

Minutes of Meeting of the Planning Board  
Village/Town of Mount Kisco  
Tuesday, March 22, 2016

Chairman Cosentino called the meeting to order at 7:43 pm in the Municipal Building.

**Members Present:** Chairman Joseph Cosentino  
Ralph Vigliotti  
John Bainlardi  
Michael Bonforte

**Members Absent:** Anthony Sturniolo  
Doug Hertz  
Enrico Mareschi

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

**Staff Absent:** Whitney Singleton, Village Attorney

Chairman Cosentino led the pledge of allegiance.

**Minutes**

Chairman Cosentino stated thank you. For the record this is Tuesday, March 22<sup>nd</sup>, this is a Planning Board meeting and the minutes we don't have a quorum for them. So we'll skip the minutes and we'll go right into a public hearing. Mercedes Benz, would you come up and identify yourself for the record please.

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

Mr. Peter Catizone of Catizone Engineering, Dr. John Collins of Maser Consulting, Mr. Anthony Assilone and Mr. John Gallanin of Estate Motors, Mr. Anthony Monteleone of Montello & Monteleone, and Mr. Anthony Morando of Cuddy & Feder were present.

Mr. Catizone stated my name is Peter Catizone with Catizone Engineering representing Estate Motors and Diamond properties. We have our whole team here, Dr. John Collins from Maser to my left, we also have Anthony Assilone and John Gallanin from Estate Motors, Anthony Monteleone from Monteleone & Monteleone and Anthony Morando from Cuddy & Feder and we've had a chance to look at the draft resolution...

Chairman Cosentino stated negative.

Jan Johannessen stated draft negative.

Mr. Catizone stated negative draft resolution, gotcha. First of all, thank you to your staff for doing such a great job on this.

Chairman Cosentino stated they worked very hard on it.

Mr. Catizone stated they really did.

Chairman Cosentino stated and you've done your homework too.

Mr. Catizone stated we've tried to be prepared. We have a couple minor comments...

Chairman Cosentino stated you want to put those in for the record?

Mr. Catizone stated yes.

Mr. Bonforte stated one quick question, your colleague is Ron?

Dr. Collins stated Ron, yes.

Mr. Bonforte stated so he was here last time and you weren't, okay thanks.

Chairman Cosentino stated they sent him because he's better looking.

Dr. Collins stated he's younger anyway, and thinner.

Chairman Cosentino stated yeah, go ahead.

Mr. Catizone stated okay, so page one the first paragraph, second row, the parking which currently contains 806 parking spaces, it's really 805. We did a re-count, there's a parking space that you could count it but it really is substandard, so I'm not sure if you want to change that to approximately 806 or change it to 805 or that it really matters...

Mr. Bonforte stated what page, Peter?

Mr. Catizone stated the first page, page 2 of 11, I'm sorry, 2 of 11.

Mr. Bonforte stated okay 2, I see it.

Mr. Catizone stated 2 of 11, second line.

Mr. Bonforte stated I see that.

Chairman Cosentino stated I don't think it makes any difference, Jan, whatever you're happy with.

Jan Johannessen stated plus or minus.

Chairman Cosentino stated okay, what is the other one.

Mr. Catizone stated the next one is letter C, there's two items on this, the first is that the pre-owned sales dealership will be accessed via internal and that's roadways. It's not really a driveway, and then our client would like to explore the possibility with Bedford of having a limited access to Nohilly. So, we would like to scratch after roadway everything on letter C that comes after that. You know, it's a little bit of a tough sell with DOT and with Town of Bedford but our client wants to leave that on the table.

Chairman Cosentino stated I don't have a problem with that. Anybody have a problem?

Mr. Catizone stated and then letter H, I'm not sure if this becomes I or it becomes part of H but in addition to the expansion of the U-Haul fleet vehicles, we are also proposing 13 additional vehicles...

Chairman Cosentino stated I have a question on that, I'm glad you brought that up.

Mr. Catizone stated so the way I have it written is *and* parking of additional "13" vehicles use in conjunction with the permitted use between the street line and the front line of the primary building.

Jan Johannessen stated Chairman, I have reviewed that language with Peter...

Chairman Cosentino stated pardon?

Jan Johannessen stated I have reviewed that language with Peter prior to the meeting and I find the proposed language acceptable.

Chairman Cosentino stated acceptable, I don't have a problem with that either. Anybody else on the Board?

Mr. Catizone stated and the last one is letter I on page 5, it has to do with the fill within the flood plain for which we're proposing 400 lineal feet of underground piping, the Town of Bedford hasn't really looked at this from a technical viewpoint, so after the word volume, I wanted to add or as acceptable by agencies having jurisdiction, they may not like the underground storage and want us to do something else...

Chairman Cosentino stated well I'll address that to Anthony, what do you...?

Anthony Oliveri stated as long as they provide the volume, I don't really have an issue with it, it doesn't have to be that specific type. We would review it either case, if it does change.

Chairman Cosentino stated okay and I have one question on that which is no biggie, Jan, are you on F, are you satisfied with that paragraph?

Jan Johannessen stated on that same page, page 5?

Chairman Cosentino stated yeah, on page 5 of 11, letter F, top of the page, you're happy with that there right? You have no problems with it?

Jan Johannessen stated no, fin as written.

Chairman Cosentino stated okay, anything else?

Mr. Catizone stated that's it.

Chairman Cosentino stated okay, then this is going to be a negative dec., I guess we're going to need a vote on this then, we're going to need a motion on it, am I correct?

Jan Johannessen stated can I just, one point of clarification, did we close the public hearing on this?

The Secretary stated no, the public hearing has remained open.

Chairman Cosentino stated no, we did not close the public hearing on this. Should we? Peter...?

Jan Johannessen stated the only potential issue with closing the hearing is that the Board may be obligated to issue a decision within a certain period of time and you may not have all the outside agency approvals within that time of 62 days.

Chairman Cosentino stated we can still leave the public hearing open and still vote on the negative dec.?

Jan Johannessen stated yes, you can.

Mr. Catizone stated we can also waive that...

Jan Johannessen stated you can also waive...

Mr. Catizone stated the time requirement.

Chairman Cosentino stated you already did.

Mr. Monteleone stated well its 30 days already.

Chairman Cosentino stated you waived that from the very beginning, remember we had that.

Mr. Monteleone stated we'll waive it, but we'd like to have it closed though at a subsequent hearing.

Chairman Cosentino stated December, something like that.

Mr. Bainlardi stated we can close it tonight.

Jan Johannessen stated you can close it tonight so long as you provide the...

Chairman Cosentino stated pardon?

Mr. Bainlardi stated if they're willing to waive it, we can close it tonight.

Chairman Cosentino stated yeah, we can close it tonight.

Jan Johannessen stated I don't see any issue with it provided the counsel writes a letter waiving the decision [inaudible]...

Chairman Cosentino stated I don't have any problem closing it tonight because its not going to be an issue.

Mr. Monteleone stated Anthony Monteleone, we'd like to close the public hearing. We haven't had any public input at the prior meeting or tonight or any letters, so I don't see any really purpose in keeping it open.

Chairman Cosentino stated well we did get a letter, we just received it right now, for the record from a...

Mr. Bonforte stated from a Mickey DeNicola.

Chairman Cosentino stated I don't know if you got a copy of it, so we did get a record, I'm going to put it in the, I just got it, I just received it now, so I didn't read it all.

The Secretary stated it was only received this morning, Chairman.

Mr. Monteleone stated this is a person who has been very vocal in Lewisboro for years and years. And by the way, there are no violations in Lewisboro, everything has been resolved.

Chairman Cosentino stated I mean I'm not worried, I have enough problems in Mount Kisco. Since we got this letter and it was written while the public hearing was open, do you want to take time to read it?

Mr. Bainlardi stated I've read it.

Chairman Cosentino stated I've read it.

Mr. Bonforte stated so have I.

Chairman Cosentino stated Mr. Vigliotti?

Mr. Vigliotti stated I've read it.

Mr. Bonforte stated I've read it also.

Chairman Cosentino stated so just for the record, we'll put it into the record. So we have two things now, we want to close the public hearing and we want to vote on the negative dec. So why don't we close the public hearing first, we're going to need a motion on that, right?

Mr. Bonforte stated Joe, before we do, I wanted to ask a question, I didn't want to interrupt.

Chairman Cosentino stated go right ahead.

Mr. Bonforte stated Peter, maybe you can, if you can go to page 4 of 11, second paragraph, its indented, regardless of whether. I just wanted to clarify what that's really saying, maybe its worded fine...

Chairman Cosentino stated which paragraph is that.

Mr. Bonforte stated page 4 of 11, second paragraph, regardless of whether the anticipated utilization will comply with the maximum trip cap, this comma. The submitted traffic study suggests that the New York State Route 117 and the intersection study will not be significantly impacted by the proposed action with the implementation of the proposed mitigation, so what is that actually saying there? I just wanted to clarify that, its got a couple of double negatives, regardless of...

Jan Johannessen stated perhaps I can clarify, the, you're aware of the existing cap of 400 vehicles per peak hour, there's been some discussion as to whether that 450 cap should be analyzed on a peak hour per day basis or over a 13-day average. And the point of this paragraph is that regardless of how you determine, you're going to impose that regulation or condition, there is no impact to 117 or the two intersection study, so at time of final resolution, I think you'll have made that decision as to whether you're going to have it per day or some sort of average but regardless, there's no impact.

Mr. Bonforte stated okay, thank you Jan.

Mr. Vigliotti stated and if you would Jan, on page 5 of 11, F, if you can just briefly verify that, page 5 of 11 F.

Chairman Cosentino stated that's the one at the top I just brought up, Ralph?

Mr. Bonforte stated yes.

Jan Johannessen stated basically F states that the applicant will not make any, Estate Motors will not any applications to increase utilization of their space by adding or proposing additional lifts or work stations until such time as the Ice House Road is re-aligned with Park Drive, approved and installed.

Mr. Monteleone stated we accept that.

Mr. Vigliotti stated yes, I just kind of wanted it in the minutes.

Mr. Catizone stated I believe that Jim Diamond also submitted a letter to that extent, dated the 18<sup>th</sup>...

Jan Johannessen stated yes, they have made that part of their application.

Chairman Cosentino stated there's not a problem with that.

Mr. Catizone stated okay.

Mr. Bainlardi stated Mr. Monteleone, I'm sorry Chairman...

Chairman Cosentino stated go ahead.

Mr. Bainlardi stated so would you just say for the record about what we just about a moment about waiving any de facto approval by way of the timing, so that we can go ahead and close the public hearing.

Dr. Collins stated put on the record, the waiving of the time limit.

Mr. Catizone stated the SEQRA.

Mr. Monteleone stated yes, we waive any time limit.

**Chairman Cosentino stated okay, so we need a motion to close the public hearing first.**

**Mr. Bainlardi stated I make that motion Chairman, that we close the public hearing on the Mercedes Benz of Mount Kisco application 333 North Bedford Road, PB2014-0285.**

**Chairman Cosentino stated do I have a second?**

**Mr. Bonforte stated second that.**

**Chairman Cosentino stated motion made by Mr. Bainlardi, seconded by Mr. Bonforte. On the question, will the Secretary poll the Board please?**

**UPON ROLL CALL VOTE:**

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

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

Chairman Cosentino stated alright, we need a motion on the negative dec.

**Mr. Bainlardi stated I'll make that motion as well, Chairman. I make the motion that we adopt the negative declaration, the notice of determination of non-significance for the Mercedes Benz of Mount Kisco application 333 North Bedford Road, PB2014-0285.**

**Mr. Bonforte stated second that.**

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

**UPON ROLL CALL VOTE:**

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

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

Chairman Cosentino stated gentlemen.

Mr. Monteleone stated gentlemen, thank you very much and thank you for your consideration.

Chairman Cosentino stated okay, the next on the agenda is Tortorello Subdivision, that's 122 West Main Street, come up and identify yourself for the record, please. This has been brought before us before, this is a minor thing, it's a lot line change.

**2. Tortorello Subdivision – 122 W. Main Street  
PB2015-0293, 69.80-2-19  
Lot Line Adjustment**

Mr. Frank Tortorello was present to represent the application.

Mr. Tortorello stated my name is Frank Tortorello, I'm the owner of the property at 122 West Main Street, along with my wife.

Chairman Cosentino stated okay, what he's asking for is a lot line change of his property onto the neighbor's property, the neighbor's buying the property, right?

Mr. Tortorello stated that's correct.

Chairman Cosentino stated so its maybe 50 feet, somewhere around there.

Mr. Tortorello stated its 60 feet by 160 feet.

Jan Johannessen stated .2 acres, Chairman.

Chairman Cosentino stated .2 acres. So we're done this many times before, I myself, have done it before so I went through the application, I didn't see any problems with it. Not unless Jan, you have something that you want to add or Anthony?

Jan Johannessen stated no, the lot line changes or realignments fall under the subdivision regulations that require subdivision approval, both preliminary...

Chairman Cosentino stated and a public hearing.

Jan Johannessen stated with a mandatory public hearing. The Building Inspector and I both reviewed the plan, it appears to be Zoning compliant, I don't want to speak for Pete but I don't think there's any zoning issues. We've requested that the applicant submit part II of the Short Environmental Assessment Form...

Mr. Tortorello stated I'm seeing this for the first time.

Jan Johannessen stated okay, no problem and you don't need to have it tonight.

Mr. Tortorello stated okay.

Chairman Cosentino stated and Peter, we have your blessings on that...

Mr. Miley stated yeah, the lot line division or realignment does not create any additional nonconformities.

Chairman Cosentino stated okay, so Michelle, we have to set this up for a public hearing.

The Secretary stated okay, your next meeting is going to be April 12<sup>th</sup>.

Chairman Cosentino stated April 12<sup>th</sup>.

The Secretary stated which is 3 weeks from today, that will give you enough time to notice.

Mr. Tortorello stated I can get the forms from you.

The Secretary stated yes, we can talk tomorrow.

Mr. Tortorello stated there are a couple of things that I don't, forgive me...

Chairman Cosentino stated no, go ahead.

Mr. Tortorello stated this is relatively minor thing, is that the only thing that I really need to produce? You said you want the deeds from both properties?

Jan Johannessen stated the Code requires that you submit deeds from both parcels involved, so your deed and your neighbors deed.

Mr. Tortorello stated okay.

Jan Johannessen stated the Short Environmental Assessment Form, page 2, is something I can provide you, you can get online and then your neighbor has to sign that application form.

Mr. Tortorello stated for the same application.

Jan Johannessen stated the application that you submitted already for subdivision approval.

Mr. Tortorello stated so she can just come to the Building Department and see Michelle and sign what needs to be signed.

The Secretary stated sure.

Jan Johannessen stated items two, three, and four in my memo should be addressed before the public hearing.

Mr. Tortorello stated sure.

Mr. Vigliotti stated you're on your way.

Chairman Cosentino stated we'll work with you Frank, whatever you need.

Mr. Tortorello stated weren't any questions?

Chairman Cosentino stated like I said it's a simple lot line change.

Mr. Tortorello stated well that's, I made it simple, as you know I started wanting to make a building lot here and...

Chairman Cosentino stated not a problem, trying to make your life easy.

Mr. Tortorello stated it was decided it would be a bumpy road, this is a better solution anyway.

Chairman Cosentino stated not a problem.

Mr. Vigliotti stated good, it is.

Chairman Cosentino stated absolutely.

Mr. Tortorello stated good, I'm done.

Chairman Cosentino stated you're done.

Mr. Tortorello stated thank you very much.

Chairman Cosentino stated thank you.

Mr. Tortorello stated appreciate your courtesy.

Jan Johannessen stated he submitted a plat.

Chairman Cosentino stated next thing on the agenda is Devereux. Come up and identify yourselves for the record, please. This is a draft resolution that we have prepared.

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

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

Mr. Zarin stated good evening.

Chairman Cosentino stated good evening, good evening, good evening.

Mr. Zarin stated greetings from David Steinmetz, he was envious that I got to be before you and not him.

Chairman Cosentino stated we love you all.

Mr. Lopez stated John Lopez, Devereux.

Mr. Blakely stated Scott Blakely with Insite Engineering.

Mr. Zarin stated and Michael Zarin, Zarin & Steinmetz.

Chairman Cosentino stated okay, you're here for a draft resolution, the draft resolution was prepared, am I correct? I read the draft resolution...

Jan Johannessen stated yes.

Chairman Cosentino stated I didn't see anything on it that was out of the way, I don't know if my fellow Board members read it, any questions on it?

Mr. Zarin stated a long road, appreciate all your assistance.

Chairman Cosentino stated I thought the resolution was done very good, it was good, written out good.

Mr. Vigliotti stated it was a long road, which we made smoother at the end.

Mr. Zarin stated we worked well.

Mr. Bonforte stated Mr. Chairman, just give me another moment, I have a couple of notes.

Chairman Cosentino stated take your time.

Mr. Vigliotti stated how is the road progressing, as far as being able to work things through. It's a Village road, how is it progressing? You've been working on it...

Mr. Zarin stated fine, we've provided all the title to Whitney and we committed, I think in the resolution that we're going to do some repairs on it and we're required to maintain it, per the resolution so...

Mr. Bonforte stated specifically that's the egress on Lindy Street.

Mr. Zarin stated yes, that's the Lindy...

Mr. Bonforte stated thank you and that covers my questions also, thank you.

Mr. Zarin stated good move.

Mr. Bainlardi stated the only question that I had was on the plan with respect to the improvement of that portion of the road, there was a note on there that the gate was to be removed by the neighbor, has anyone had that conversation yet?

Mr. Zarin stated we've had the conversation, we've got to confirm but it's a requirement of us being able to open, so.

Chairman Cosentino stated alright, if there's no other questions, we have a resolution, does somebody want to...?

Mr. Vigliotti stated I'm going to move on the resolution if that's okay.

Chairman Cosentino stated excellent, Mr. Vigliotti.

Mr. Vigliotti stated we really have come a long way and before we talk about the resolution, I just want to thank you for working with us, we really wanted it to work as opposed to just move in and it became a convoluted situation. So I think this is workable and I'm happy that the road became part of it, I think that's the key to success of the site. That being said, **I'd like to move on approving the Amended Site**



**Plan which is a Special Use Permit, Change of Use permit approval, Devereux Foundation, Devereux CARES, 27 Radio Circle, section 80.64, block 1, lot 2, application number PB2015-0304, today's date March 22, 2016.**

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

**Mr. Bainlardi stated I'll second that motion.**

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

**UPON ROLL CALL VOTE:**

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

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

Chairman Cosentino stated and I want to say I echo Mr. Vigliotti, I'm glad this worked out okay, it's a good cause and I hope they're very successful there and you did a great job presenting it also.

Mr. Zarin stated and I want to thank the Board and especially thank your staff. Your staff was great, gave us a lot of helpful input and appreciate their assistance.

Chairman Cosentino stated we do have good staff, thank you.

Mr. Zarin stated thank you very much.

Chairman Cosentino stated congratulations.

Mr. Bainlardi stated congratulations, good luck.

Chairman Cosentino stated okay next on the agenda is Westchester Foundation for the Disabled.

**4. Westchester Foundation for the Disabled – 135 Radio Circle Drive  
PB2016-0321, 80.63-1-1.2  
Amended Site Plan**

Mr. Hank Kensing, Esq., Mr. Scott Blakely of Insite Engineering, and Mr. John Signorelli of Westchester Foundation for the Disabled were present.

Mr. Kensing stated good evening Mr. Chairman.

Chairman Cosentino stated your honor, welcome.

Mr. Kensing stated and the Board. The [inaudible] will be Mr. Blakely.

Mr. Blakely stated Scott Blakely with Insite Engineering and John Signorelli's here from Westchester. We have made a resubmission to your Board, addressing the consultants comments and I think Jan, and Anthony, and Peter are all satisfied with the plans as proposed. We added the additional information to the first floor plan that they requested, one of the issues that Jan brought up and he gave me a call, we were proposing to move the dumpsters from interior of the building to the rear of the building, that would require a wetland permit for the installation of the posts for the fence and a public hearing and...

Mr. Vigliotti stated its not worth it.

Mr. Blakely stated and its not worth it, so we're going to move them back into the building and we do have a location for them that will show on the plans that are submitted for sign-off by the Chairman but we're looking at, these are the two access doors. We're looking at placing the dumpsters in this location so this last parking space has the ability to back out and maneuver through, so we have a spot for those that works for the Foundation.

Mr. Bonforte stated and Scott, just to point out, the street is here, right, street is there and this is the back.

Mr. Blakely stated the street is here, the parking is here and there's an access back...

Mr. Bonforte stated yeah, it goes around, right.

Mr. Blakely stated there's two overhead doors on the rear parking on this portion of the building too. So we're going to put those inside the building and I think that addresses all the comments. We'd like to request that your Board...

Chairman Cosentino stated just one...

Mr. Blakely stated sure.

Chairman Cosentino stated Peter, do you have anything to say on your comments?

Mr. Miley stated yes Chairman, I had a couple questions with respect this, Scott, on plan FF-1, it indicated there was a 9 foot width of interior parking spaces, are you determining that as long term or short term parking.

Mr. Blakely stated we're looking at long term parking, so that gives, we have the ability to probably stripe those at 9 ½ [feet] if we had to...

Mr. Miley stated okay.

Mr. Blakely stated there's room between those columns to make that work, so either way.

Mr. Miley stated and that would also change the aisle width to 24 to 25, you still have the room for that as well, either way?

Mr. Blakely stated we will, yeah. So we'll take a look at that and just confirm with Peter that...

Mr. Miley stated and then the last comment I had was the square footage verse gross square footage. Are those calculations the same or is just a misprint on the plans, indicated that it was square foot, not gross square foot?

Mr. Blakely stated it's all based on gross square foot...

Mr. Miley stated okay, so just make that change on the plans, indicated GSF instead of SF.

Mr. Blakely stated okay.

Mr. Miley stated that was my comments.

Chairman Cosentino stated thank you. Anthony, on your comments, do you want to add anything, delete anything?

Anthony Oliveri stated well the one comment I had about the trash enclosure goes away if they move it inside the building and we just noted that they should note in and out on the doors with signage, I think you might have been adding that to the plan already and that was really it, otherwise there's not site work.

Mr. Blakely stated and we had talked about how the doors will operate at the last meeting and we'll just add a notation to the plan.

Chairman Cosentino stated Jan, is there anything you want to...

Jan Johannessen stated I have no comments, Chairman.

Chairman Cosentino stated no comments, okay.

Jan Johannessen stated if the Board's satisfied, I can have a resolution prepared for the next meeting.

Chairman Cosentino stated yeah, I'd like to get a resolution prepared for the next meeting if possible, Michelle, I don't know what we have, I leave that up to you. If it can be ready, Jan, fine, if Michelle can put it on, fine.

The Secretary stated sure.

Chairman Cosentino stated and we'll set up a resolution for approval.

Mr. Blakely stated beautiful.

Mr. Bainlardi stated Mr. Chairman, I just have a question.

Chairman Cosentino stated yes.

Mr. Bainlardi stated for our consultants, because I'm just perplexed by the need for a wetland permit to do something that's on land that's already approved and impervious.

Anthony Oliveri stated any disturbance...

Jan Johannessen stated it's the excavation, the way the ordinance reads any sort of land disturbance within the buffer requires a permit, if there wasn't an enclosure, then the mere fact of having the dumpsters on the pavement wouldn't trigger a wetland permit but installing the enclosure and creating a land disturbance, as miniscule as it is, by definition requires a wetland. This is a case where the dumpsters would be located behind the building, they would not be visible from the street, I don't know if there's a mandate for an enclosure, I think the enclosures are typically meant to shield the dumpsters from view, which in this case, they're not visible.

Mr. Bainlardi stated I think they're considered...

Mr. Blakely stated I mean if the Board would consider allowing us to put the dumpsters in the rear of the building without an enclosure...

Mr. Miley stated the Code will require it.

Chairman Cosentino stated the Code will require it.

Mr. Miley stated yeah, so I think you're adjusting it to the interior works out better.

Mr. Blakely stated okay, we're okay with that too.

Chairman Cosentino stated okay.

Mr. Blakely stated okay, we'll see you on the 12<sup>th</sup>.

The Secretary stated April 12<sup>th</sup>.

Mr. Blakely stated April 12<sup>th</sup>.

Chairman Cosentino stated thank you for coming, your honor, thank you.

Mr. Blakely stated thank you, thanks for your time.

Mr. Kensing stated how's your Vice Chairman doing, Mr. Chairman.

Mr. Miley stated did you get a copy of the memorandum? I'll touch base with you during the week.

Mr. Blakely stated I'll make sure we have it covered.

Chairman Cosentino stated he is not, I called he's home, you know he doesn't feel good some days.

Mr. Miley stated yeah, minor, minor items.

Chairman Cosentino stated when I call sometimes he's sleeping, I will. Thank you. Luppino Landscaping and Masonry Supply, 15-21 Armonk Road. Come up and identify yourself for the record please.

**5. Luppino Landscaping & Masonry Supply – 15-21 Armonk Road  
PB2015-0289, 80.73-1-1 (SBL)  
Site Plan and Change of Use**

Mr. Angelo Luppino was present to represent the application.

Mr. Luppino stated Angelo Luppino.

Chairman Cosentino stated this was a site plan that we had on Armonk Road and it was a Change of Use, Jan, I'll hand this over to you right now.

Jan Johannessen stated the Board had passed a resolution in November 2015 for Site Plan Approval and a Change of Use Permit at 15-21 Armonk Road, it was approved by resolution, there was a number of conditions that the Board had requested, the applicant is in the process of satisfying those conditions. In the midst of that, there was communication with the DOT, you'll recall that the existing approval stated that there be no parking in front of the building. The property line is pretty much consistent with the building line, so the parking that does take place informally, is in the State right of way. The Board found that perpendicular parking there to be problematic and had the applicant stated on its site plan that there'd be no parking, it was going to be striped a fire lane with signage stating 'no parking. Parking available across the street. The applicant has been in touch with DOT regarding the ability to put three parallel parking stalls in front of the building, they have an e-mail from the DOT, stating basically that they have no objections to that. It's unclear whether the DOT would require a permit for the painting of the lines but it's clear to us that they don't object to it. So they're here tonight to see how the Board feels about three parallel parking spaces in front of the building within the State right of way and that's the major change, that's the application. I'll note to the Board that the only other modification to be made since you approved the project was the, there was previously proposed stone veneer on the walkway, the façade of the walkway, the resolution called for stone veneer. The applicant had proposed it subject to ARB approval, in my understanding that when the applicant went before the ARB, the ARB indicated that the stone was not preferable and wanted the applicant to patch and paint the façade of that walkway. So the two major changes are the façade and the parking, right?

Mr. Luppino stated yes, the only thing I'd like to add is we had a work meeting before one of these Planning Board meetings and we had talked about this during one of these work meetings. And said if we can get approvals from the State that we would at that time and that's why we're here. It was part of discussion, not formally but behind closed doors.

Jan Johannessen stated yes.

Chairman Cosentino stated that was worked out with Ed though, wasn't it?

Mr. Luppino stated it was, Ed Brancati's the one who actually petitioned the DOT.

Chairman Cosentino stated right.

Mr. Luppino stated so we went through Ed to get this.

Chairman Cosentino stated and the ARB, I don't understand that part.

Mr. Luppino stated the ARB didn't want the stone veneer, they wanted the, since there's stucco on the building and brick, they thought the stone would be not a good thing, so they'd rather have it stucco'd and painted the same color.

Chairman Cosentino stated so the front of the building is brick, I didn't...

Mr. Luppino stated there's a little section on the bottom that's brick and the rest of it's all cinderblock and stucco, which is painted. So that's what they wanted the concrete that has that walkway to it, that's what they wanted to match.

Mr. Vigliotti stated it's funny, I thought it would be just a wonderful opportunity since you have your office there to kind of show-off your craft because the stonewall what you did in the driveway looks beautiful...

Mr. Luppino stated right.

Mr. Vigliotti stated and to kind of carry that through would remind people of this is what we do for a living and we've enhanced our building to magnify what we do.

Mr. Luppino stated and that's why I agreed to it when you guys suggested it but the ARB shot it down.

Chairman Cosentino stated if the ARB said we like, you'd have done it.

Mr. Luppino stated absolutely but we already went through that and I'm still waiting on this to get resolved so I can get a permit so we can continue.

Chairman Cosentino stated this is not a problem, it's been approved already.

Jan Johannessen stated if the Board is satisfied with the three parking spaces, I can have a resolution prepared for the next meeting, amending the site plan.

Chairman Cosentino stated yeah, I mean it is what it is, the Village Manager approved that, I don't want to hold him, get the draft...

Jan Johannessen stated one recommendation I had in my memo is that the, instead of having the no parking signs, have those signs be parallel parking only signs on the face of the building.

Mr. Luppino stated that's fine. Parallel parking with additional parking across the street, like we had before.

Chairman Cosentino stated yeah, so prepare a resolution.

Anthony Oliveri stated the space will be striped...

Mr. Luppino stated as long as the State allows us to stripe it, yes.

Jan Johannessen stated so it's your understanding that you need a work permit from the DOT to stripe it.

Mr. Luppino stated I do not have that understanding. The DOT kind of said, from my understanding what DOT told Ed, whatever you guys want to do with the space, they're okay with it.

Anthony Oliveri stated I think if the Village wants it striped, I think the DOT will go along with the striping, because I don't know that the plans says to stripe it...

Chairman Cosentino stated well I don't want the stripes to hold him up though.

Anthony Oliveri stated then we should just make it a condition, the striping.

Mr. Vigliotti stated DOT could take a while to answer that.

Mr. Luppino stated yeah.

Chairman Cosentino stated I'd like to make, let me ask you a question Angelo and don't take this personally, if we appeal to the ARB, do you want the stone to advertise for your business.

Mr. Luppino stated it doesn't matter, whatever, for us is six of one and half dozen of the other...

Chairman Cosentino stated no, but if we talk to the ARB...

Mr. Luppino stated you know what the problem is with the stone? Its going to have to be a stick on stone, it can't be real stone...

Chairman Cosentino stated whatever it is.

Mr. Luppino stated I understand...

Chairman Cosentino stated its still going to advertise for your business.

Mr. Vigliotti stated it would be a veneer.

Mr. Luppino stated it would be a thin stone veneer because I can't do a footing...

Chairman Cosentino stated we understand that.

Mr. Luppino stated and so during the winter when you plow, that thin stone might come off and it might be a problem, that's the only thing about it.

Chairman Cosentino stated do you mind if we spoke to the ARB.

Mr. Luppino stated I don't mind but I'm just telling you what the problems might be later.

Mr. Bonforte stated to try to give you the option.

Mr. Luppino stated I would say the stucco, in my opinion...

Chairman Cosentino stated yeah, it's your business, you know.

Mr. Luppino stated would be a better because you can always repair it easier, the other way its going to be a nightmare to repair.

Chairman Cosentino stated okay, alright.

Mr. Bonforte stated thanks for that info.

Chairman Cosentino stated done deal.

Mr. Luppino stated the stone is a nice stone too but it's not going to stay.

Chairman Cosentino stated I'm not going to put stone in front of my house.

Mr. Luppino stated well you can but it has to be, if it had a footing it would be different.

Chairman Cosentino stated no, I don't need it. Okay, Michelle...

The Secretary stated yes, Chairman.

Chairman Cosentino stated prepare a resolution.

The Secretary stated Jan will prepare the resolution.

Chairman Cosentino stated let me rephrase that, can we fit it onto the next meeting.

The Secretary stated absolutely.

Chairman Cosentino stated Jan.

Jan Johannessen stated no problem.

Chairman Cosentino stated prepare the resolution okay, and you're all set.

Mr. Luppino stated do I need to come to the next meeting because I may have a little conflict, I think I have to go for something in the City.

Chairman Cosentino stated you don't have to come.

Mr. Luppino stated I can just pick up the resolution from Michelle?

Jan Johannessen stated we'll make the resolution available to you before the meeting so you can see it.

Mr. Luppino stated sounds good, appreciate it. Thanks guys.

Mr. Vigliotti stated good night.

Chairman Cosentino stated the next thing is HVA Realty, 299 Kisco Avenue. Gentlemen, identify yourselves for the record please.

**6. HVA Realty, LLC – 299 Kisco Avenue (Volvo)  
PB2015-0310, 69.44-2-1 (SBL)  
Amended Site Plan**

Mr. Tom Kriz of the Premier Collection and Mr. Eric Kingsbury of Langan Engineering were present.

Mr. Kriz stated Tom Kriz with the Premier Collection.

Mr. Kingsbury stated Eric Kingsbury with Langan Engineering. Good evening, just to give you guys a little refresher we were here a couple months ago. This is 299 Kisco Avenue, this is on a 1.6 acre parcel which contains an automobile dealership. What we are proposing is to restripe the existing parking lot to bring it back into conformance with a previously approved site plan and we're also proposing to bring the landscaping up to the previously approved site plan on the side of the gravel storage area. And then we are

also proposing to install porous pavement over the gravel vehicle storage area and this hatch here, there is, we're within the 100 year flood plain boundary, what we are proposing to do is to compensate the small volume here within the porous pavement storage area. Since our last meeting, we had a wetland consultant walk the northern part of the site and he determined that there's a drainage ditch going along the northern part of the site which stretches over to the Holiday Inn, we asked that your staff could go out there before the next meeting, to determine if it's a drainage ditch or a wetland or watercourse.

Chairman Cosentino stated do you know about that Anthony? Are you familiar, or somebody familiar?

Anthony Oliveri stated well Jan went out.

Jan Johannessen stated yeah, I'll get out there next week and make a determination if it qualifies as a watercourse.

Mr. Kingsbury stated and we ask that in the event that if it is a watercourse or wetland that the Board opens up a public hearing for this project.

Chairman Cosentino stated okay.

Mr. Vigliotti stated the driveway going in, five or six parking spaces, I've been on the site a number of times, very difficult to kind of work your way around that last car and get up that driveway. Do you have any excess of parking at all on the site?

Mr. Kingsbury stated we actually modified the site as it is now, it's a little bit tighter than what we show on the proposed site plans...

Mr. Vigliotti stated okay.

Mr. Kingsbury stated the proposed site plans we meet the 20 foot separation distance.

Mr. Vigliotti stated okay, so there's 20 feet between the corner of the parking space and corner...

Chairman Cosentino stated it should be about 22.

Mr. Vigliotti stated its very difficult to navigate, if a car, if you have an SUV that's not fully parked all the way in, its very difficult to make that turn through there to navigate through there.

Mr. Kingsbury stated and that's why we're restriping the whole parking lot including the front area here, to bring it back into conformance with the site plan.

Mr. Vigliotti stated okay.

Mr. Kriz stated its more shorter, I see how its...

Mr. Kingsbury stated we have less parking over here.

Mr. Vigliotti stated so now, that's 20 feet.

Mr. Kingsbury stated I don't have a scale, it a little bit more than 20 feet.

Mr. Vigliotti stated okay, so...

Mr. Kriz stated its closer to 30, I think.

Mr. Vigliotti stated alright, so you've eliminated one space on that corner.

Mr. Kingsbury stated well we actually picked up...

Mr. Kriz stated from what's existing now, yes.

Mr. Vigliotti stated yeah, just trying to make that driveway work. It seems like it will work a little bit better, I just had a concern about that because there are some blind spots as you work your way through that driveway, okay, that's fine. Thank you.

Chairman Cosentino stated anybody else have any questions here? I don't.

Jan Johannessen stated Eric, I'm not sure if you mentioned it, but you're going to be replacing the fence along the northern property line.

Mr. Kingsbury stated so the existing chain link fence that's been damaged over the years from plowing and what not, we're replacing it with a black chain link fence. We also have a one foot high stonewall along this area to help with some regrading for the porous pavement.

Chairman Cosentino stated and what about a landscape...

Mr. Kingsbury stated the landscaping plan that was on the previously approved site plan, and we just referenced that plan to be...

Chairman Cosentino stated Jan, would you look at the landscaping plan.

Jan Johannessen stated I did. John Slacker had done the landscaping plan for Volvo...

Chairman Cosentino stated right.

Jan Johannessen stated and there was another landscaping plan with the original site plan of record and there's notes on this plan making reference to those and those will both be...

Chairman Cosentino stated but we want to make sure that the same plantings are back there.

Jan Johannessen stated yes...

Chairman Cosentino stated but they should be put back on the plan though.

Jan Johannessen stated I mean those plans are already approved by this Board...

Chairman Cosentino stated yeah, but I'm saying they should be looked as far as the landscape so to make sure that they're back here again.

Jan Johannessen stated the landscaping that's out there today is going to get affected by this project, its going to be re-implemented.

Chairman Cosentino stated the old landscaping plan?

Jan Johannessen stated yeah, which has been approved by the Board.

Chairman Cosentino stated okay, very good, okay. So where do we go from here now?

Jan Johannessen stated well the determination needs to be made regarding the watercourse, whether it qualifies as a watercourse. We'll get out to the site next week and make a determination.

Chairman Cosentino stated yeah.

Jan Johannessen stated the only thing that would change is really the requirement for a public hearing, site plans don't require public hearings, with wetlands they're mandatory. The Board could schedule a public hearing for the second meeting in April and if we go out there and it doesn't meet the qualifications as a watercourse, they simply won't notice for the public hearing.

Chairman Cosentino stated okay, so...

Jan Johannessen stated the only other item of significance, in my opinion, is the DEP, this is in the Designated Main Street. Anthony can get into the requirements, they've been before the DEP but they don't yet have their approval. I'm not sure if the Board would be inclined to make that a condition or if they want the approval before they approve the resolution.

Anthony Oliveri stated the only question would be if the DEP is going to approve the porous pavement and the system as they propose it, if they don't, it could drastically change the site plan.

Chairman Cosentino stated how long does that take?

Mr. Kingsbury stated they have to get a determination of SEQRA before they can continue their technical review, I just have you know, over the phone call conversations with Andreaa at DEP, that she doesn't have an issue with what we submitted to her.



Anthony Oliveri stated with porous pavement.

Jan Johannessen stated you had correspondence with her, you had...

Mr. Kingsbury stated they did their initial review but they can't give me their technical review until SEQRA's been determined by the Board.

Jan Johannessen stated did they indicate any showstoppers?

Mr. Kingsbury stated from what Andreaa told me over the phone, there's not, there won't be a significant change to the plans.

Anthony Oliveri stated are they considering the porous pavement as pervious surface or are they considering...?

Mr. Kingsbury stated they consider it an impervious storage and we're providing storage underneath the porous pavement.

Mr. Bainlardi stated Chairman, if I could just acknowledge for the record, that we did receive, not in our packages but tonight, a letter from Charles Martabano on this topic about the pervious pavement issue as it relates to the prior site plan approval. And he seems to indicate that in the resolution of approval for site, it indicated that the, I'm just looking for the exact language here, the existing graveled area noted on the site plan dated 7/28/92, shall not be paved with an impervious surface', I know that at one point in time that was questioned, so it seems to be the...

Jan Johannessen stated yeah, I think it was clarified in the ZBA.

Mr. Bainlardi stated I think it just comes down to if the DEP is willing to accept the porous pavement, it really should...

Mr. Kingsbury stated we went out there testing with DEP for this, they know its coming and they don't, she doesn't think its going to be an issue but if it is a condition of your approval. If there is a significant change we can come back before the Board.

Anthony Oliveri stated if the DEP doesn't approve it as is, that's the application, so they'd have to come back with a new application.

Chairman Cosentino stated okay, Peter, on your memo.

Mr. Miley stated yeah, just some small modification, indicating the variance that they received and the prior approved site plan indicated 95%, and it was corrected on the proposed submission of 92%, that correction has been made to reflect the variance that they received back in 1992. It does meet the variance that was approved, other than that with regard to the pavement, he already brought that issue up and just note the Planning Board should be aware that they're going to stripe in accordance with their preexisting approved site plan, not to new standards of today.

Chairman Cosentino stated okay.

Anthony Oliveri stated and that maybe answers a question I had about long term and short term parking, it doesn't seem like there's any parking that's 9'-6" wide...

Mr. Miley stated correct.

Mr. Kingsbury stated no, they all, in every scenario its always 9 feet wide that they had and that's what we were meeting to today.

Chairman Cosentino stated okay Jan, where do we go? A resolution, a public hearing.

Jan Johannessen stated I think we should play it safe, schedule a public hearing for the second meeting in April.

The Secretary stated April 26<sup>th</sup>.

Jan Johannessen stated I'll walk the site next week and if that becomes unnecessary, we'll simply not notice it and I'll have a draft resolution for the second meeting in April.

Chairman Cosentino stated excellent.

Jan Johannessen stated but you should resubmit to address the three outstanding comment memos in advance of the 22<sup>nd</sup>.

Mr. Kingsbury stated to resubmit, even if they're minor comments, can we make that a condition of the approval as well?

Jan Johannessen stated one of my comments is the lighting plan, some of these are items that the Board should be reviewing.

Anthony Oliveri stated I think the comments I had on the flood plain, the calculations of the volumes, the flood volume that should be addressed.

Mr. Kingsbury stated okay.

Anthony Oliveri stated I'm not sure you had volume under the base flood elevation or not.

Mr. Kingsbury stated I had that in the SWPPP I believe. I could put it in the letter and clarify it...

Anthony Oliveri stated if you could clarify that, its in there point it out to me with some support calculations.

Mr. Kriz stated and a lighting plan.

Jan Johannessen stated basically we'd like you to determine whether the existing condition meets the Village's lighting standards and if they don't to try to bring that into compliance. On a similar application for Arroway, we found that their lights were on a 45° angle and that's prohibited in the Code, so they simply brought them down to position and brought them further into compliance of the lighting standards. I don't think that we're suggesting that you install new lighting but if there's issues of that nature, that can be resolved, this is an opportunity to bring the site into greater conformance.

Mr. Kingsbury stated okay, so we'll submit a lighting plan for next months meeting.

The Secretary stated the next deadline is going to be April 5<sup>th</sup>.

Mr. Kingsbury stated April 5<sup>th</sup>, okay.

Chairman Cosentino stated okay gentlemen, Michelle will let you know.

Mr. Kriz stated thank you.

Mr. Kingsbury stated perfect. Thank you Board for your time, thank you Staff for your quick response.

Chairman Cosentino stated the next one is Burger, Bare Burger.

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

Mr. Viktor Solarik of VKS Architects was present.

Mr. Solarik stated Bare Burger.

Chairman Cosentino stated Bare Burger.

Mr. Solarik stated good evening, Viktor Solarik, VKS Architects.

Chairman Cosentino stated welcome, please identify yourself for the record please.

Mr. Solarik stated Viktor Solarik, VKS Architects.

Chairman Cosentino stated okay Viktor, you know Peter, I don't see a memorandum from you, I see Jan's...

Mr. Solarik stated I have a copy for you.

The Secretary stated it should have been right before Jan's, just one page.

Chairman Cosentino stated I stapled it to the other page.

Mr. Miley stated do you have it Joe?

Chairman Cosentino stated yes, I have it. Okay, let it roll, go ahead.

Mr. Solarik stated so in just of terms of brief introduction, this is a conversion over at the old Friendly's site, to a new business. Bare Burger has about 30 locations in the City, they also have one in Ridgefield, Hartsdale, they're building one in Rye and they're coming to Town. They also have a national campaign so they are going national and in fact, international but that is just to say a little bit about the business. There was a 1983 approved site plan which we have attached...

Chairman Cosentino stated for Friendly's...

Mr. Solarik stated for Friendly's, right. Things have remained substantially the same but there are some modifications which basically generated this requirement for site plan approval. One of them is there has been a dumpster installed years ago, 15-20 years ago that had not obtained approval from the Board. So that's one thing that we're going to apply for and as the location is too close to the property line, as Peter pointed out, we need a zoning variance for the fence enclosure. I think we can stay with the six foot six height of the fence because the dumpster isn't that high...

Mr. Miley stated right.

Mr. Solarik stated but never the less because of the location, I think we should, we need to go to the Zoning Board for that variance. There is some restriping and modifications of the handicap parking which is required by the ADA and besides that. Well then there's existing site lighting which was not shown on the 1983 site plan. So we have done a photometric plan which will show that what the lighting levels are and we want to demonstrate that its going to meet Village Code.

Jan Johannessen stated sorry to interrupt, are you proposing to replace the poles with light fixtures?

Mr. Solarik stated with LED's, the poles will remain, the locations will remain but the light fixtures will be new and we can achieve the minimum, I think its .9 foot candle, if I remember it right. The other thing that we would like to propose is outdoor seating area on the south side of the building, it has a view of Leonard Park, I think it would be a tremendous asset, an improvement, obviously it would be a draw for the public and that in itself will require both Planning Board approval in terms of a special use permit and a Zoning Board approval for the additional seating. So I'd like to discuss all these approvals, how the sequences are, other than that the building is exactly the same footprint, the access, the egress and exit from the building is the same. There's an existing sign which is currently noncompliant, its proposed to be removed and that was approved by the ARB, we had gone in front of the ARB and actually we're working inside building out the interior. So all the signage, all the facades have been approved with the exception of the additional proposed outdoor seating.

Chairman Cosentino stated well the ARB didn't approve anything yet, right?

Mr. Solarik stated they did, for the project as it was before the outdoor seating.

Mr. Miley stated it will require one more trip for some modifications.

Chairman Cosentino stated I thought the ARB doesn't approve anything on commercial until we approve our plans first.

The Secretary stated only if it requires SEQRA.

Chairman Cosentino stated pardon?

Jan Johannessen stated what Michelle just stated is true.

Chairman Cosentino stated what?

Jan Johannessen stated they can only, they can't grant their approval subject to SEQRA, this is a type II action.

Chairman Cosentino stated okay.

Mr. Solarik stated we're going back anyway to basically present the revised façade and seating and whatnot. So I can go through the notes for the memos, in addition the site lighting we're addressing, we prepared actually already a landscaping plan, prepared by a landscape architect, we will be submitting it shortly but I wanted to show you that we're working on it.

Mr. Vigliotti stated how is the site coverage, Jan have you been able to calculate that, are we within?

Mr. Solarik stated we will provide a worksheet to show how we're bringing it back to compliance...

Jan Johannessen stated sounds like the goal is to bring it, right now it's slightly over...

Mr. Solarik stated it's slightly over.

Jan Johannessen stated and they're adding some landscaping within the parking areas to bring it into compliance.

Mr. Solarik stated it's very close but I think that we can get below the 80% and we'll provide the worksheet how we arrived at that. Actually, we got an updated survey in order to get more accurate reading because the 1983 site plan was jerry-rigged a little bit, please pardon the expression. So we had more accurate surveying done and that brought us to the calculations, I think that's pretty much it.

Mr. Vigliotti stated our Building Inspector had an item here, I think its item number six and if you could just discuss that, the applicant is proposing an eight foot high fence where a six foot six height fence is permitted there, your fence is going to be...

Chairman Cosentino stated because their dumpster is low.

Mr. Solarik stated yeah.

Mr. Vigliotti stated can you just show where that fence is going to go?

Mr. Solarik stated its just a fence enclosure around the dumpster, the three sides of the dumpster and the gate in the front.

Jan Johannessen stated that's a compactor, correct?

Mr. Miley stated yeah.

Mr. Solarik stated correct, yeah.

Mr. Miley stated its unique, the height of the dumpster with the compactor on top.

Mr. Vigliotti stated okay.

Mr. Miley stated if they don't propose an eight foot, you'll be able to see the top of the compactor.

Mr. Vigliotti stated okay, okay, I just wanted to clarify that.

Mr. Miley stated however our Code doesn't specify whether its compactor or rear yard.

Mr. Vigliotti stated okay, I understand.

Mr. Bainlardi stated what's on the property behind it? I know obviously Leonard Park is where your thumb is.

Mr. Vigliotti stated CVS is back there.

Chairman Cosentino stated just Leonard Park.

Mr. Solarik stated its Leonard Park, CVS would be over this way.

Mr. Bonforte stated that's right, yeah.

Mr. Vigliotti stated and can you explain, I know you'll need a variance for the number of tables you would like to have for outdoor dining, will that occur on the existing sidewalk that's there or will you be extending that area where you're proposing that dining.

Mr. Solarik stated we would actually like to go to the existing curb.

Mr. Vigliotti stated okay.

Mr. Solarik stated and that would be an elevated deck, at this point its about three and a half feet above grade but the grade slopes up, so by the time we get to the front of the building we have about 12 inch grade change from the deck down toe grade. I think it can be seen from the elevations here, you can see where the grade slopes up and why we would be building a deck from the side door, the deck being level comes very close to grade and we have just a short ramp down.

Mr. Vigliotti stated so you have a railing system making sure nobody falls.

Mr. Solarik stated correct, exactly, well it has to be because its more than 30 inches above that grade.

Mr. Vigliotti stated that's a nice improvement that side of the building.

Mr. Solarik stated it's a very sunny façade, it has the nice view of the park, I think that would be a tremendous...

Mr. Vigliotti stated there's no extra charge for the view I don't think.

Mr. Solarik stated well let's see what the owner says.

Mr. Miley stated Chairman, that addition to the side, is Federal requirement to meet ADA accessibility so I think he incorporated ADA, the ramp, the exit, the second means of egress and now adding the additional seating to make useful space.

Mr. Solarik stated can I ask a question, since we're talking about it. The outdoor seating has a requirement of six foot clearance next to the tables basically but that's, the way I read it its really kind of a sidewalk situation, the way the Code reads anyway.

Mr. Miley stated it has to be passable.

Mr. Solarik stated it has to be passable but would I be required to have a six foot clearance on the deck?

Mr. Miley stated as long as you provide, it's no different than interior seating when it comes to minimum width.

Mr. Solarik stated 42 inches or whatever...

Mr. Miley stated exactly.

Mr. Solarik stated I just want to understand. I think that's my only question.

Chairman Cosentino stated okay.

Jan Johannessen stated just procedurally I would imagine you'd go to the ZBA, seek those variances, if you do in fact need a special use permit for the outdoor seating, that has a mandatory public hearing, so once you get your ARB, ZBA approvals in place, come back to the Planning Board, have a public hearing on the special use permit and site plan.

Mr. Solarik stated special use permit and site plan together.

Jan Johannessen stated yes, you've only applied for a site plan to date, so you need a special use permit, that's a separate issue.

Mr. Solarik stated I understand that, right. Alright, off the ZBA we go.

Chairman Cosentino stated yeah.

Mr. Bainlardi stated it couldn't go concurrently? I mean because I think that if they're doing the deck, there's nothing that says that they have to put anything on that deck, so...

Jan Johannessen stated I think you would run the site plan and special use permit concurrently for sure.

Mr. Bainlardi stated could we do that while they're going to the ZBA.

Jan Johannessen stated oh yeah, if you want to continue this process and response to comments, yeah absolutely.

Chairman Cosentino stated yeah, we're going to continue the process.

Mr. Vigliotti stated yeah, that's good.

Chairman Cosentino stated we don't want to hold you up.

Jan Johannessen stated there's not a lot of comments.

Mr. Solarik stated well what I would do then, if it's okay with the Board, would prepare the submission for the special use permit and submission for the site plan approval, formal site plan approval.

Jan Johannessen stated yes.

Mr. Solarik stated okay and of course we also hurry up and do the ZBA application...

Chairman Cosentino stated right.

Mr. Solarik stated and we'll keep you posted as to how things are developing.

Mr. Bainlardi stated if you do them simultaneously, it will save you a couple months.

Mr. Solarik stated of course, right, they're itching to get in there.

Chairman Cosentino stated yeah, okay.

Mr. Bonforte stated Viktor, on conceptual question from me, so I understand this portion here, you can see where I'm pointing to, that seating is raised right that's clear but in the front here that's not raised.

Mr. Solarik stated its on grade.

Mr. Bonforte stated right and then there's just a, I think a two or three foot railing proposed.

Mr. Solarik stated yes.

Mr. Bonforte stated okay.

Mr. Solarik stated and this is a big door opening from the restaurant so it actually goes back.

Mr. Bonforte stated the doorway, the main doorway is here?

Mr. Solarik stated the main entrance is here but there's a French door that opens up goes into this enclosed seating area, if you will.

Chairman Cosentino stated good.

Mr. Vigliotti stated just another question, interior wise, existing there's a very small vestibule with a little bit of a waiting area if you're taking food out or buying ice cream, in the former Friendly's. I'm envisioning this being very popular and folks waiting to get a table whether it be exterior or interior. Do you have enough waiting area designed for those folks?

Mr. Solarik stated well this is a different business than Friendly's but the main entrance is here, the vestibule is getting enlarged, there's going to be an open area over here and there will be, there's a station for pick-up, for take-out rather and the take-out will be either here or actually they could also come in from the side and have a pick-up station over here. So its not going to congest the traffic flow, furthermore there's a partition planned over here, which is going to be a semi-transparent partition and this is basically the main seating area where the path of travel, servers and the customers and the bar is clearly separated from the dining area.

Mr. Vigliotti stated I see all of that, and I, I think your outdoor patio in the front is a bit ambitious, meaning that it takes any of the overflow where people could wait to get in or wait to be served. I just would like to take at some point, take a closer look at this piece. How far is the road?

Mr. Solarik stated the sidewalk is right here.

Mr. Vigliotti stated okay.

Mr. Solarik stated there's actually, this is actually right now a landscaped area, there's no pavement here. Pavement stays exactly the same.

Mr. Vigliotti stated but now this landscaped area which exists now, will be what? Macadam, wood, concrete?

Mr. Solarik stated it will be stone pavers.

Mr. Vigliotti stated okay, I would like, I have no problem with it and I want it to be very successful. I just think we're taking away the greenspace that makes that section of Town a little different and I'm not sure if that's something that we want to do, is to take away the greenspace. I know you'll be taking the greenspace here and creating some aisles in the back but I think this is just very, very valuable greenspace that we would be losing, and I think we need to look at that a little closer.

Mr. Bonforte stated and I'd like to make a comment. I'd like to concur with my colleague, my Planning Board member here, that that area having grown up there and been in that particular area, not only what Mr. Vigliotti has said but that I would like you to go back to your applicant and mention the speed of the traffic that goes by on that road makes me nervous in that area. And if its an open area, I'm just suggesting that as a thought process, I've never liked standing there, so to me its, I'm not trying to get involved in business, it's a distraction.

Chairman Cosentino stated I raised that question and actually I rely on the Building Department to make it safe and to make you know for a car jumping the curb or something like that.

Mr. Solarik stated I think that point is very valid, I would also point to several other establishments in Town that have outdoor seating on Main Street and I'm sure you know that they are very popular, even though the traffic goes by and the speed of the cars, needs to be controlled absolutely. But I also think that introducing businesses like this in the traffic corridor, actually gives the Village an opportunity to look at the whole plan and the whole Village concept about introducing pedestrian traffic more than just having it as a car corridor because I think we're sorely in need of really improving the value of everyday life.

Mr. Bonforte stated understood.

Mr. Vigliotti stated now I understand that, you have the outdoor dining on the side which I think will be wonderful. This Board has been trying for years to create greenspaces in front of stores and businesses, case and point would be, even along North Bedford Road where we've tried to create more greenspace, to create a larger buffer between the sidewalk and parking...

Chairman Cosentino stated you're right, even with the restaurant up here across from the diner, they've got green...

Mr. Vigliotti stated so it would be against everything that we've been trying to do, to eliminate the greenspace which gives the restaurant a country feel rather than not. So what happens, it may look very vibrant three or four months out of the year, then the rest of the year its macadam or pavers and you've lost the greenspace and that area the residents have enjoyed the green and the flowers in that area.

Mr. Solarik stated well it certainly deserves a second look and I think we'll have a hard discussion about it and it may be that you know, it's more preferable to have one outdoor seating area on the south side and maybe forego the front.

Chairman Cosentino stated what is that place called, The Social...

Mr. Solarik stated Village Social.

Chairman Cosentino stated Village Social, look at that, the front of where they've got their outdoor seating in the front and what they've done.

Mr. Bonforte stated again, just to reiterate, I'm not against the seating, its just that the amount of space, the length to the curb cut, that's all, again...

Mr. Solarik stated right.

Mr. Vigliotti stated you're right, you're right up on the curb.

Mr. Bonforte stated and then again don't forget the comment that Mr. Vigliotti made regarding where could people congregate because that's an ideal place, anyway, just suggestions.

Mr. Solarik stated right.

Mr. Bainlardi stated one thing I think that is offered here that was not necessarily available in Friendly's is you have a bar, so that's going to take a fair amount of the overflow folks who now can congregate in and around the bar. I think you've heard the concerns, I think its definitely worth a second look...

Mr. Solarik stated I don't know, perhaps there's a way to keep some of the green and maybe have two little areas or one smaller area that can actually be used as an overflow for people waiting...

Chairman Cosentino stated you need to work on it, that's all.

Mr. Solarik stated right, exactly.

Mr. Bainlardi stated or use of planters.

Mr. Solarik stated thank you very much, I'll be back.

Chairman Cosentino stated thank you very much for coming. Maplewood Senior Living, 2 Morgan Drive, this is a draft resolution to declare lead agency. Jan?

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

Jan Johannessen stated Chairman, you'll recall that the Planning Board had declared its intent to serve as Lead Agency, since that time more than 30 days have past, no involved agency has objected to the Planning Board being lead agency, this is just a procedural item formally declaring the Board's position to be lead agency.

Chairman Cosentino stated so we need a motion on that then, right?

Jan Johannessen stated yes.

Chairman Cosentino stated somebody want to present a motion on that?

**Mr. Bainlardi stated sure. I'll make the motion that we adopt the lead agency declaration for Maplewood Senior Living, LLC, 2 Morgan Drive, section 80.55, block 1, lot 2.1, application number PB2013-0247, dated March 22, 2016.**

**Chairman Cosentino stated motion made by Mr. Bainlardi, we have a second?**

**Mr. Bonforte stated second that motion.**

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

**UPON ROLL CALL VOTE:**

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

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

Chairman Cosentino stated and the last thing is Village of Mount Kisco Beautification Committee, they do a wonderful job by the way.



The Secretary stated you have special discussion items.

Jan Johannessen stated Chairman, there's three special discussion items, Enterprise Rent-A-Car, Mount Kisco Supply...

**Special Discussion Items**

*Enterprise Rent-A-Car*

Mr. Frank Vigna of Enterprise was present.

Chairman Cosentino stated yeah, yeah Enterprise is requesting a temporary Certificate of Occupancy. Before we grant that, I want to turn to Peter, Peter have you any building problems...

Mr. Miley stated none at this time, other than what's on this letter indicating the backflow preventer which takes some time for approval.

Chairman Cosentino stated right.

Mr. Miley stated the Building Department has no further comment.

Chairman Cosentino stated no further comment.

Mr. Miley stated and they're good to go.

Chairman Cosentino stated how are you.

Mr. Vigna stated good, good evening, Frank Vigna from Enterprise, nice to see you again.

Chairman Cosentino stated Anthony, you have no problems, I mean I don't.

Anthony Oliveri stated I don't have a problem with the temporary C.O., we'll need to make a field inspection, I think we're all going to actually walk the site.

Chairman Cosentino stated yeah, I don't have anything with them, I don't want to hold them up.

Jan Johannessen stated the landscaping hasn't been installed to date.

Mr. Vigna stated correct, we're just waiting on the weather.

Jan Johannessen stated the applicant has posted a bond in the amount of \$21,000 for the landscaping, [inaudible] cost estimate.

Chairman Cosentino stated I don't have a problem. Do we have a motion on that?

Mr. Vigliotti stated we need a motion?

Chairman Cosentino stated we need a motion.

**Mr. Bainlardi stated I'll make a motion that we approve I guess, the request for a temporary Certificate of Occupancy or authorize the Building Department to issue a temporary Certificate of Occupancy for 283 North Bedford Road, the Enterprise Rent-A-Car location.**

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

**Mr. Vigliotti stated I'll second that.**

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

**UPON ROLL CALL VOTE:**

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

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

Mr. Vigna stated Chairman, I have a question, please...

Chairman Cosentino stated yeah.

Mr. Vigna stated once we meet all the conditions, is it required that I come back to the Board for a final or do I go to the Building Inspector?

Chairman Cosentino stated yes, yes. It has to come back here, doesn't it, you only have 6 months on it anyway.

Jan Johannessen stated once they satisfy all the conditions...

Chairman Cosentino stated they'll go before the Building Inspector.

Jan Johannessen stated just get their final C.O., there's no reason to come back to the Planning Board.

Chairman Cosentino stated he's the one that's going to be satisfying everything that we wanted, conditions, I think its 6 months on the...

Mr. Miley stated there is some discretion, we usually go 30 days at a time and kind of monitor...

Chairman Cosentino stated you're his now.

Mr. Vigna stated excellent. Anything else for me?

Chairman Cosentino stated no.

Mr. Vigna stated thank you very much, I appreciate it.

#### *Mount Kisco Supply Discussion*

Chairman Cosentino stated thank you, congratulations. Mount Kisco Supply, we have a letter of hold harmless, Mr. Singleton is not here tonight. I read the letter but I don't know if he approved it.

Mr. Miley stated I can comment on that.

Chairman Cosentino stated okay.

Mr. Miley stated I think the applicant, I'm surprised Mr. Monteleone didn't hang around, this is his party.

Chairman Cosentino stated I am too.

Mr. Miley stated with respect to the actual language in the Building Permit approval, it had to be modified so that there was no use attached. I indicated to Mr. Monteleone, I had no problem issuing a demo permit and some essentially, what they call [inaudible] kind of get prepared, however there would be no use attached and it would be at his own peril. Therefore, a recommended that he prepare a hold harmless agreement so any approval, excuse me, any permits issued didn't signify an approval, which he did prepare, I sent it to Mr. Whitney Singleton and he indicated that we should not be signing off on this however, he does recognize the fact the hold harmless agreement indicates that we would not be held liable, should not anticipate that this an, getting an approval or not, its completely at his own peril and if he so choose...

Chairman Cosentino stated but the agreement, if you want to call it an agreement, the letter...

Mr. Miley stated yeah.

Chairman Cosentino stated of the hold harmless, has he approved that letter, so if we approve this, are we protected legally...?

Mr. Miley stated I don't want to indicate that Mr. Singleton approved the letter, he reviewed it and made comment with respect to removing our sign-off. There was a sign-off section where they were trying to create an agreement.

Chairman Cosentino stated since I don't know if he approved this and read this, I really don't want to act on it, I mean, John, I'll turn it to you...

Anthony Oliveri stated does the Board need to act on this?

Mr. Miley stated no, this is, you're not obligated.

Anthony Oliveri stated its just informational, I think.

Mr. Bainlardi stated my interpretation of, or what I recall reading when this was first sent to us by e-mail was that we were simply asked if we had an objection...

Mr. Miley stated correct.

Mr. Bainlardi stated as a Board and I don't think any specific action was required of us.

Mr. Miley stated there's not approval warranted because there's no approval of the site plan here.

Chairman Cosentino stated no, we're not approving to do anything, I mean, that's up to him.

Mr. Miley stated this is simply a courtesy by the Board, if they so choose, that's really what it is, if we allow them to have a building permit to pursue...

Chairman Cosentino stated that's the thing, if we allow them or you allow them.

Mr. Miley stated I would allow them only under you know, strict supervision so that they're not creating the use.

Chairman Cosentino stated so, not to put the burden on somebody else, would you say that we would be out of it right now?

Mr. Miley stated I can put language into the building permit that would indicate that this isn't an approval, this is not...

Chairman Cosentino stated not an approval from the Planning Board.

Mr. Miley stated no approvals whatsoever. This is strictly to essentially you know, move the goal post a little further towards completion without an approval.

Chairman Cosentino stated yeah, right.

Mr. Bainlardi stated I'm okay with that.

Chairman Cosentino stated fine, good, let's...

Mr. Miley stated and I'll protect the Board with language into the permit.

Chairman Cosentino stated right, okay, so we don't need a vote on this, do we? No, okay so we'll go onto the next item. Thank you Peter.

Mr. Miley stated you're welcome.

#### *154-162 Main Street Discussion*

Chairman Cosentino stated 154-162 Main Street – Additional tenant, I don't understand that.

Mr. Bainlardi stated they're here to...

Mr. Palmer stated we're here Mr. Chairman, good evening, Taylor Palmer with the law firm of Cuddy & Feder, I am joined by Chris Raffaelli of NDA. This is pursuant to our meeting last week on March 15<sup>th</sup> for Modell's, the additional tenant space.

Chairman Cosentino stated oh okay, I didn't see Modell's there.

Mr. Palmer stated it's the additional tenant space...

Chairman Cosentino stated right, now I know where we are.

Mr. Palmer stated so we wanted to appear before the Board this evening to represent the additional tenant space, our clients has looked at the appropriate space and want to show a further demising wall to have it as two additional tenants in that tenant space.

Chairman Cosentino stated right.

Mr. Palmer stated so this evening its purely and we appreciate the Board being able to put us on that this time to review this concept but its purely an informal concept of having the two tenant spaces so we hoped to be able to present, we have Chris here, Chris Raffaelli from Norman DiChiara Architects, to show that internal.

Mr. Raffaelli stated so this is the upper plan, the Main Street elevation as it currently exists, just to refresh you, there's the Main Street, the back of the building and Green is over here.

Mr. Palmer stated mind if I interrupt, the Modell's space will not increase in size by any stretch of the imagination.

Mr. Raffaelli stated this is the existing lower, its just the strip along the back where the Main Street parking is, okay so that's the existing conditions. What we initially showed you was this plan here, which upstairs provided Modell's demising wall here, conveyor, new stairs, new stairs that was the original plan. Since then we have put together this one, which gives Modell's this space which was originally over here somewhere, puts a center tenant and a larger one over here, everybody has their own stairs down to the basements, they all share the same pieces in the basement, common vestibule upstairs and a common one downstairs as well.

Mr. Palmer stated so at this time, an additional tenant has not been identify.

Chairman Cosentino stated well each tenant has to come back before us anyway.

Mr. Palmer stated indeed.

Mr. Vigliotti stated so the space we're talking about, looks like its about 6,000 4,000, is there a breakdown about that?

Mr. Raffaelli stated this space here, which we're calling space three, it just a big over six, this one is rough 28 and this one is over 12.

Mr. Vigliotti stated any tenant...?

Mr. Palmer stated at this time, the second tenant, its possible it could be a T-Mobile tenant but it hasn't been confirmed at this time. Again, this is the conceptual nature of the proposal.

Mr. Vigliotti stated sure.

Mr. Raffaelli stated so some façade changes you'd be interested in because of this, we have to add a new door on the front of this building...

Chairman Cosentino stated something in the rear too.

Mr. Raffaelli stated the rear doors all stay, we have enough existing...

Chairman Cosentino stated wasn't there one going to be added?

Mr. Raffaelli stated not on the rear, we have enough existing on the rear...

Chairman Cosentino stated where did I hear something about a rear door, Jan?

Jan Johannessen stated you had indicated that there was going to be some modification to the interior corridor.

Mr. Raffaelli stated yeah, the previous plan had a common corridor in here for loading...

Chairman Cosentino stated right, exactly.

Mr. Raffaelli stated we've eliminated that, the loading part of the sidewalk where trucks would park would still be common, however each tenant would bring merchandise into their tenant space along this sidewalk here, instead of internal.

Chairman Cosentino stated okay.

Jan Johannessen stated and the proposal would be open windows for the, both tenants, the second and third tenants, do you have anything for the windows?

Mr. Raffaelli stated we don't know what those tenants would want now, at this point because we don't have a real tenant yet, the only guy that we know for sure is Modell's.

Jan Johannessen stated the resolution for Modell's stated that any future tenant would have to come back to the Board for window treatments, et cetera, window signage...

Mr. Raffaelli stated yes.

Mr. Palmer stated as well as the ARB for their approval, as well.

Jan Johannessen stated so there's no window boxes proposed at this point.

Mr. Palmer stated no, just an empty space right now.

Mr. Vigliotti stated okay.

Chairman Cosentino stated okay.

Mr. Palmer stated we'll be in touch with the Planning Attorney, as well as the Planning Board Planner to address the changes and the language.

Chairman Cosentino stated not a problem, thank you.

Jan Johannessen stated you're going to make a formal application with a revised set of plans.

Mr. Palmer stated we'll speak to you following the meeting and identify the best way to get all those details to you and to the Board and yes, a formal submission would be...

Jan Johannessen stated the purpose of tonight's meeting was to kind of have this discussion, presentation act as their conceptual application so that they can proceed right with a formal.

Chairman Cosentino stated right.

Mr. Palmer stated we really appreciate the Board's...

Mr. Miley stated Chairman, one other thing.

Chairman Cosentino stated yeah.

Mr. Miley stated before you go, there is going to be a fourth proposed tenant on the lower level, correct. There'll be no connection from upper to the lower tenant that was once a café?

Mr. Raffaelli stated that was an early on thing that we were talking about but that's not for real...

Mr. Miley stated so now it's three tenants.

Mr. Palmer stated and there are three stairwells that are listed in there.

Mr. Miley stated thank you.

Mr. Bainlardi stated good luck with the lease up.

Mr. Palmer stated and thank you very much for taking us on, we really appreciate your time.

Chairman Cosentino stated alright under correspondence, we also received a letter from Charles Martabano...

The Secretary stated it was regarding HVA Realty.

Chairman Cosentino stated yeah, I just want to make that part of the record, that's all. And from Zarin & Steinmetz. Okay, I have nothing else, anything else before this Board before we adjourn. I said nine o'clock.

Mr. Bainlardi stated nailed it.

**Chairman Cosentino stated okay, motion to adjourn.**

**Mr. Vigliotti stated so moved.**

**Chairman Cosentino stated motion made by Mr. Vigliotti, seconded by Mr. Bainlardi.**

Jan Johannessen stated did you want to discussion meeting, having some sort of work session in advance of the meetings?

Chairman Cosentino stated okay, then we can't adjourn then.

Jan Johannessen stated it can be, it doesn't need to be on the record.

Chairman Cosentino stated okay, I don't want to hold Michelle up or Peter up. **All in favor to adjourn.**

**Motion carried by a vote of 4 to 0.**

**The meeting adjourned at 9:05 p.m.**