval, this modification has raised that flag.

Mr. McCue stated raised that flag, okay.

Vice Chairman Sturniolo stated so I assume you're comfortable with that change?

Mr. McCue stated yes. That was it?

Jan Johannessen stated yup, there's some, I had sent a copy of the resolution over to Viktor today, there's some conditions enumerated under condition number 20 that is verbatim out of the Code. It's the regulations that pertain to outdoor seating and there was a desire by the Planning Board to have that reiterated in the resolution, its right out of the Code.

Mr. McCue stated absolutely.

Vice Chairman Sturniolo stated Jan, anything else?

Jan Johannessen stated nope.

Vice Chairman Sturniolo stated okay, anything to add on from our point of view?

Mr. McCue stated no, sir.

Vice Chairman Sturniolo stated my fellow Planning Board members, what's your say on this?

Mr. Hertz stated Mr. Chairman, I suggest that we put this to a vote.

Vice Chairman Sturniolo stated okay. Does somebody want to make a motion to approve the resolution as amended tonight for Bare Burger, 441 Main Street.

Mr. Mareschi stated yup, I'll make the motion Chairman for Bare Burger 441 Main Street, Section 80.50 block 4 lot 4 and the application number is PB2016-0322 on June 28, 2016.

Vice Chairman Sturniolo stated and is there a second?

Mr. Bonforte stated I'll second that.

Vice Chairman Sturniolo stated Michelle, would you mind?

UPON ROLL CALL VOTE:

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

The motion carried by a vote of 4 to 0.

Mr. McCue stated thank you very much.

Vice Chairman Sturniolo stated thank you.

Mr. Hertz stated congratulations and good luck.

Mr. McCue stated thank you very much.

Mr. Bonforte stated see you there.

Vice Chairman Sturniolo stated the next item on the agenda is Mount Kisco Supply, 369 Lexington Avenue, we have a draft resolution.

**2. Mount Kisco Supply – 369 & 375 Lexington Avenue
PB2015-0300, 80.48-4-13, 16, 17 (SBL)
Site Plan**

Mr. Anthony Monteleone of Monteleone & Monteleone and Mr. Robert Pasquale, property owner, were present.

Mr. Monteleone stated good morning gentlemen, good to see you. Tony, you're looking fine, great. Anthony Monteleone for the applicant.

Mr. Pasquale stated I'm Robert Pasquale, the property owner.

Mr. Monteleone stated we have read the draft resolution, I discussed it with my client earlier today, I discussed it with Jan and ask that additions be made to paragraph 7, and I will give you a copy of that propose change.

Mr. Hertz stated that's condition 7?

Mr. Monteleone stated it's in the, after the approval.

Mr. Hertz stated yup.

Mr. Bonforte stated thank you, I gave mine to...

Mr. Monteleone stated conditions to be satisfied prior to the issuance of a building permit and what we are asking in view of the fact that this matter is now in June and we'd like to get this work done as soon as possible that upon the adoption of this resolution by the Planning Board that the Building Inspector's authorized to issue building permits based on interior, nonstructural construction on approval plans,

approved plans in regard to 1. or A. the expansion of Ferguson Showroom space which is referred to in your resolution and B. the conversion of the existing storage/warehouse space which is also referred to and its all contained within the site plan and then B is just a reiteration with a slight modification, no other building permit shall be issued. We'd also like you to entertain if possible, the issuance of a demolition permit for the two-family house which has been vacant since last September at the Board's urging. I don't think this is going to have any impact on any changes and Robert would like to begin some site work also, also subject to Building Inspector approval. He did submit plans awhile back but the Building Department wouldn't accept them until there's been site plan approval. The requirements that you have are all reasonable but they're going to take some time for us to get that final site plan signed off by the Health Department and by the Chairman of the Planning Board in the next month or two. If we can't start before then, we're going to be into the winter, so we'd like to have a leg up and we don't think its going to impact...

Jan Johannessen stated Tony, is there site work beyond the demolition of the house?

Mr. Pasquale stated yeah, there's some storm drainage, some curbing, sidewalks, fencing...

Mr. Monteleone stated removing the parking, the pavement in the back.

Mr. Pasquale stated the pavement removal.

Jan Johannessen stated you're asking to be able to do all of that work before the signing of the site plan or just the demolition of the building?

Mr. Pasquale stated well the demolition of the building, I really have to get the yard, the storm drainage, the removal of that pavement, the curbing place so that Two Men and a Truck can operate once we get site plan approval and I know it's based upon a C. of O. but that's going to take longer than the demolition of the house. I've already removed the electric and the gas, we've opened the street, capped the water and sewer, oil tanks are removed, its ready to go and like I say, it won't take long, there's not much to it.

Anthony Oliveri stated so it's a matter of getting the subdivision plat signed from the Health Department...

Mr. Monteleone stated exactly, then getting back to the Planning Board and you know, we're talking some weeks before that's going to get finally done.

Jan Johannessen stated you don't think that there's enough for you to do the demolition of the house, I think you can have the plat signed in 2 to 3 weeks...

Anthony Oliveri stated yeah.

Mr. Monteleone stated we hope so but...

Jan Johannessen stated you don't think there's enough to do with the demolition of the house and the garage and the build out of Ferguson. The interior work that, ideally you would have the site plan signed before you do the real site work, the demolition is one thing but...

Mr. Pasquale stated well...

Jan Johannessen stated how long do you think it's going to take you to go through the Building Department process for the demo permit...

Mr. Pasquale stated that part I don't know, I know the actual demolition won't take very long and the reconstruction of that property won't take very long.

Anthony Oliveri stated has the subdivision been submitted to the Health Department yet?

Mr. Pasquale stated that I don't know.

Mr. Monteleone stated no.

Anthony Oliveri stated so they haven't seen it at all.

Mr. Pasquale stated Peter [Catizone] has that in his hands.

Jan Johannessen stated I know our comments, both mine and Anthony's have been complete satisfied, so there's literally nothing that needs to take place other than the filing of that subdivision plat.

Mr. Pasquale stated yeah.

Mr. Monteleone stated and just by, just the steps required are going to take some time, including getting the Mylar...

Anthony Oliveri stated I know if they haven't seen it yet, its going to take a couple of weeks for them to look at it, that probably could have went in like a month ago.

Mr. Pasquale stated a couple of weeks is understandable, I would just like to be able to you know get this site work going...

Anthony Oliveri stated [inaudible – spoken over].

Mr. Pasquale stated its not all that much, its 100 feet of storm drainage piping and curbing and moving a fence basically, it's not all that much but if I have to wait a month to get it done, to get approvals to get it done and then I am looking into fall and that's if everything goes right, I don't want to lose the contractors I have.

Mr. Monteleone stated how about we start the site work in the rear parking lot and the drainage...

Mr. Pasquale stated that's what I'd like to do is the demolition and the customer parking lot and I'll address that part next but...

Mr. Monteleone stated which one do you want to do first, maybe not both?

Mr. Pasquale stated I would like to do the site work first.

Mr. Monteleone stated the front or the rear?

Mr. Pasquale stated the rear.

Mr. Monteleone stated how about the rear? Really not going to impact on anything because its vacant back there.

Mr. Pasquale stated there's nothing back there, there's no tenant yet and...

Anthony Oliveri stated its really up to the Board, I would agree that if it's not into the Health Department yet, you're looking at probably at least a month before that's signed off on, so I agree in that sense but as far as authorizing site work, it's up to the Board.

Mr. Monteleone stated and we would limit to the rear, not the front, so there won't be any impact on usage.

Mr. Pasquale stated and after the County, I have to come back to this Board for the Chairman...

Mr. Monteleone stated no, no, Joe has to sign it.

Anthony Oliveri stated we want to just specify certain items then? Demo of the house, demolition of the pavement in the back, the installation of a storm drain. Things like that I don't think are really an impact to the site plan, you know layout of the site.

Mr. Monteleone stated where is the storm drain? In the front or the back?

Mr. Pasquale stated its all in the yard, the only thing that's on the other side is curbing, the side walk and the demolition of the house.

Vice Chairman Sturniolo stated how long would it take for the demolition of the house alone, just the house.

Mr. Pasquale stated a couple days they tell me and then grade it and seed it and plant it as soon as we get some rain.

Mr. Bonforte stated Whitney?

Whitney Singleton stated yes.

Mr. Bonforte stated in regard to this request, to me its 2 requests, the second floor, the interior and the demo, does the hold harmless agreement that's on file, does that benefit us...

Whitney Singleton stated well the hold harmless agreement [inaudible] with the Building Department is solely interior renovations, and that was all that was represented as wanting to be done. Now we're talking about the various elements of the site plan, Jan's 100% correct, demolition is demolition that's beyond the scope of this Board. I don't have any problem with that but we're not going to parse at this meeting what aspects of curbing, the drainage, the impervious surface, the interior and exterior. I just find it baffling that it's being brought up now.

Mr. Monteleone stated now wait a minute, with all due respect, this has been going on for a year and a half, we just got the resolution, the draft resolution and we have a right to look at it and we have a right to make suggestions as to how this can move forward in an expeditious way. We're not asking for anything, we're not asking for C. of O's, we're only asking to spend our own money to get this site in shape so that we can start collecting rent from these tenants, he's lost rent for over a year, almost a year on the two-family house. We were urged to take it down or to vacate it a year ago, we could have left those tenants in and had income, we had no income, we did it in good faith, we're not trying to delay anything or take advantage of anyone. We're just trying to move this project along reasonably and the site work, if we do it only in the back, we're not going to impact on anything, any use of the property, we have to do it anyway.

Vice Chairman Sturniolo stated going back to your question about holding harmless, what answer did you get?

Mr. Bonforte stated I believe right now, this is a grey area and all I'm concerned about is that we don't give up the conditions that are in the draft resolution in any manner by letting them go through and do this...

Mr. Monteleone stated we're not asking that.

Mr. Pasquale stated no, its understood and I respect that.

Mr. Bonforte stated yeah and therefore if that agreement doesn't protect us in full for both the demo and for the interior, because it obviously doesn't consider the demo...

Mr. Monteleone stated we'd extend it to the demo and I think it covered the interior. We'll extend it to anything we do.

Mr. Bonforte stated so I'm going to defer to legal...

Vice Chairman Sturniolo stated Whitney.

Mr. Bonforte stated to Whitney and just say, I mean we're here to help expedite and make things more efficient, right, that's what its all about...

Mr. Monteleone stated that's what we're asking.

Mr. Bonforte stated and as long as we don't violate any or lose any of the conditions that are precedent let's call them, I'll call them then I would be in favor of allowing the applicant to go forward in these defined, in these two defined areas...

Mr. Hertz stated at his peril.

Mr. Monteleone stated at our peril, we have no problem with at our peril.

Mr. Bonforte stated but where is that written...?

Mr. Monteleone stated and we would be happy to put that in the resolution.

Anthony Oliveri stated because I think we'd have to almost treat it like site plan, like the site work is starting, you know because if you start piecemeal'ing it, you don't have a preconstruction meeting. Jan just brought up the DEC filing for the stormwater permit, the DEC has got to happen, we have to make all these things happen. Just go in there and start hitting things here and there...

Mr. Pasquale stated the storm drains all exist, we just have to improve it, I mean its all tied into West Street, the drains are there.

Anthony Oliveri stated I'm talking about there's a DEC permit filing that has to happen before you break ground, you know, so...

Whitney Singleton stated let me just give an example, one of the things that you have to do, you say you're going to deal with the storm drain, you're going to relocate it, correct?

Mr. Pasquale stated no.

Whitney Singleton stated yes, you are.

Mr. Monteleone stated yes, no we are, we're putting a relocated storm drain in.

Mr. Pasquale stated we're putting two man holes in...

Anthony Oliveri stated you're rerouting...

Whitney Singleton stated you have to reroute it so it doesn't go...

Mr. Pasquale stated it has to go through the easement, right, well that's...

Whitney Singleton stated and that's part of one of the conditions, is that I have to review that easement and you deed restrictions before you undertake that work.

Mr. Monteleone stated that I understand.

Whitney singleton stated so what happens when all of sudden I'm reviewing something for work that's already been done and an issue comes up. I just, my visceral reaction is that this is a very sloppy way to proceed, a very dangerous way...

Mr. Monteleone stated I take exception to the word sloppy. All we're trying to do is move this along.

Whitney Singleton stated Tony, you can take exception to the word but the fact of the matter is this is the first time I'm hearing about it, and you're talking about doing full site work without full plans.

Mr. Monteleone stated not full site work and I respect the fact that Jan's saying we need a meeting and I recognize that and possibly some of that site work we're asking for, we do have to delay until we have a meeting and we're moved further along. So, I think at this point if we just have the demolition as well as the other two.

Whitney Singleton stated what are the other two, Tony?

Mr. Monteleone stated they're stated, I gave them to you.

Whitney Singleton stated no, no, your, the demo, so you're not going to do any site work?

Mr. Monteleone stated I am suggesting that we not do any site work that we get the two building permits for the interior work and the demolition.

Whitney Singleton stated okay, I don't have a problem with that, I have problems with the language that you proposed and the handout tonight.

Jan Johannessen stated I think by the time you get a demo permit from the Building Department to go through that process to take down the buildings, I think that's going to be, you're going to end up being in the right spot with the signing of the plat, I think that would work out.

Mr. Monteleone stated I think our timing would.

Whitney Singleton stated I would propose...

Jan Johannessen stated have you done the asbestos reports on the houses already?

Mr. Pasquale stated they are completed, I have a contractor and engineer ready, willing and able to do that work and then demolition the house and that garage. I'd like to take...

Jan Johannessen stated Rob, where does the Building Department stand with the demo permit, what's the timeline on the issuance...

Rob Melillo stated about a week.

Jan Johannessen stated a week for the demo permit.

Rob Melillo stated yeah, as long as everything is in order. It could be a couple days to a week depending on when it gets dropped off.

Mr. Pasquale stated that's fine.

Mr. Hertz stated so Whitney, can you suggest language for these items?

Whitney Singleton stated if they're withdrawing their request for site work...

Mr. Hertz stated and it seems like they are, confirm...

Whitney Singleton stated then my suggestion to paragraph 7A, I would reword that paragraph to read as follows, the Building Inspector may issue building permits for interior nonstructural work pursuant to the approved plans provided such work is expressly acknowledged by applicants as being undertaken at the applicant's sole risk of complying with any and all conditions of approval or compliance with other involved agencies. So if they have a problem with DEC or DEP and they come back to you and say that they need to modify their plans and they did work, that's going to be solely at their risk. With regard to 7B, I have no problems with it, I would also proposed putting in paragraph 7C which would read no Certificate of Occupancy shall be issued until there is compliance with all conditions of approval.

Mr. Monteleone stated well isn't that already stated in the resolution? And isn't the fact that we have to comply with all the conditions already stated?

Whitney Singleton stated because Tony, you're asking for building permits, if you're asking for building permits you're going to be asking for C of O's and I want it within the same paragraph.

Mr. Monteleone stated it's clearly stated that we don't get a C of O until all of the conditions are met.

Whitney Singleton stated its also clearly that you don't get a building permit until you sign the plat but you're asking for a building permit.

Mr. Monteleone stated that's what I'm asking be modified.

Whitney Singleton stated Tony, I would like for purposes of clarity, for it to be within paragraph 7, that's my recommendation to the Board.

Mr. Monteleone stated okay and I think the word may, I'm not happy with the word may, that the Building Inspector, you used another term, what did you say?

Whitney Singleton stated I said the Building Inspector may.

Mr. Monteleone stated alright, I'd like to continue the Building Inspector is authorized to issue, it says upon approved plans. May is too generic a term.

Whitney Singleton stated well the Building Inspector may have problems with the plans.

Anthony Oliveri stated he still has to review it...

Mr. Monteleone stated then he's got to approve the plans.

Anthony Oliveri stated its still up to him to issue the permit, it's not up to the Board to authorize the Building Inspector to issue a permit. The Building Inspector, it's still his prerogative.

Mr. Monteleone stated well I'm saying upon approved plans, alright semantics.

Whitney Singleton stated well that's the problem, we get to a Board meeting and in the middle of the night we start going through semantics, that's why the Board has a Planning Board rule and procedure that these resolutions are not to be changed at the meeting. So this is very 11th hour for this to be done.

Mr. Monteleone stated there was just an amendment to the prior draft resolution and now you're saying this is the 11th hour for this one?

Whitney Singleton stated the Planning Board has rules and procedures, it's different when an applicant is proposing a substantive change versus technical changes...

Mr. Monteleone stated its really not a substantive change. I'll ask the Board to consider, I don't have a, I would authorize, I think Tony made a point, authorized is a word of distinction...

Anthony Oliveri stated I don't know that the Board can like, direct the Building Inspector to issue a permit.

Mr. Monteleone stated alright, you can say in the Building Inspector's discretion, at least that he entertain it. That's all I'm asking for.

Vice Chairman Sturniolo stated no, I understand.

Mr. Hertz stated and that's what we're trying to craft language that says, no one is arguing with that, just what language makes that happen. We can't direct him to issue a building permit, we can...

Mr. Monteleone stated whatever language your Board is comfortable with, I'm comfortable with.

Vice Chairman Sturniolo stated so once again, Jan and Whitney, would you read the change?

Whitney Singleton stated I will read 7A again. It would read as follows, the first several words would be deleted and the paragraph would start with the Building Inspector may issue building permits for renovations consistent with approved plans for interior nonstructural. I'm sorry, I spoke out of turn. The Building Inspector may issue building permits for interior nonstructural renovations, consistent with approved plans provided such work is expressly acknowledged by applicants as being undertaken at applicant's sole risk of compliance with any and all conditions of approval and/or compliance with any other involved agencies approval.

Jan Johannessen stated does that include the demolition or is that...?

Mr. Hertz stated and are we pursuing...?

Whitney Singleton stated the demolition is nothing to do with the Planning Board.

Mr. Hertz stated okay, that doesn't have to be part of this...

Mr. Monteleone stated I would ask that...

Whitney Singleton stated and paragraph 7B would remain as is and paragraph 7C would read no Certificate of Occupancy shall be issued until there is compliance with all conditions of approval.

Mr. Monteleone stated I don't have a problem with that. I would ask that the introductory phrase I have upon adoption of this resolution by the Planning Board, so its clear to the Building Inspector that we don't have to wait for final signing off of the plat.

Whitney Singleton stated but its presumed that each and every condition within the resolution, is upon approval of the Planning Board's resolution, otherwise they don't become operative.

Mr. Monteleone stated what are you saying then, until all those conditions are met, we don't get a permit.

Whitney Singleton stated Tony, Tony, what it's saying...

Mr. Monteleone stated I want to make it clear we can file for a permit now.

Whitney Singleton stated its saying the Building Inspector may issue building permits, that's what its saying.

Mr. Monteleone stated at this time, at this time.

Whitney Singleton stated if you want it to say...

Mr. Monteleone stated upon approval of the resolution, why don't we add those words, upon approval of this resolution.

Whitney Singleton stated but every condition in the resolution is upon approval of the resolution. Every single condition, none of them before operative without the approval, without the resolution being adopted. If you want to saying notwithstanding anything herein to the contrary but I'm not going to put upon adoption of this resolution before each and every condition of approval, its unnecessary and duplicative.

Mr. Monteleone stated the Planning Board is approving this resolution...

Anthony Oliveri stated its saying before that...

Mr. Monteleone stated I don't know, subject to all the conditions...

Vice Chairman Sturniolo stated Tony, it may sound like a bit of overkill but I can see Whitney's point about stressing and highlighting the conditions regarding the use of the word may and I'm inclined to think in terms of what Whitney is saying that there's more protection for the resolution in general and equally important, there's more protection for the Village and specifically the Building Department as this process goes on, the demolition, the construction, the revitalization et cetera, et cetera, so...

Mr. Monteleone stated my only concern is that the Building Inspector says I now have sufficient authority to use my discretion to issue a building permit now.

Mr. Hertz stated I think, I mean Rob is here as a representative of the Building Department. I think if we vote yes on this, that message will get there loud and clear.

Rob Melillo stated I think so, yeah.

Whitney Singleton stated it's in the resolution as well.

Mr. Hertz stated yes, I don't think we're arguing about. I don't think we're disagreeing, its simply parsing language at this point, I think we're all agreement as to what we want to do.

Vice Chairman Sturniolo stated alright, before we...

Mr. Hertz stated we'd like you to be successful and get this going to the best of your ability.

Mr. Pasquale stated I would like nothing better.

Vice Chairman Sturniolo stated before we put this to a vote, do we collectively want to hear the modification one more time, Jan?

Whitney Singleton stated paragraph 7A, notwithstanding the above the Building Inspector may issue building permits for interior, nonstructural renovations, consistent with the plans approved here in, provided such work is expressly acknowledged by applicant as being undertaken at the applicant's sole risk of compliance with any and all conditions of approval and/or compliance with other involved agencies approvals. That was the, paragraph 7B was not changed, paragraph 7C was not changes, it would read no C.O.'s shall be issued until there's compliance with all conditions of approval.

Mr. Monteleone stated we do have the words upon approved plans, I'm assuming that doesn't include approved site plan because you're saying the site plan isn't approved until the plat's filed.

Mr. Mareschi stated correct?

Whitney Singleton stated the plans are being approved herein.

Mr. Monteleone stated the building plans.

Whitney Singleton stated the site plan is being approved and before, nobody is authorizing changes to it or requiring changes to it, we're simply requiring conditions to be satisfied before permits can otherwise be issued. In other words, let's just say that we approved the site plan subject to you getting a bond, you getting a bond isn't changing the plans one way or the other, its still the same site plan.

Mr. Monteleone stated as long as approved plans doesn't include the final filing of the plat, that's all I'm saying. In other words the plans that are submitted or will be submitted for the interior construction and the demolition, limited to that.

Mr. Hertz stated but otherwise we couldn't approve anything, its always subject to...

Mr. Pasquale stated I was under the impression that the plans for Ferguson have been submitted once, or twice, or three times at this stage...

Mr. Monteleone stated I believe they are.

Mr. Pasquale stated and I was told that the permits are ready if they accept the fact that it's on their responsibility.

Jan Johannessen stated I think that's correct.

Whitney Singleton stated you mean that you're assuming the risk.

Mr. Monteleone stated right.

Mr. Pasquale stated means the same thing right?

Mr. Monteleone stated right.

Whitney Singleton stated I don't think that there's any, I mean I don't know what your last set of plans are but whatever they are, they are.

Mr. Pasquale stated well, the Building Department has them, I've been told that plans, if they want...

Whitney Singleton stated are they the same ones that are referenced in the resolution?

Mr. Pasquale stated I'm assuming they are.

Mr. Monteleone stated can we say approved construction plans so that it's clear it's no site plan we're talking about.

Mr. Bonforte stated I don't know, I like the wording the way it is, hopefully you can get comfortable with it, the Building Inspector...

Mr. Monteleone stated as long as the Building Inspector is comfortable with it, I don't want them to say you have to come back here, that's my only concern.

Mr. Bonforte stated understood.

Mr. Hertz stated that is not the intent.

Mr. Bonforte stated and therefore...

Mr. Hertz stated that is not the intent.

Mr. Bonforte stated I'm in favor of the language, I'll pass it on to...

Mr. Monteleone stated with that understanding, we're ready to proceed.

Vice Chairman Sturniolo stated Rob, are you in agreement with this?

Rob Melillo stated yeah, no I'm not. Yes, of course. I hear you loud and clear, I can release a building permit, you know I don't have a problem releasing a building permit.

Mr. Hertz stated once we vote yes.

Rob Melillo stated just vote on it and let's move forward.

Mr. Monteleone stated and we're ready to proceed with a 4 man Board.

Vice Chairman Sturniolo stated Jan, Whitney, Anthony, anything else before we wrap this up?

Jan Johannessen stated Tony, you received a redline version of the resolution that I e-mailed you today.

Mr. Monteleone stated no, I didn't but that's the, this is the only area that I...

Jan Johannessen stated there was a couple of other changes that were rather grammatical.

Mr. Monteleone stated this issue of substance was the only one I was concerned with.

Jan Johannessen stated the only one of real substance is there's a whereas clause that makes reference to the ZBA resolution and the condition that states that you need to pay all outstanding and applicable fees...

Mr. Monteleone stated you mentioned that to me.

Jan Johannessen stated we included that to specifically identify the park/recreation fee and any zoning fees associated with the rezoning.

Mr. Pasquale stated wouldn't expect anything less.

Whitney Singleton stated and the...

Jan Johannessen stated and the condition that speaks to the preparation and the review and approval of all necessary easements referring to the drainage easement, we're also included in deed restrictions which references the restriction on the one family.

Mr. Monteleone stated right.

Mr. Hertz stated so where are we on this, has there been a motion?

The Secretary stated no motion.

Mr. Hertz stated Mr. Chairman, I would like to make a motion that we approve, oh lordy, am I even looking at the right thing, yes, 369 Lex. Planning Board application 2015-0300, June 28th, as amended verbally tonight.

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

Vice Chairman Sturniolo stated is there a second on the motion?

Mr. Mareschi stated I second it, Chairman.

Mr. Bonforte stated Enrico seconded.

Vice Chairman Sturniolo stated oh, I'm sorry. Michelle?

UPON ROLL CALL VOTE:

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

The motion carried by a vote of 4 to 0.

Mr. Monteleone stated thank you very much gentlemen.

Mr. Mareschi stated good luck.

Mr. Hertz stated God speed or whatever speed.

Mr. Pasquale stated we've been praying to him and its worked.

Vice Chairman Sturniolo stated the next item on the agenda is Hudson Riley, 178 Main Street, it's the former Leisure Living building.

Mr. Martabano stated I think its 179 Main Street.

Vice Chairman Sturniolo stated 179, what did I say?

- 3. Hudson Riley, LLC – 179 Main Street (Former Leisure Living)
PB2016-0323, 80.25-3-26.1 (SBL)
Change of Use**

Mr. Charles Martabano, Esq, Mr. Scott Blakely of Insite Engineering, Mr. Ira Grandberg and Mr. George Gaspar of Grandberg Associates, and Mr. Matthew Tynan, property owner, were present.

Mr. Martabano stated 178 but that's alright.

Mr. Hertz stated its across the street now.

Mr. Martabano stated I want to make sure he didn't have to park his cars elsewhere, that's all.

Vice Chairman Sturniolo stated we have a draft resolution that we're going to be looking at carefully and a memo from our Building Inspector and a set of floor plans provided by Ira Grandberg and Associates.

Mr. Martabano stated also during the pre-meeting it was mentioned that Jan had requested that we bring you a copy of the rendering, the plans that we had prepared for the renovation of the building so George has those there, if you want to look at those or go over the resolution first.

Vice Chairman Sturniolo stated let's look at the plans first.

Mr. Martabano stated that's great, George, Ira, if you can take them through that, that'd be great. Don't worry about that, let's go with this.

Mr. Grandberg stated we've been before you in the past to go over the scope of the project involved rehabilitating the building almost completely. New windows, new sprinkler system, new stairs core, new store fronts, new brick cleaning throughout the building, and it will bring it back to a level that will be as good as new. The owner who is here tonight, he is putting in an extensive amount of work to bring this building which is a fireproof concrete building, up to Code and its pretty much the way you see we're going to be doing. Enormous amount of windows on the job, they have to meet current Code requirements for fire safety, which necessitates a full sprinkler system in the building and the building will be used for 3 floors of tenant space, the top used by our client, the second floor for a use which Charlie will go over, the lower level as a retail use. That's pretty much the scope.

Mr. Bonforte stated I had a question about the 4, was it 4 or 5, I think it was 4 parking spaces in the back, where would they be?

Mr. Grandberg stated they're there now, there's a ramp that goes up the back to a common parking area. There were 5 spaces but to meet handicap requirements they'll now be 4.

Mr. Gaspar stated its immediately behind the building, on the property.

Mr. Bonforte stated yeah, so its where, it's like the steep slope that goes down into the second floor, is that where they would be?

Mr. Grandberg stated yeah.

Mr. Bonforte stated is it on the plan?

Jan Johannessen stated its on the site plan.

Mr. Grandberg stated its on the site plan. What's unique to the building is that the first floor, the street front floor has access off Main Street, the other two floors have individual access off the back. One goes up a ramp up to the third floor, the other one is directly to parking.

Mr. Bonforte stated I'm familiar with the building, I used to work there, actually, a long time ago. I did work there. I used to work on cars and trucks on the top and in the middle, so.

Mr. Grandberg stated right.

Mr. Bonforte stated yeah, the former owner was my neighbor, so anyway, small world.

Mr. Martabano stated it is. As far as we're concerned, we've gone through the resolution, Jan sent it to me and I got a copy tonight, we're satisfied with the content of it, it's solely up to the Board at this point in time.

Vice Chairman Sturniolo stated anyone, staff?

Mr. Hertz stated I had one, just a question, can you just go over hours of operation of first floor and second floor, the spaces, just briefly.

Mr. Martabano stated second floor, Matt, I don't know if you've gotten those...

Mr. Tynan stated it wouldn't be nonstop continuous 9-5, the way it operates now, its a few hours, never even every day, its two partners, both working part time, one works a Saturday, one works a Sunday and then they split up the rest of the week. Its usually kids that are in school, so during school hours, its not being used, it's after school hours...

Mr. Hertz stated after school and Saturday's typically. And they'd utilize, probably the rear parking.

Mr. Tynan stated yes, that would be the legal entrance, is the legal entrance on the second floor.

Mr. Hertz stated gotcha, and then the operation on the first floor.

Mr. Martabano stated that I think we have, we gave you the busiest hours but generally speaking, I think you're talking about from 9 to 9 p.m. on Thursday, Friday and Saturday, Sunday I believe is 6, close at 6 but everything else is basically 9 to 6 and then those night which is 9 o'clock for Thursday, Friday, and Saturday. I can get further clarification but that's what I believe it is...

Mr. Hertz stated no, I just wanted a general sense.

Mr. Martabano stated general idea, okay.

Mr. Hertz stated and that will be typically coming in off, that's all coming in off the first, off the ground floor, off of Main Street.

Mr. Martabano stated that's all from the ground floor, right.

Mr. Hertz stated parking locally and...

Mr. Martabano stated exactly.

Mr. Tynan stated drop offs for kids birthday parties, so parents aren't attending.

Mr. Martabano stated its very similar to the use that we used to have right across the street called the Paint Bar, which is the same type use, yes.

Mr. Hertz stated I remember.

Mr. Martabano stated called the Pottery Factory, they have one in Brookfield, Connecticut now.

Mr. Hertz stated alright, thank you.

Vice Chairman Sturniolo stated Ira, how much work does the building need safety wise and construction wise? I mean is there a lot of internal beams that need replacing or that kind of...?

Mr. Grandberg stated no, it's a fire proof structure, its all concrete, reinforced concrete. All the windows though based on current Codes and future Code coming up soon, require a fire rating of the windows. If the building had already been in existence and occupied, the windows could be rehabilitated but because of the new Codes and new Energy Codes, we have to create fire proof windows or windows that have a supplemental sprinkler system. We've gone to the State Code for a, call it a variance even though it's a decision and they indicated that the sprinkler system would mitigate the need for fire proof windows but there's so many windows, they're all high quality clad windows, metal clad windows that are being put in. Other than that, the building is an empty shell basically.

Vice Chairman Sturniolo stated its structurally sound?

Mr. Grandberg stated its structurally, very sound.

Mr. Martabano stated oh yeah, if you go through back to the letter that we sent to give you an idea of the work that he's doing to it, design and installation of cores for each floor, installation of new domestic water distribution system, installation of new boilers and hot water heaters, installation of new sprinkler system, installation of new HVAC systems for each floor, new electrical distribution systems, new insulated perimeter walls together with interior partitioning, installation of new aluminum and glass store front on the

ground floor on the East Main Street side, installation of new windows, sandblasted and painted brick façade to reveal underlying brick façade, masonry repair, installation of new marble bulkheads, installation of new awnings and repair and repaint the concrete party walls. So that's just the scope of the work for the building itself.

Whitney Singleton stated did you copy that to the Assessor, Charlie?

Mr. Grandberg stated before we demolish the building.

Whitney Singleton stated did you copy that to the Assessor?

Mr. Martabano stated well we're doing it all for \$16.37 when it comes to the Assessor, you know I'll have it on the building permit that way.

Mr. Tynan stated for what it's worth, I shared your concern, I don't know buildings, it doesn't look like a great building from the outside, I've been told by anyone who knows buildings, including the engineers that came to do the inspection before I committed to it, it is "a beautiful building" it's built like they build skyscrapers and they don't build buildings like that anymore, it's over built.

Mr. Martabano stated as someone mentioned earlier tonight, it was the former Cadillac dealership before that was moved up to North Bedford Road by my father but that used to be at that location, so its really got an interesting history. Now, a car use on the third floor is going back to it, so to speak.

Vice Chairman Sturniolo stated you, in the litany of modifications you just read, where you said a new boiler, is it one heating system for the entire building?

Mr. Tynan stated no, one per floor.

Mr. Martabano stated one per floor, yeah because each one has to be segmented, separately metered, et cetera.

Vice Chairman Sturniolo stated okay. Rob, any thoughts, comments?

Rob Melillo stated no, I'm all good.

Vice Chairman Sturniolo stated my colleagues at the table, any comments on the application?

Mr. Mareschi stated no, Chairman.

Mr. Hertz stated no, I'll be very happy to see the building reused.

Vice Chairman Sturniolo stated Jan, you're comfortable? Anthony and Whitney?

Whitney Singleton stated I have one change that Jan and I discussed, I don't know if it was discussed with the applicant. The highlight of the [inaudible] change.

Vice Chairman Sturniolo stated thank you.

Mr. Bonforte stated over and above what we discussed earlier?

Whitney Singleton stated its what we discussed earlier.

Mr. Bonforte stated oh, thank you, we all received a copy of, they were minor, very minor.

Mr. Martabano stated okay, we know that effects the parking calculation, we understand, thank you Whitney, thank you for highlighting.

Vice Chairman Sturniolo stated is there a motion to approve of Hudson Riley 179 Main Street, former Leisure Living building, as discussed and changed tonight?

Mr. Hertz stated and I just want to reiterate, remember we only have 4 members, so you have a right...

Mr. Martabano stated we understand.

Mr. Hertz stated to not have a vote if you'd like that to be...

Mr. Bonforte stated I'll go ahead and make the motion to adopt the Change of Use permit approval for Hudson Riley, LLC, section 80.25, block 3, lot 26.1, application number PB2016-0323, today's date is June 28, 2016.

Mr. Mareschi seconded the motion.

Vice Chairman Sturniolo stated Michelle, we have a motion and a second.

UPON ROLL CALL VOTE:

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

The motion carried by a vote of 4 to 0.

Mr. Martabano stated thank you very much gentlemen. We appreciate it.

Mr. Mareschi stated thank you.

Vice Chairman Sturniolo stated enjoy.

Mr. Martabano stated congratulations.

Vice Chairman Sturniolo stated the next item on the agenda is EK Construction 35 39 Kisona Road and this is for a Site Plan and Change of Use review.

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

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

Mr. Martabano stated just to start off with a brief presentation, we previously came before you I believe in January, and we had a conceptual plan that we showed you, is that correct, January, I believe.

Whitney Singleton stated January.

Mr. Martabano stated exactly, since that time, we've made a revision to that plan, we're going to discuss that with you tonight and updated the site plan as well. If any of you don't recall, we'll take you right through all the proposed changes and make a full presentation. So, Scott maybe you want to take them through the site plan...

Mr. Blakely stated sure.

Mr. Martabano stated and then we'll enter, I know that you raised some questions during the work session we'd like to answer those questions for you as well.

Mr. Blakely stated good evening, Scott Blakely with Insite Engineering. The modifications that were made since we last appeared before you was the proposed addition which is located to infill this portion of the building. The owner has been working with architects regarding allocation of space internally and a decision was made to, rather than to increase the internal space by use of a mezzanine, they decided to go with a second level on the addition. So this 25 by 60 foot square is now 2 levels and Ira can walk you through that on the elevation. Based on some modifications to building square footage, we had modified the parking layout to include two additional parking spaces. We have provided the parking calculations on site, the lower level of this building which is accessed from Columbus Avenue, is now a storage/warehouse area and its only accessed through a staircase internally here, so the parking calculations for this area were slightly modified based on discussions with the Building Department. Basically what that means is with the office space, the retail/sales component of this, the storage and then the bulk storage building here, we're required 44 parking spaces where we show 45 on site. We have indicated the loading spaces, the loading space in the rear, there are 4 loading docks off of Columbus Avenue, those are going to remain, those doors I believe are 14 feet in height, so the trucks when they come to deliver will be able to, basically back in internally to the building and the lumber and other supplies will be offloaded.

Mr. Martabano stated and just by way of background, I think you know that this applicant presently operates at what we all call LB Richards, which is now Modern Building Products and he's going to close that location and relocate to this location. The biggest difference of course is that in that particular district and by reason of its prior legal noncomplying use, they were able to have outside storage. Here, it's all going to be enclosed storage, so that's a significant change. I misspoke, I said we were before you January, I misspoke, that's another application, we were before initially with a conceptual plan, we got some preliminary feedback, especially about Kiskon Road and we significantly changed the plan and it just took over, just by way of review, what we did to change to the original conceptual plan to get to this plan because basically we closed off an existing access that Whalen's had onto Kiskon and a proposed access that we had to protect the Kiskon Road and to circulate the traffic in the other direction. So maybe you just want to mention that even though it's not a change from what they last saw.

Mr. Blakely stated yeah and right now we're showing the access to the 44 parking spaces off of Lincoln Place, we've got one access point here, this circulation pattern through the site. I know the Board has indicated in discussions that they'd like to limit the traffic to no left turns out of these two access points, the applicant has no issues with that whatsoever, he is more than willing to provide the traffic control signs to limit that. If you're familiar with the site...

Mr. Martabano stated and please remember in this regard, the Whalen's site itself, 39 Kiskon, that's existed in that condition for many years with a previously approved site plan from 1978, showing 40 parking spaces and virtually, almost 110% coverage, in other words there's virtually no greenspace on it. This applicant purchased the property next door 35 Kiskon, has added that as part of this so it greatly increases overall greenspace, it takes the total site to 83% site development coverage which again exceed the limitation of 70% and that's why we're in front of the ZBA but it basically gives us an opportunity to create a lot more greenspace on the 39, which presently does not exist. Sorry I keep interrupting you.

Mr. Blakely stated right and...

Vice Chairman Sturniolo stated Scott, excuse me. Charlie, you mentioned ZBA and what was there...

Mr. Martabano stated we went to the ZBA, Whitney was there as well, they only had three members that night and because SEQRA hasn't really been started let alone completed, they couldn't act. We went over our variances with them, I felt that they had a very favorable reaction to it but of course they can't vote yet, not only that, that was, our application was filed before we changed to put the 2-story addition on, that changed the numbers on one of our variances, so I have to re-notice, I'm going back there on the 19th.

Vice Chairman Sturniolo stated okay, thank you, Scott, I'm sorry.

Mr. Blakely stated sure, not a problem.

Whitney Singleton stated I'll just make a point of clarification because I can't keep track of everything Charlie says, so I have to pause for a second.

Mr. Martabano stated you wouldn't let me talk in the earlier meeting, I have to talk now.

Whitney Singleton stated I will say that the Zoning Board as Charlie said, basically is looking for the revised application before they undertake further review. But you just said that there's significantly increased greenspace, you are going to increase the amount of development coverage and take what is presently greenspace and cover it up.

Mr. Martabano stated if you're talking about 35 but if you take all of 39...

Whitney Singleton stated your gross overall development coverage and building coverage are increasing and the vacant lot is now going to be developed.

Mr. Martabano stated the vacant lot is going to be marginally developed with what we're doing there but we're adding...

Whitney Singleton stated right, I just want to clarify because you make it sound like your bringing the meadow to Lincoln Place.

Mr. Martabano stated well, now if we take a look at the existing uses, turn around, turn around, if we take a look at the existing conditions in the service commercial district, as they pertain to the service commercial type uses, I think we are bringing the meadows there.

Whitney Singleton stated well.

Mr. Martabano stated I got you, I got you, you're trying to curb my enthusiasm, I understand, we can move forward.

Whitney Singleton stated to temper somehow.

Mr. Martabano stated to temper, that's even better. Scott, we keep interrupting you, please go ahead.

Mr. Blakely stated I just think you should approve it.

Mr. Hertz stated do you guys do a nightclub act?

Mr. Martabano stated no but we're thinking about it.

Mr. Blakely stated we were talking about Kiskonon and what with the new application we've eliminated this existing curb cut off Kiskonon here, we've reduced the amount of curb cut along Lincoln and you know, we've eliminated what was a curb cut into the vacant lot in this location. We've provided extensive landscaping around the perimeter of Kiskonon, along Lincoln Place, it's currently paved right up to the building and this area along this building is used by individuals that perpendicular park against the building, currently. What we're proposing is to remove the asphalt to the property line and run a curb line across this, provide greenspace based on our meetings with staff, we have provided some additional greenspace off Columbus Avenue, this is currently a paved area, we're going to remove this. The curb cuts along Columbus are going to remain as they do today, they look as if they have been improved recently, so those curb cuts will remain. We are proposing as we mentioned a 2,000 square foot, what we're calling as a bulk storage, the client refers to it as bagged material on pallets, that will be stored in these building, similar to what he does as Kisco Avenue and we've provided a pickup area in front of those for people to run over, get it loaded in their vehicles and drive away and that's that area in front here. We have provided a walkway along the front of the building, some greenspace here, some internal greenspace, provided a lighting plan, as I mentioned the landscape plan. We have submitted a preliminary stormwater management report, we had recently finalized our testing with the DEP on site and we'll be supplying that information to Anthony in our next submission, we had positive results. We have to make some slight modification but that is what was fine with DEP.

Mr. Martabano stated one of the things that Jan had asked for in one of his memorandums is a copy of the approved site, which I have sent to him. The approved site plan obviously only pertains to 39 Kiskonon, the former Whalen's location, here is a copy of that and again I sent that also to him. In terms of other existing conditions, before we show you what we're planning, this is the existing building, shot from all 4 exterior viewpoints so you can get an idea. Obviously this is the front of the building, which runs on Kiskonon at this juncture, the rear of the building which is on Columbus and then the side of the building which I believe is on Lincoln, I'm sorry, we don't have a picture of the building from the other side but that's the existing conditions. To give you an idea of what we're planning in terms of the renovations, I'll let Ira take over and show you what we are planning to do.

Mr. Grandberg stated the new owner of the building is basically going to convert the building so that, I'm going to use your plan for a minute.

Mr. Blakely stated sure.

Mr. Grandberg stated so then as Scott indicated warehousing will be in the entire back, if you're in there, it's like being in an aircraft carrier, it's an enormous ceiling, they have a fire engine store in there now, it's a big warehouse.

Mr. Martabano stated you're not supposed to mention that.

Mr. Grandberg stated well 2 fire engines.

Mr. Martabano stated not supposed to mention either one.

Mr. Grandberg stated the owner is going to have a retail facility in the front, the reason for the addition is we were going to have to cantilever a mezzanine to supply his office space, so he's maintaining a retail perimeter in the front that Scott has landscaped accordingly and the office space will occupy the second floor addition. It's a fairly simple renovation in terms of what we're doing, we're cleaning the building up, we're putting new store fronts in, we're having, this is the retail façade you're looking at, you see where the office space is, it will be a stucco, a new stucco skin on the entire building, not just the front, going to have a new cornice line of cast cornice and it lays out according to his program. So basically this is the way the building is trying to be improved.

Mr. Hertz stated can I just ask you a question, on the 2-story piece?

Mr. Grandberg stated right.

Mr. Hertz stated how far is that going back?

Mr. Blakely stated about 25 feet.

Mr. Hertz stated 25 feet, because in this rendering it looks like continues you back quite a ways.

Mr. Grandberg stated it ties into a higher section, right over here.

Mr. Martabano stated that's right.

Mr. Gaspar stated this section right here is already a two story section.

Mr. Hertz stated it is, okay, gotcha.

Mr. Gaspar stated this is the single story, so what you're reading there is the full two stories.

Mr. Hertz stated understood.

Mr. Grandberg stated so basically we filled out the site accordingly because this was a strange corner, and we've taken the extension of the two-story space and complemented the building by doing that.

Mr. Hertz stated understood.

Mr. Martabano stated you can actually see it there.

Jan Johannessen stated Ira, is there any, I can't see...

Mr. Hertz stated that's okay, I understand what you're going to do.

Jan Johannessen stated any façade improvements on the Columbus Avenue side?

Mr. Grandberg stated stucco'd completely, same as you're looking at, same vernacular, so there's a lot of work being put in that you don't get a return on but he wants the whole building to look improved.

Mr. Hertz stated do you plan on signage on the Columbus Avenue, like as you're driving in?

Mr. Martabano stated what we're trying to, do and I think I put that in my earlier memo, is we're trying to give it a Columbus Avenue orientation, so that they don't think of it, Whalen's is 39 Kisona but I recently discovered an old water bill which actually had a 42 Columbus Avenue address, so we're going to speak with the Post Office and try to give this a Columbus Avenue orientation. As to signage, one of the things we're trying to talk about which we haven't really developed yet, is talking to the property owner on the corner and seeing if we can get some off-property signage there to direct them to direct them again, on to Columbus as well. Not that I think anyone is going to come on the Kisona side but we're trying to get that address changed so that maybe even a GPS will take you the Columbus way so that's something we haven't fully developed yet, Doug but we're definitely going to because that's the orientation we want to give it.

Mr. Gaspar stated here's the photo shopped 2 levels.

Mr. Martabano stated that shows, thank you George.

Mr. Grandberg stated it should be pointed out that the owner intends that the retail, even though you ro I could use it, is mostly for contractors, that is how his operation is laid out.

Mr. Martabano stated his operation is 75% contractor based. And again, if you go by LB Richards, and you go back that parking lot which is a minor, compared to this, very, very minor, smaller in size, I think that's probably got 15 where we have 45. They don't get a lot of retail customers or traffic or walk-ins, if you think about it, if they wanted walk-ins, why in God's name would they be moving to this location because this is not a walking location. And most of their contractor business comes in over the phone, you email, you fax, whatever it is, your plans, 60% of what they sell is delivered directly from manufacturers to the job sites, not even coming in here.

Mr. Grandberg stated and the rest will be drive-in, you'll drive your truck right inside the building, pick up and be...

Mr. Martabano stated exactly.

Mr. Hertz stated that's what we were going...

Vice Chairman Sturniolo stated Ira, could you hold up that rendering again? The one, yeah, okay and George if you would hold that one up. The white car in here, in that parking space...

Mr. Grandberg stated we'll change the color of the car.

Vice Chairman Sturniolo stated oh okay, that's it. Where is that located?

Mr. Martabano stated that's right over there.

Vice Chairman Sturniolo stated right there.

Mr. Bonforte stated well up against the building.

Mr. Gaspar stated the new entrance is further down on the building then it currently is.

Vice Chairman Sturniolo stated thank you. George, you had mentioned before that when a tractor trailer comes in and makes the right hand turn, and backs into the loading area...

Mr. Martabano stated right.

Vice Chairman Sturniolo stated number one, does the same apply for number 4?

Mr. Gaspar stated yes.

Vice Chairman Sturniolo stated same thing.

Mr. Gaspar stated there are 14 foot tall overhead doors in each one of those locations for the [inaudible].

Mr. Hertz stated and the expectation is that deliveries, I'm sorry pickups from customers on site, if they are onsite will occur in that, from that side.

Mr. Grandberg stated correct unless they have bags and stuff...

Mr. Hertz stated bags, et cetera.

[inaudible]

Mr. Gaspar stated the fact that it's a huge warehouse and it's actually two separate warehouses.

Mr. Martabano stated that's right, yeah.

Mr. Gaspar stated there's a dividing wall between the first two and the second two and this one here, the 2-story element, that's the later addition on this particular building. There were a couple along its existence but it will remain the same, we're not changing the doors in the back, they're just huge.

Vice Chairman Sturniolo stated you had mentioned primarily contractors as opposed to walk-in customers, what other kinds of, what is the greatest sale of material going to be? Is it going to be lumber? Is it going to be paint? Is it going to be, what?

Mr. Grandberg stated masonry and lumber, I would think.

Mr. Martabano stated if you can give me a few minutes to text, I can give you a better idea.

Vice Chairman Sturniolo stated masonry and lumber?

Mr. Gaspar stated masonry, lumber and exterior windows and doors.

Mr. Martabano stated I think...

Vice Chairman Sturniolo stated and power tools and...?

Mr. Grandberg stated some but he's going to have, the part of the building you see under the 2-story building will be for window display, so it will be also like a wholesale, window display retail.

Mr. Martabano stated I might be able to get more clarification...

Mr. Hertz stated I mean I'm not overly concerned about traffic volume but what information do you have about traffic from, you know from...

Mr. Martabano stated well if you talking about, are you talking about deliveries, are you talking about customer traffic?

Mr. Hertz stated I'm talking about customer traffic, I'm not so much worried about deliveries off of Columbus, I'm talking customer traffic that will, that might try to use Kisona but would come up you know...

Mr. Martabano stated I'll get you more clarification but as I said, traditionally, at LB Richards, the traffic volume is exceedingly low.

Mr. Hertz stated right.

Mr. Martabano stated right, previously Whalen's operated 40 tractor trailers from this location, 40. And it was active warehouse and an active moving company, so in terms of traffic impacts, it will be significantly less than when Whalen's was there but I will get you before the next Planning Board meeting some idea of what we do have there. I mean we've gone by LB Richards all of our lives and there's never a large amount of traffic volume. As a matter of fact, the parking lot is almost always empty because there's on-street parking and people park there and walk in but I will try to get you more clarification. In terms of deliveries of materials to there, I think we're talking maybe 10 truck deliveries a week.

Mr. Blakely stated 10-12, so it averages about 2 a day.

Mr. Martabano stated 10-12 a week, total.

Jan Johannessen stated what about truck deliveries going from there to the job site?

Mr. Martabano stated as I said, most of those as you'll recall are shipped directly from the manufacturers, he only has two trucks and one van...

Mr. Blakely stated he has 2 flatbeds and one van.

Mr. Martabano stated and one van.

Jan Johannessen stated and where are they going to be stored?

Mr. Blakely stated they're stored in the building.

Jan Johannessen stated inside the building?

Mr. Blakely stated inside the building.

Mr. Martabano stated because again, the building is huge inside and its got all these garage doors providing access, the very high ceilings, that's how it operates.

Mr. Hertz stated so is there going to be...

Jan Johannessen stated so when a truck is in the loading area, is there sufficient space for it to be located entirely on the property and not extend onto Columbus?

Mr. Grandberg stated completely.

Mr. Martabano stated absolutely.

Mr. Hertz stated so what I was going to ask is because you've got fleet vehicles that are going to be parked inside, you have deliveries, is there going to be a single door designated for pickups or will that be dependent on what materials...?

Mr. Blakely stated it would be dependent on what they're picking up and in which bay that material may be located.

Mr. Hertz stated and how does that conflict with or how does that coordinate with you know, how you get your deliveries, offload your deliveries, have the trucks, if the fleet vehicle might be parked in there?

Mr. Martabano stated I may have to get that for the next meeting for you Doug, because I don't want to give you the wrong answer but he will have the right answer.

Mr. Blakely stated and he had told us that you know, depending on the time of year that they have 4-6 flatbed deliveries a day, he's got the 2 trucks, they load them in the morning and they make trips back and forth but he said it's roughly around 5 a day. And the van goes out occasionally, he likes to use the van because the gas mileage with the van is better, if they can get materials in the van.

Jan Johannessen stated can you provide a narrative that discusses anticipated traffic increase, deliveries, number of vehicles stored and all that?

Mr. Martabano stated that will be fine, we will do that.

Whitney Singleton stated are you going to have a forklift on the site too?

Mr. Martabano stated I believe that they will definitely use a forklift, am I correct?

Whitney Singleton stated so the forklift will be out in this parking lot?

Mr. Martabano stated outside? No.

Mr. Blakely stated no.

Jan Johannessen stated its going to be on the pallet storage.

Whitney Singleton stated so how are you going to get the pallets in and out of here?

Mr. Martabano stated they would probably use that when they get a delivery, I mean that would be very temporary and normally those trucks that deliver there, don't they have the means to be doing that?

Mr. Blakely stated well the forklifts are going to be down below, he may have to offload, he may have to bring a forklift up to offload here, but this stuff will be picked up by hand and loaded in. I mean unless somebody comes and wants a whole pallet, they may bring the machine up. But you know, the road is fairly steep, you know so they're not going to bring loads up on a forklift.

Mr. Bonforte stated Scott, could you, the area right here where the storage, the storage structure is...

Mr. Blakely stated correct, yeah.

Mr. Bonforte stated right, if you could just highlight or elaborate for me what the approximate size is, I see 100 feet but that area there and this area here, what again is that for? You did mention it but if you'd just elaborate a little bit...

Mr. Blakely stated well what we've got is this front portion its about 20 feet deep in front of these, there's 4 overhead doors, two on each sections on the building because this building is stepped, it slopes down...

Mr. Bonforte stated and we don't have a rendering of that, we just have the other side of the building, okay, just to clarify.

Mr. Martabano stated that's right, we don't have a rendering.

Mr. Bonforte stated go ahead.

Mr. Blakely stated so there's 2 overhead doors on each section of that building, there's a 20 foot area in the front for loading, there's area in here for maneuvering through...

Mr. Bonforte stated well don't pull your finger that far down because there's an island, right?

Mr. Blakely stated right.

Mr. Bonforte stated it's just in that area there's maneuvering, where you are there.

Mr. Blakely stated maneuvering in here, correct.

Mr. Bonforte stated which it appears to be plenty of space but I couldn't tell.

Mr. Grandberg stated just so you understand, one of the attributes here is because the site slopes down, this structure is going to be embedded in the hill to the retaining wall for the back of the structure, plus the fact that it will have a pitched roof, call it a shed, will be bedded down so the profile, the actual profile will not a full...

Mr. Bonforte stated no, I was just thinking of the type of trucks, not retail but your contractor trucks coming in and maneuvering in that area and as long as there's adequate room for that...

Mr. Blakely stated yeah.

Mr. Bonforte stated and you planned for that.

Mr. Blakely stated and we did, through this area we can see where we have a planted island here and we have a striped portion of an island here, we hatched this so nobody parks there, you but that gives it a little bit more maneuvering room.

Mr. Bonforte stated great.

Mr. Martabano stated when we did go to the Zoning Board, one of the neighbors, Tony Giradina came up, we have a chance to talk and he had a chance to talk with the Board as well. He raised the concerns that he's raised in your letter, that he sent to you on June 27th, we think we've respected those concerns by talking about closing off the accesses onto Kisona and everything we're going to do to try to give this orientation for people not to use Kisona. Lighting, Scott can talk about that as well but we are sensitive to the concerns of the neighbors in that area and we'll continue to be so.

Mr. Hertz stated could we, you talked about traffic control on the curb cuts, could you basically extend that out so that it makes it more difficult or even curb it in so that a left turn out could be more this, if you will.

Mr. Bonforte stated yeah, it leads you to obviously say I can't go left, right, that's what you're saying Doug?

Mr. Hertz stated yeah.

Mr. Bonforte stated I like that idea.

Mr. Gaspar stated the person that coming that potentially wants to...

Mr. Martabano stated it would be in the right of way...

Mr. Blakely stated do something like that.

Mr. Hertz stated right, this has the slope to come but you don't have the curvature to come out that way.

Mr. Blakely stated we can make some adjustments on that, we can make adjustments on this curb section here.

Mr. Hertz stated right, I mean I don't know if you do the same thing there. If there's going to be signage, no left turn.

Mr. Martabano stated and I think that some mentioned that about signage for no left turn, which again we have no problem with.

Mr. Hertz stated you know, again that's something that...

Mr. Blakely stated yeah, let us look at that.

Mr. Hertz stated maybe just look at methods of traffic control there that will be suggested of...

Mr. Martabano stated its consistent with our intent as well, so we don't think we have a problem with that at all.

Anthony Oliveri stated on the Lincoln Avenue side as well, I think we want to make that curb line consistent on the [inaudible].

Mr. Blakely stated well I guess the question on Lincoln Avenue, is we've brought that curb line 10 feet from the building, you know which would permit parallel on-street parking along there and if it's not warranted...

Anthony Oliveri stated you can probably maintain the 24 foot wide roadway and bring that curb line out, I don't think we want to bury a curb line there. I'm going to talk to...

Mr. Blakely stated there's some...

Anthony Oliveri stated yeah, that was left that way because the trailers turning the corner into the trash transfer station, so if that's going away now and the Village doesn't have intent to use it that way, we may want to bring that curb line further out and establish like a 24 foot wide road, we don't need such a wide road possibly there. In any case, I think we want a consistent curb line along the length of that. And the other thing I was observing was along, on Kisona, bring that curb out, so that's a possibility...

Mr. Gaspar stated then you have to swing back in.

Mr. Grandberg stated but then we'd have a meadow.

Anthony Oliveri stated I know we're trying to avoid that...

Mr. Blakely stated but we don't get credit for the meadow.

Mr. Martabano stated no, wait a minute that would be off our premises, we don't get credit for that, that's right.

Jan Johannessen stated just in your good nature.

Mr. Martabano stated oh, one of those, alright.

Anthony Oliveri stated and you're planting on the Kisona Road side but we just want an edge of pavement there that I don't know if we need to really consider continuing that curb line around and approving both sides, really.

Mr. Martabano stated that's a huge expense for an applicant who is already putting a huge amount of money into this so...

Mr. Blakely stated and the fact that we're not going to be able to utilize Kisona...

Mr. Martabano stated we can't use it, that's certainly an idea but...

Anthony Oliveri stated I'm putting it out there as an idea. You're improving that frontage with plantings and we're just...

Mr. Blakely stated right and the only section on Kisona that is curbed, is down by Lex...

Anthony Oliveri stated right.

Mr. Blakely stated and I think there's a small section of curb somewhere in this area but the rest of this road...

Anthony Oliveri stated you have start somewhere. It's just an idea, I'm not mandating, obviously I don't know that I can mandate it but it's something that the Board wants to consider that. Certainly on Lincoln, we have to talk about the curb location there and figure what we're going to do there.

Mr. Hertz stated I'm just curious, can you go to the...

Mr. Blakely stated the photo?

Mr. Hertz stated not the photo, yes that. Just for, Mr. Giardina, who has written us, do you know which property is his?

Mr. Martabano stated Tony's right here. Tony, which property, can you come up and just show, is it okay?

Mr. Mareschi stated sure.

Mr. Martabano stated show us where your house is.

Mr. Giardina stated I have number 9.

Mr. Blakely stated hopefully we have it on here.

Mr. Giardina stated is number 9 shown here? Where are we at?

Mr. Blakely stated this is our site right here, here's the vacant parcel and this is the 2-family...

Mr. Martabano stated you're down Kiskonon more.

Mr. Giardina stated down Kiskonon, yeah, this is Lexington, this is the corner building, this is my building.

Mr. Hertz stated you're the second one in.

Mr. Giardina stated yeah, there's a 4 family building and a 2 family behind it. This is where the fire was the other day, they thought it was mine but it wasn't mine.

Mr. Martabano stated maybe you want it to be yours.

Mr. Giardina stated no.

Mr. Bonforte stated could you hold that up Scott and show us please?

Mr. Hertz stated thank you.

Mr. Mareschi stated second house to the right.

Mr. Giardina stated I'm not close but I...

Mr. Bonforte stated and it's down the hill.

Mr. Giardina stated right, on the hill, exactly. It just that we had so many problems with this transfer station through the years that I'm just gun shy. I know this is a great project, it looks great, I was at the Zoning Board meeting and the improvements that they don't since then, I'm all for it but I just am so gun shy about all these years that we fought the transfer station that I want to be sure that it goes through not only for me but for all the neighbors in that area.

Mr. Martabano stated great, thank you Tony.

Mr. Giardina stated thank you very much.

Mr. Bonforte stated thanks for the letter.

Mr. Martabano stated that's pretty much the extent of our presentation, obviously we want to get back to you with some of that information, I think earlier I heard that you were going to circulate your notice of intent to be lead agency, that's obviously important because its coordinated review with the ZBA, we're going to be back at the ZBA, have they changed the meeting or is still the 19th?

The Secretary stated it's still the 19th.

Mr. Martabano stated so at the 19th, we're going to be back there. Now, obviously one of the concerns, it's actually two-fold. As Whitney pointed out, I'm sure the Zoning Board wants input from you regarding the project itself, so that's obviously that something they'd like to hear from you on. From our perspective I don't believe they meet in August, so we're a little bit up against the gun in terms of the timing because if you circulate your notice of intent to be the lead agency, the period is generally 30 days, we are hopeful that maybe we can get DEP to respond before the 30 days, whether the ZBA consents would really be

something that the Chairman would have to discuss with Whitney. If they do consent and you can do something at the meeting of July 12th, we'd love to see about getting a SEQRA determination provided that we provided the answers that you're looking for. So that's where we are timewise, at least we get the process started tonight with a circulation of the notice of Intent and we'll try to get consensus to you before that time, if not, we'll be in a bit more of a time crunch but that's where we are procedurally and that's the extent of our presentation.

Jan Johannessen stated Charlie, are you asking for a, potentially for a SEQRA Declaration at the July meeting?

Mr. Martabano stated that's what I would love to get, yes, if that's possible, provided we answer your questions of course.

Mr. Hertz stated well let's make sure we have all our questions out on the table. So certainly a narrative of traffic...

Mr. Martabano stated traffic, anticipated, right...

Mr. Hertz stated but also use of you know, deliveries, internal circulation...

Mr. Martabano stated all that stuff.

Mr. Hertz stated all that kind of you know, use of the site kind of you know, use of the site, kind of...

Mr. Mareschi stated are there trucks or tractor trailers?

Mr. Martabano stated basically...

Mr. Hertz stated there's everything.

Mr. Martabano stated site circulation and what we anticipate in terms of in flow and outflow of traffic, that's the two items...

Mr. Hertz stated correct and the specifics of how pickups are going to coordinate with deliveries and fleet vehicles.

Jan Johannessen stated I'm good operational plan, I just have the day to day operation.

Mr. Bonforte stated there's also lighting issues.

Mr. Martabano stated I think actually Scott, actually can address that tonight.

Mr. Bonforte stated when I saw issues, I mean just raise the subject.

Mr. Martabano stated oh yeah.

Mr. Blakely stated yeah, right and I know Jan had a comment on the lighting plan, we've got some irregularities in our, in that program. I know you talked about the minimum, there's some minimums don't meet the requirement.

Jan Johannessen stated I think the average didn't meet the requirement.

Mr. Blakely stated yeah and you know, our minimum, Jan, area, is really between these, there's 2 access doors on this side of the building that we're providing a light fixture. We're going to have to modify the fixture that we chose just because you know, we're 10 feet from the property line and we exceed that half a foot candle, so we have to look at these two areas.

Jan Johannessen stated I think your average illuminants levels throughout the parking lot were low.

Mr. Blakely stated and we'll take a look at that.

Jan Johannessen stated I think the Village's standard is 2.4...

Mr. Blakely stated the struggle that we have is that you've got that half a foot candle at the property line and with the way the layout works, trying to meet that minimum at the property line but still extend the lighting out, you know so...

Jan Johannessen stated do you have the back shields on these fixtures?

Mr. Blakely stated we do, you know so and this is the fixture we've been using in Town on a lot of our projects but its difficult and we've got to play around with that a little bit but we'll meet those requirements, its just we have to talk to the lighting manufacturer.

Jan Johannessen stated the average illuminants level is not a mandate, its like in general but you're quite a bit off from it so I think if you tried to raise it up to at least get closer to it...

Mr. Blakely stated and I think there's some areas in here, you know, that are low and areas where we don't necessarily need the lighting, so I think that may be bringing those levels down too.

Jan Johannessen stated okay.

Mr. Blakely stated because we got some 0 levels in between these 2 lights here...

Mr. Hertz stated right on nonfunctional spaces.

Mr. Blakely stated yes, so...

Mr. Hertz stated I think we're going to be most concerned if you do have some issues, our view is going to be looking at the Kisona and I guess it's the east of the edge of the property, where we really abut residential neighborhoods.

Mr. Martabano stated good because this building with the topography, that should help us a lot.

Mr. Hertz stated that should help you tremendously.

Mr. Blakely stated and what we've done here is we have building mounted lights on this and then we've got you know, a double headed fixture here and then we've moved this fixture down and relocated that island to illuminate this area, so there may be some areas in here that are low and the reason they may be low is because we tried to push the lighting away from this, the residential portions up here, so but we'll meet that standard, that's not a problem, we just have to play around with this and talk to our lighting manufacturers and see if there's a different shield that we could put on these light fixtures because these light fixtures have worked great in the Village.

Jan Johannessen stated how tall are the poles?

Mr. Blakely stated 15 [feet], 15 feet.

Vice Chairman Sturniolo stated and they're all going to be LED's.

Mr. Blakely stated yes.

Mr. Bonforte stated those are the poles in the middle, correct? Well actually the 2 in the middle and then where the square black boxes are.

Mr. Blakely stated correct, there's 5 single head poles and 1 double headed pole and then the rest are building mounts.

Mr. Bonforte stated great.

Mr. Gaspar stated is this the same light fixture that's in this parking lot?

Mr. Blakely stated I don't know.

Mr. Gaspar stated it appears it is.

Mr. Martabano stated I think so.

Mr. Mareschi stated okay, thanks guys.

Mr. Martabano stated anything else? Thank you so much.

Jan Johannessen stated the Board should formally declare its intent to be lead agency by motion.

Mr. Martabano stated correct.

Mr. Bonforte stated Tony, do we want to formally declare our intent to be lead agency?

Whitney Singleton stated Charlie?

Mr. Martabano stated yes.

Whitney Singleton stated you're coming back to the ZBA, is this the plan you're coming back with?

Mr. Martabano stated is this the plan we're coming back with? Yes, that's correct.

Whitney Singleton stated how did you arrive at your floor area calculations? I mean you have a rectangular building, 2 rectangular buildings and I'm off several thousand square feet on the calculation.

Mr. Gaspar stated we can supply you with the floor plan that indicates the square footage areas.

[Inaudible].

Whitney Singleton stated it's a...

Mr. Blakely stated I can just review that with you.

Whitney Singleton stated its 135 by 160.

Mr. Blakely stated yeah and these have been shaded and coordinated with the 4 different uses. The lower level...

Anthony Oliveri stated what scale do we have?

Mr. Blakey stated yeah because you will because of where the mezzanines are, the lower level is the shaded area. This is where the storage is going to be, there is a mezzanine in this location here that overhangs this, so this [inaudible] attached, right and this is the second level that goes above this and we've got the square footage here.

Whitney Singleton stated our scale is wrong.

Mr. Blakely stated yeah, and its just that you don't know where that level ends.

Anthony Oliveri stated I think when you scaled this [inaudible].

Mr. Blakely stated and again...

Anthony Oliveri stated its from the DOT, so.

Mr. Gaspar stated the original building plan is 126 by 160, that's original.

Jan Johannessen stated Charlie, have you submitted that part 2 of the Short Environmental Assessment form.

Mr. Martabano stated I don't know, I'd have to ask Scott.

Jan Johannessen stated if you haven't, if you could include that in your next submission.

Mr. Martabano stated if we have not, we definitely will. I thought that we did but I'm not 100% sure. Scott would know better than I but I guess we still need that motion.

Jan Johannessen stated you did.

Mr. Blakely stated we did.

Mr. Hertz stated Mr. Chairman, I would like to make a motion that we declare ourselves lead agency of this matter.

Vice Chairman Sturniolo stated is there a second?

Mr. Mareschi stated second.

UPON ROLL CALL VOTE:

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

The Motion carried by a vote of 4 to 0.

Mr. Martabano stated looking forward to seeing you on the 12th, we'll have those answers for you.

Mr. Blakely stated thank you.

Off-topic conversation.

Mr. Martabano stated I just need Scott.

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

Charlie Martabano and Scott Blakely were present.

Vice Chairman Sturniolo stated last item on our agenda is WIN Development, 77-91 South Moger, it used to be known as Eduardo's Restaurant.

Mr. Martabano stated absolutely. Just to bring you where we've been, I had mentioned before that we had been before you in January, this is the project we were actually before you initially with a conceptual plan in January. As a consequence of some very good feedback we received from your consultants, we revised our conceptual plan, we made an appearance before the Village Board of Trustees on February 29th because as you know this plan does, as Scott will take you through, make some use, or proposes some use of Village owned property. So, we revised our plan as I said, we changed I believe angled parking to perpendicular parking, Scott will take you through that. We had a good presentation before the Village Board and then we basically when back to the drawing board and made some further changes to the project, the changes to the project that Scott will go over with you again, is actually a reduction in the size of the building. From the point of view of the approvals that we need, previously we did need an approval for a special permit but because of the reduction in the building, we actually don't need that approval anymore. I'm going to let Scott take you through the plan now and then we'll also talk about the actual rendering. Scott, you want to go through that first, remembering again that they only saw the conceptual plan before we changed the parking.

Mr. Blakely stated sure, the conceptual plan that was previously presented to your Board, included a single access off of South Moger, a 17 or 18 foot wide access drive, angled parking and kept the parking, the curb line totally on the WIN property. It did propose the access through to the Shopper's Park internal roadway system, at the time the building was about 81 or 8,200 square feet, and the proposed improvements along South Moger include the removal of the access that's closest to the existing restaurant here, which poses some site distance issues, if you've ever tried to pull out of that when cars are fully parked along here. You're really taking your life in your hands when you pull out there. So we've eliminated this curb cut, we have this one way access through, we've provided 12 on-site parking spaces...

Mr. Martabano stated and not to interrupt Scott, but remember right now what you have, you have two accesses which are both two-way accesses, we're eliminating them, having one access which is going to be one way. So in terms of traffic circulation on South Moger Avenue, we're really greatly improving the situation, which of course requires us to utilize Village property to go into Shopper's Park, but that was one of the major safety improvements that this plan brings.

Mr. Blakely stated and this is our existing conditions plan, it shows the existing restaurant building here, the two access points right here and here and then the configuration of the current parking, a few spaces here and a couple of spaces here. So, subsequent to our meeting with your Board, we did meet with Staff, some recommendations were made to take a look at the access and the way the parking configuration worked and also to maybe take advantage of this area in the building where the main access is in here. Maybe take advantage to create a link between South Moger through the building and then to the Shopper's Park walkway. That was something that Jan had said that he would like us to take a look at.

Mr. Grandberg stated and also a bridge that's in the park that's going to be repaired.

Mr. Blakely stated which that bridge location is about where my finger is. So, in order to create this link, what we looked at what taking the parking and turning it at a 90° angle, versus the 60° parking that we had. Now what that required us to do was to increase the access aisle, even though its one way, we still need that 24 feet in order to back the vehicle out and get them to go this way. So what that required was for us to push that curb line slightly into the Village property at the north end, it's approximately 2 feet, and we're 7-8 feet on this end here. So that curb line and that portion of the parking is what's been moved onto the Village property and then the other component of this was the creation of a walkway, to bring you through this opening in the building, crosswalk, access through here to the walkway and this gets you to Shopper's Park in either direction.

Mr. Grandberg stated this is coming all the way down and around.

Vice Chairman Sturniolo stated Scott, a couple of questions, the walkway, the link, how long is that distance?

Mr. Blakely stated this is, I would have to say its about 50 feet.

Vice Chairman Sturniolo stated okay, in one of the numerous meetings we've had with the prior owner of the building, not the prior owner but the owner when it was operating as Eduardo's, when he was going through all the renovations and the ideas, one of the things that came up was we had asked for a proof of the removal of an oil storage tank from the days when this was a storage tank and it was smack in the middle of the parking area now, I don't know what happened to that document, whether its still on file with the Building Department but I would like to see that as part of the submission prior to any construction.

Mr. Martabano stated we can definitely get that, I presume what you're telling me is that they removed it and maybe they did some remediation, those documents would be on file. We'll get them for you.

Vice Chairman Sturniolo stated whether they removed it or filled it with Jell-O or something.

Mr. Blakely stated okay, we can look at that. As part of the improvements that are required based on the new layout, you know, we've got to provide some stormwater improvements, and these are really based on DEP requirements, we've got new impervious area that we have to treat. One, is the access drive, the other would be this walkway through depending on its composition, you know, if we did concrete similar to what's throughout Shopper's Park, we'd have to treat that sidewalk through and then any additional areas where we're putting pavement on top what is not pavement right now. So, based on our initial analysis and our initial stormwater plan, we're proposing three stormwater planters to be located within the Village property between the property line and that sidewalk. There's an old stand of evergreens in this location that are not in the greatest shape, so what we're doing it we're going to basically sheet flow this across and into these stormwater planter areas. We've done a preliminary SWPPP, we've submitted that just based on our initial analysis. We are proposing to do on-site soil testing, the feedback we got from the Village was they'd like for us to take care of as much of our stormwater on our property as we can. Based on my firms knowledge of Shopper's Park, working on that 15-18 years ago, the groundwater elevations are fairly high in this area, so for us to try to do anything on our property such as infiltration, I think we're going to have a limited separation and its not going to permit us to do that but we have to confirm that. That's why we've developed these stormwater planters which have a requirement, have a lesser requirement for depth, we do have some other options that we can possible proceed with, we'll have to work with the DEP and Anthony on those. But we have our formal testing scheduled for July 6th, we've invited Anthony to be out there when we're out there with the DEP, so we're going to be testing in these three locations and we're going to be testing on site. We also, there are also some...

Mr. Hertz stated can I just ask, because this has happened before, you have permits to test on Village property?

Mr. Martabano stated we've applied to the Village Manager, we've provided the insurance certificates, we have authorization to go, on yes.

Mr. Hertz stated just make sure you're...

Mr. Blakely stated yeah, we'll make sure.

Mr. Martabano stated yeah, we do make sure.

Mr. Hertz stated we've been there and it's been ugly.

Mr. Blakely stated it won't be ugly this time. As long as we have everything in order and we have permission, we'll be ready to go and we anticipate no problems with that.

Vice Chairman Sturniolo stated I'm sorry, in the northeast corner of the building, currently there's a clump of pine trees, two or three maybe, is that part of Shopper's Park?

Mr. Blakely stated I believe that is, I think where you're referring to is this clump of evergreens in this area here, there's some smaller evergreens that were planted in here that are, I don't know, they may be 6-8 feet tall here, but those larger evergreens that are in fairly poor shape, that's in this area here. That's on Village property.

Mr. Hertz stated you can actually see some of them in the photo.

Mr. Martabano stated and just a couple other things that I'd like to point out again, trying to point out the difference between the original conceptual plan that we gave and this plan, the building as I mentioned has been reduced in size, we had previously required 2 parking space variance, we're now down to 1 parking space variance. I think you'll also remember as a consequence of our closure of the existing accesses, the Village is going to gain 2 parking spaces on South Moger Avenue. Again, just to go back to our original presentation, what we're looking to do here, what this applicant is looking to do is take an existing structure, use that's less than, from this corner of the Village, we're trying to create a true gateway type building. That's why the design by Ira was specifically calculated to create that type of appearance with coming into the Village from like the Armonk or Chappaqua area, its truly going to be, hopefully a gateway building but to come full circle, we had that meeting, staff meeting with staff on June 6th that Scott referred to and then it was said by Anthony and by Jan, everyone, try to get as much as you can off the Village property which of course, as you know, that would be our intent if its feasible to do. So we're going to do our testing July 6th, I don't know how long its going to take to get the results but we will then revise our plan to greatest extent we can to minimize those impacts on Village property and then really for us, all of us spend a great deal more time on this project, we've got to go back to the Village Board because quite frankly, if we don't have the consent of the Village Board, this project cannot go forward as planned and we're trying to create what is good for, of course the applicant, but I think very, very good for the Village, but we have to get, you have to get the consent of the Village as well, to know that this is something that's feasible for you to consider. So that's where we are in the process, we want to bring you up to date and that was the purpose of our presentation.

Mr. Hertz stated when, from a schedule perspective, will soil testing results back with the Village Board, when would you expect to have some sort of, something to...

Mr. Martabano stated I'll as first when you think we can get the actual plans to show to the Village Board.

Mr. Blakely stated we'll have the results of the testing that day, we'll have some discussions with the DEP in the field, we're going to discuss alternatives, and you know within a, within 2 weeks from that point we should have a revised plan, if not sooner.

Mr. Martabano stated I would say we'd be to the Village Board, therefore in August, that's what I would say.

Mr. Hertz stated in August and then how much time do you expect in front of them?

Mr. Martabano stated you know, as I said, we made a presentation to them on February 29th, and we did get, what I would characterize as an enthusiast response to the concept of this being put into the Village but they have to then say yes, its okay, then we have to meet with Whitney to make sure that we can get the proper legal form to allow the development to go forward. So I would like to think that by August we know exactly where we're going is what I'd like to think and then hopefully be back in front of you in September, we would need obviously to go to the ZBA in connection of the 1 parking space or some other means but we'll wait, that is from my point of view, probably the smallest item that we have to face at this juncture but I would probably say back to you in September and hopefully finish with the Village Board in August. That's just conjecture but that's what I'm thinking.

Mr. Grandberg stated one of the important criteria that maybe we'll go over in a few months is that the site presently is a parking lot and when you drive by, you see nothing but cars.

Mr. Martabano stated and reducing that big plastic statue too.

Mr. Grandberg stated forgot that. And the whole concept of this design and one of the issues to be mitigated, it's a triangular site and being a triangular site, part of it is very difficult to build on, if not

impossible because it's close to nothing and by putting the cars behind the building and keeping the store front or the street front for the Village, maintain Moger, was the backbone of the design, so that's where the concept was, get rid of the cars as a parking lot.

Mr. Hertz stated I think everyone, just one member, I think your design is beautiful.

Mr. Mareschi stated it is beautiful.

Mr. Martabano stated thank you, we've gotten very enthusiastic response to it.

Vice Chairman Sturniolo stated Charlie, where, how are deliveries going to be made to the building, office supplies and that kind of stuff, and also trash?

Mr. Martabano stated that I will ask Scott.

Mr. Blakely stated the deliveries, we anticipate probably UPS, small single unit trucks that can pull in off load their stuff and then basically pull out, we maybe have a loading space somewhere in this area where they have the ability to stop run in, do what they have to do and then run out. You know, with the two way access, you have the ability to pull by a vehicle that may be parked along the curb.

Vice Chairman Sturniolo stated that's the sole two-way access that you mentioned earlier, right Ira?

Mr. Blakely stated its one way access but there's two aisles, you basically have a two aisle width, 24 feet. Trash, I believe is proposed to be stored in the back here with access to Shopper's Park.

Mr. Grandberg stated as part of the building, within the building.

Vice Chairman Sturniolo stated within the building, oh.

Jan Johannessen stated Scott, any reason why the guiderail, the wooden guiderail is proposed south of the parking lot?

Mr. Blakely stated no.

Jan Johannessen stated something that could be removed?

Mr. Blakely stated something that could be removed. I'm assuming, just looking at it, its probably part of the site plan, its probably not part, it was probably part of the previous parking plan...

Jan Johannessen stated its there now, its part of the existing conditions.

Mr. Blakely stated some of the old site plans that we have, there was a fairly large parking encroachment onto Village property that may have been cleaned up years ago. You know, back in here and there may be some remains of that on here but that can be, that definitely can be removed.

Jan Johannessen stated from a procedural standpoint, a SEQRA standpoint, the Board should declare its intent to be lead agency and circulate notice to all involved and interested agencies.

Mr. Hertz stated at this point before the Village Board has moved...

Jan Johannessen stated because the Village Board is going to be identified as an involved agency, they have to consent to the Planning Board acting as lead agency.

Mr. Martabano stated and potentially the ZBA, in case we go for that variance.

Jan Johannessen stated the ZBA, DEC, the DEP.

Mr. Martabano stated DEC and DEP, yes, exactly.

Mr. Hertz stated so is that our next course of action?

Jan Johannessen stated it is.

Mr. Hertz stated Mr. Chairman, may I recommend that we declare ourselves lead agency in the matter of WIN Development.

Jan Johannessen stated declare your intent.

Mr. Hertz stated intent.

Vice Chairman Sturniolo stated anyone else?

Mr. Bonforte stated I second that.

Vice Chairman Sturniolo stated Michelle.

UPON ROLL CALL VOTE:

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

The Motion carried by a vote of 4 to 0.

Mr. Martabano stated excellent, that's it at this stage, you know what we're doing and we'll be back to you as soon as we possibly can. Thank you for...

Mr. Hertz stated have a nice summer.

Vice Chairman Sturniolo stated if anything changes date wise from your point view, let us know.

Mr. Martabano stated I'll let Michelle know, how's that.

Vice Chairman Sturniolo stated thank you. We have under Correspondence, a field change notice regarding Timber Ridge and a public hearing meeting and comment period from the New York Metropolitan Transportation Council and that concludes...

Mr. Bonforte stated is there some here?

Mr. Gmelin stated can we be heard on the last matter?

Vice Chairman Sturniolo stated you can address the Board, although this is not a public hearing.

Mr. Gmelin stated I know this is not a public hearing.

Vice Chairman Sturniolo stated sure.

Mr. Gmelin stated I'm Jim Gmelin, I know some of you. Last fall I was appointed by the Village Board to head up a subcommittee to draw up a natural resource inventory for Mount Kisco. Coincidentally, I met Mr. Harry McCartney at the same time who was doing trail work here in Town, in fact, as many trails that are going to be open shortly. One of the things that we did and I would like also to have my associate here, Mr. John Rhodes, who I think submitted some sheets to you which I think were distributed.

The Secretary stated no, they have not been distributed, he just handed them to me this evening.

Mr. Gmelin stated because he has a couple of comments and many of the, I'm going to be brief because I know the night is going on but many of the issues that I want to raise, will probably be raised before the Village Board because Mr. Martabano on behalf of this project go before the Board to get their approval to go over that land. Confidentially, one of the things that I did when I was doing my natural resource inventory was to go into Branch Brook, now I grew up in this Town and Branch Brook was a place nobody went, there was swamp area there, there was a cesspool, if anybody wanders down into the area off of Leito Drive now, as I've done in a kayak, probably one of the few people that have kayaked Branch Brook, whether that's smart or not I don't know but I got down about 200 yards, you folks probably know what happens when we have a big rainstorm or what happens to the backup in Branch Brook. Mr. Rhodes has got some photos that he would like to make available to you, when it rains bad just because of the fact that the refuse and sewage and so forth, not sewage, just refuse has accumulated in Branch Brook, it backs up into the Town, when anybody goes into a wetland buffer, a wetland buffer, we have our law that says wetlands have to be protected, a wetland buffer is a transitory, I guess a transition between terrestrial land and water, a wetland. It's very important that we maintain a wetland buffer, if we have any impact on it, then it could be detrimental to this Village, we want to be proactive at this point rather than reactive and have to cleanup a major disaster that could happen and it could happen gentlemen. When I started doing

my inventory, part of it and it wasn't done just because of this project either, I started on Branch Brook up by where it goes under Preston Way, up by Target and so forth, and I test the water there and I was testing it for macroinvertebrates which are the larval stage of [inaudible] insects as some of you may know, they are an indicator of water quality. The water quality coming into the Village improves actually as it goes through the area with the skunk cabbage up here, just north of the American Legion so by the time it's in front of the Legion, starting to go into Shopper's Park, its not bad, I'm finding caddis flies which don't exist in dirty water, I happen to know but by the time it goes through behind Shopper's Park and flows over here into the swampy area, just to south of Leito Drive, it's a mess, its picked up all kinds of pollution in Shopper's Park. What a wetland does and what a wetland buffer does, it helps to cleanse the water as its going through, any minimal impact that it could have, such as this road just being proposed by Mr. Martabano's client, could have a deleterious effect on Branch Brook, so John, do you want to present a couple of things, if you don't mind.

Mr. Rhodes stated it will just take a couple of minutes, a couple of points, first of all, I personally am not against development, I think it's great that someone is willing to invest some money in the downtown area with all the problems and vacancies that have been going on but some of the specifics of this plan are really troubling from an environmental point of view. It would not only impact the 3 wetlands that are listed in the application...

Mr. Martabano stated excuse me, I don't mean to interrupt, why isn't this part of the wetlands permit process that we will be pursuing and I think you will have a public hearing on...

Mr. Rhodes stated let me tell you why, okay, from my point of view.

Mr. Martabano stated no, no, I'm asking the Board procedurally, I don't mean to, I did mean to interrupt you, I don't mean to say that I didn't. This whole presentation is going on, we had no notice of this as our submission materials were more than 21 days ago, now it sounds like we're having a public hearing on a wetland when our application isn't...

Mr. Rhodes stated if you'd let us finish then you'd understand what we're proposing which is not anything...

Vice Chairman Sturniolo stated in my judgement, Mr. Martabano is 100% right, I was under the impression that you were going to come up and say a few words but this is now evolved into a quasi-public hearing without due notice, without submitted paperwork or anything. I am not questioning your motives or your intent or the need for protection but this is not the forum tonight to vent this.

Mr. Gmelin stated you're correct.

Mr. Rhodes stated the only reason that I would say that is that if you understand some of the concerns of the greater community and are able to make some timely adjustments now that might save a lot of difficulty later.

Mr. Martabano stated and we'll actually reach out to you independently.

Vice Chairman Sturniolo stated there will be time for that during the public hearing process, thank you but not for tonight.

Mr. Gmelin stated thank you.

Mr. Hertz stated if I can recommend that you guys chat at this point.

Mr. Martabano stated I'm going to reach out to Jimmy and we can talk, how does that sound?

Whitney Singleton stated Michelle.

Mr. Gmelin stated I didn't mean to interrupt the Charlie Martabano road show, he has one after another, after another and we are all friends.

Mr. martabano stated we are all friends.

Vice Chairman Sturniolo stated then get together as friends and...

Whitney singleton stated Chairman, can we just make sure for purpose of clarity in the record. Has there been a submission to Michelle of all the documents you handed out tonight.

The Secretary stated Mr. Rhodes handed me a 2 page document for copies for the Board, which I told him I would include in their next packet.

Whitney singleton stated and that's what you handed out tonight?

Mr. Rhodes stated that's what I gave Michelle, yes.

Whitney Singleton stated just make sure that the applicant gets a copy as well.

Mr. Rhodes stated certainly.

The Secretary stated absolutely.

Mr. Martabano stated and I will definitely initiate contact with Jim to sit down.

Vice Chairman Sturniolo stated thank you.

Mr. Gmelin stated thanks for hearing us and if anybody wants to go kayaking on Branch Brook, let me know.

Mr. Mareschi stated thank you, I will.

Mr. Martabano stated you have to have a permit for that, I don't know if you did that.

Vice Chairman Sturniolo stated is there anything else to come before this Board? Is there a motion to end the meeting.

Mr. Hertz stated I'll make that motion.

Mr. Mareschi stated I'll second.

Vice Chairman Sturniolo asked for all in favor. The motion carried by a vote of 4 to 0.

The meeting adjourned at 9:30p.m.