

**Minutes of Meeting of the Planning Board
Village/Town of Mount Kisco
Tuesday, May 24, 2016**

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

Members Absent: Anthony Sturniolo

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

Staff Absent: Jan K. Johannessen, Village Planner

The Planning Board convened for a work session at 6:30 p.m. The following items were discussed:

- Mercedes Benz of Mount Kisco – The Zoning Board of Appeals requested the Planning Board’s input regarding the development coverage and number of fleet vehicles requested.
- Timber Ridge – The Planning Board authorized trees to be planted instead of a fence.
- Bare Burger – The outdoor seating and the precedent it may set. The Zoning Board of Appeals cannot grant relief from the outdoor seating regulations set forth in the Village/Town of Mount Kisco Code.
- 68 Woodland Street – Conceptual application that needs more information.

Chairman Cosentino called the meeting to order at 7:38 p.m. in the Municipal Building.

Chairman Cosentino led the Pledge of Allegiance.

Chairman Cosentino stated for the record this is Thursday, May 24th, this is a Planning Board work session. Michelle, on the minutes we don’t have on all the sets, we don’t have a quorum to approve them. So we’re going to go onto a public hearing and is there a sign-up sheet there?

The Secretary stated yes, sir there is.

Chairman Cosentino stated so if anybody wants anything to say in Bare Burger, for or against, there is a sheet that you have to sign-up here and I’ll call you,

Mr. Solarik stated do I have to sign in?

The Secretary stated no.

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

Mr. Viktor Solarik was present.

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

Mr. Solarik stated Viktor Solarik, VKS Architects representing Bare Burger. Thank you very much for hearing me tonight.

Chairman Cosentino stated thank you for coming.

Mr. Solarik stated this application is to approve a revised site plan with additional outdoor seating and some other minor site modifications. One is to reduce the amount of impervious surface to bring it back down to maximum permitted level, which the original site plan was not and also to approve a dumpster enclosure. The dumpster is located within the same location it has been for many years but it does not have any screening. The existing site lighting is substantially remaining, we’re replacing the light fixtures and several of the light poles are being removed, specifically the ones that are close to the existing building, there’s one up front that being removed, one on the south side and one on the north side.

Chairman Cosentino stated excuse me just one minute, there.

Mr. Solarik stated yes.

Chairman Cosentino stated Michelle, just for the record was this posted.

The Secretary stated yes it was, it was published in the newspaper and mailings went out, sir.

Chairman Cosentino stated okay, thank you. I'm sorry, go ahead.

Mr. Solarik stated there is also based on the review of the Board and recommendations of the consultants, there's going to be new curbing installed all the around the parking area. There's repair of the existing asphalt paving, the new handicap parking which meets the ADA requirements and also the proposed deck on the south side will provide the additional ADA handicap access which now is required with the new Code. That's in a nutshell, what this application is about. The Board, do want me to continue or do you have any questions?

Chairman Cosentino stated continue.

Mr. Solarik stated there were some questions about the seating up front, proposed right on the Main Street. And so there are two things that we did since our last meeting, one was we met with New York City DEP representative to review the requirements for creating any additional impervious surface within the Main Street corridor, there is in fact a requirement by the DEP if we create additional impervious surface, we'd have to go through the stormwater pollution prevention plan through the DEP, however we feel that we can create a space that will not have an impervious surface and in that case, they're okay with it. So we have prepared a rendering which shows the proposed outdoor seating and the proposed landscaping and also a slightly enlarged plan which shows the dimensions and the proposed seating. Its really just two tables and its meant to sort of act as a advertisement or highlighting of the business, along the Main Street corridor.

Chairman Cosentino stated that's an improvement from the last time.

Mr. Solarik stated thank you, well the last time was really just a sketch to show the building not necessarily focusing on the landscaping and the seating. We also met with Jan Johannessen from Kellard Session and walked off and measured off the area that would be taken up and you can see the additional dimensions on that quarter inch plan which shows how much space there in any particular area.

Mr. Vigliotti stated it was my understanding that a privacy hedge was going to be around the perimeter of the front patio, is that...?

Mr. Solarik stated it is obviously landscaping that will grow in time, its not going to be higher than 3 feet initially.

Mr. Vigliotti stated right, in talking with Jan, I thought that he said that the landscaping was going to prevent folks from crossing over the patio to go through that open front door area. So what you have proposed is two front entrances during the season.

Mr. Solarik stated it's not an entrance.

Mr. Vigliotti stated so folks, if they choose to, can they get in through the patio area into the bar area when those doors are open?

Mr. Solarik stated no, because you have a controlled entry with a maître de at the front door and that's where everybody has to come. You wouldn't be able to walk in through the patio and then sneak into the bar.

Mr. Vigliotti stated why not? I'm not trying to facetious in anyway...

Mr. Solarik stated right.

Mr. Vigliotti stated but if it's a patio, I think its fine, if it has two tables and four chairs to serve meals, that's fine but if it's going to be an area where people can go in and out of the bar and/or come out into that patio are and have a drink while they're waiting for, and I've already shared this with you, while they're waiting for a table. I don't think that is something that is advantageous for the Village at large, never mind anything else. So in an effort to, when those front doors open you're saying...

Mr. Solarik stated which front doors?

Mr. Vigliotti stated well you have the main entrance where you say there's going to be a maître de...

Mr. Solarik stated correct, yes.

Mr. Vigliotti stated on the inside.

Mr. Solarik stated yes.

Mr. Vigliotti stated if these two front doors are open which would be open toward the bar area, correct?

Mr. Solarik stated yes.

Mr. Vigliotti stated are you saying if I chose to, I would be prevented from going into the bar going through the patio area.

Mr. Solarik stated yes. I think as a business owner, I wouldn't allow people to walk in those ways, that's why you have the maître de, that's why she's standing here and everybody had to come in that way.

Mr. Vigliotti stated if that's the case, if you continued the landscaping all the way around to the wall...

Mr. Solarik stated you mean on this side.

Mr. Bainlardi stated you can do that with a railing or with a planter, that's all he's talking about is carry it to the...

Mr. Solarik stated that can easily be accomplished, I didn't think of it as a problem but certainly the landscaping can be carried all the way here and there could be a barrier...

MR. Bainlardi stated and I don't think it will interfere with the functionality of the space because its going to be served by people coming through the double doors as opposed to...

Mr. Solarik stated well I was actually thinking of it more as an exit, you know, I felt that the patio should have a way out if needed so I still thought of it as a...

Mr. Mareschi stated so if they go through the front door and they get seated out here, they walk out here.

Mr. Solarik stated correct. It's in a patio situation, you don't necessarily want people to enter back into the building to be able to exit...

Mr. Mareschi stated so once they're done eating they walk out through this area here.

Mr. Solarik stated maybe they pay over here and then they walk out this way, yeah, exactly. That was my thought.

Mr. Vigliotti stated I mean in theory, that sounds like it will work, in theory that they pay and they exit, the other part of the formula, okay, is that it becomes an attractive nuisance for folks that are maybe waiting to get in and make a decision to cut through and go straight to the bar, and I'm a little concerned about that. You know, it's next to a park, the other concern is that people may come out with a drink in hand and kind of meander past the two tables and be outside with a drink in hand while waiting for a table...

Mr. Mareschi stated waiting for a table.

Mr. Vigliotti stated while kids are crossing the street from playing soccer and softball and baseball...

Mr. Solarik stated I'm not opposed to closing this off, I'm just trying to see how it's really going to work, if there's landscaping carried all the way across and there's a path that completes the enclosure, I think it's probably fine. If somebody needs to, they can probably just the thing if they need to, in an emergency.

Mr. Vigliotti stated as one member of the Board, I think that's the way to go and I'm happy that you're on Board.

Mr. Solarik stated I don't have a problem with that.

Mr. Vigliotti stated the rest of the Board of course...

Mr. Bonforte stated I'd like to provide some input, excuse me Doug. Viktor, on this, as you know at the last meeting I concerned about the length from this corner to here, you stated it was 12 or 12 ½ feet, I don't know what this is from here to here, but that was my concern from a safety point of view, which...

Mr. Solarik stated this is 9 feet from the curb all the way here.

Mr. Bonforte stated I see it over here, that's 9 feet to here...

Mr. Solarik stated right.

Mr. Bonforte stated I'm talking the walkway up against the street level where there's no buffer from oncoming traffic and it's literally, maybe just 6 feet...

Mr. Solarik stated its 8 feet.

Mr. Bonforte stated from let's say here to there?

Mr. Solarik stated yes, that's an existing sidewalk, 8 foot wide sidewalk that exists.

Mr. Bonforte stated and I went and took a look at it next week to try to give you more feedback but I'm very concerned from a safety point of view, so that's how I feel.

Mr. Solarik stated is the concern oncoming traffic?

Mr. Bonforte stated either way, car traffic within 8 feet of a congregation, possibly as Ralph...

Chairman Cosentino stated where are you talking about? Right here?

Mr. Bonforte stated yes. Now further forward, was there some pole that was going to be removed, utility pole, light pole?

Mr. Solarik stated it's actually a light pole that's right smack in the middle of the building.

Mr. Bonforte stated with other outdoor seating we have a parking space which I forget the width of our spaces, 9 feet, you have buffer and then a sidewalk and then seating, whereas here its sidewalk and traffic, so I have a concern from a safety point of view and I've walked it, I stood there, I grew up walking that corner and you know, it was not an entrance way at least, let me take that back. It was not an area where there's a possibility of a congregation of patrons that could spill over this little buffer area and now all of a sudden, as you just heard, be within a few feet of traffic. I stated that last time, I just want to let you know, I still have that concern.

Mr. Solarik stated I will say one this, there's a utility pole that's right in the middle of the building that remaining because there's a powerline and the traffic is facing, is running north, if that's the concern, that's the area least likely to be affected by traffic, the southbound traffic is on the other side of the street.

Mr. Bonforte stated well if you take into account the cars exiting as they go around the building, they somewhat enter into that northbound lane to turn left onto 117, going south. So that's why I said either but regardless of that aspect it just concerns me from a safety point of view and I don't want to say anything more.

Mr. Hertz stated I mean we have multiple locations in the Village where we have outdoor dining directly on street frontage, you know with only a sidewalk in front of that. My guess is if you look at the way this is...

Mr. Bonforte stated its over here, Doug.

Mr. Hertz stated because the entrance is here and the extra, you know there's a parking lot and there's decking, my guess is that you're going to see...

Mr. Solarik stated there's a plan here.

Mr. Hertz stated you're not going to see stuff happening there, if there is overflow, it's going to here and push the deck and push this corner and kind of what happens now, what was happening with Friendly's, it was that area.

Mr. Bonforte stated right.

Mr. Solarik stated for one thing it's the entrance to the [inaudible].

Mr. Hertz stated yeah, so I don't really have a concern about what's going to happen there, and I don't think we've, I don't think this plan really functionally changes how that sidewalk functions.

Mr. Vigliotti stated it just came to my head, a lot of the outdoor dining that we see in Town has on street parking in front so it feels like its safer because there's that buffer and that buffer is between traffic lights where people aren't moving as fast.

Mr. Hertz stated this is a faster moving street.

Mr. Vigliotti stated and if you start thinking in your mind's eye, you can now think about those outdoor dining areas that have on street parking in front and it feels safe.

Mr. Hertz stated it may just be that this area doesn't get used if you've got cars whizzing by and...

Mr. Bonforte stated and in addition, just to point out, as you've heard before the bar area is inside of, let's call it a veranda, so that also promotes patrons congregating in that area and maybe outside. So however you can close it off, I would be much more, much less concerned, if you could somehow...

Mr. Solarik stated well certainly the landscaping option surrounding the whole patio with landscaping is I think reasonable and doesn't affect the function of the patio. If there's a safety concern for the patrons or for any patrons inside the enclosure or even outside the enclosure, then really that would have be addressed in a different way in order to provide some kind of a safety barrier. I don't know if it would bollards on the street...

Mr. Bainlardi stated could I jump in?

Mr. Solarik stated that's not perhaps in keeping with...

Mr. Bainlardi stated just to take Michael's concern and I appreciate the concern but let's take it to the next step, you have a pedestrian sidewalk that has no separation between the street other than the curb, all up and down this roadway. How are we protecting people who are walking on that sidewalk?

Chairman Cosentino stated but you don't have people sitting outside all along the road.

Mr. Bainlardi stated what's the difference if people...

Chairman Cosentino stated what do you mean what's the difference?

Mr. Bainlardi stated you have pedestrians who are walking, who are at risk of being hit by a car, I think that's the concern we're talking about.

Mr. Vigliotti stated they're not sitting having a meal with one or two drinks where they can't move if they can't see an oncoming car entering their path.

Mr. Bainlardi stated you also have people who are walking in the front door with...

Mr. Vigliotti stated I agree with Michael, this is an unsafe move and I think as a Planning Board, one of our main functions is to maintain the safety and welfare of the residents of the Village and those that shop and dine here. I don't believe that the two tables and four chairs, it may add to the ambiance of the building but I don't think its safe and I would be one to vote against it.

Mr. Bonforte stated John, do you have any other points, you were, I just wanted to...

Mr. Bainlardi stated no, I mean I don't share the same concern. I think the separation that's been proposed here was responsive to what we asked them to do...

Chairman Cosentino stated if I may, I think what John and Ralph are trying to bring out, is that you do have a sidewalk there, if you didn't have outside seating, the problem is you're going to have outside seating now, there are going to be people that are going to be out there and they feel its unsafe. I'm beginning to think myself that there should be no outside seating in the front of that corner. I didn't realize it until John just brought it up on the footage that's there.

Mr. Bainlardi stated we had this conversation at the last two meeting...

Chairman Cosentino stated the last meeting.

Mr. Bainlardi stated and the conversation was a question about what the setback was and in response to that, the landscaped area was expanded and we determined that you're 9 ½ feet from the curb line to the closest place where an individual could be located. Its not much different than any location where any pedestrian is walking to walk in the front door with their to the street.

Chairman Cosentino stated John, I just want to correct something, and I just want it on the record, I was quoted in the newspaper that I was against outside seating. That was not true and I looked at the minutes, I was not against outside seating.

Mr. Bainlardi stated and I don't think that's the conversation here, I don't think anyone who's expressing their objections is against...

Chairman Cosentino stated no, I'm trying to correct something that was said.

Mr. Vigliotti stated you'll notice the concerns are not about the outdoor dining on the south end of the building. We're not even discussing that, it seems like it will work. It's the outdoor dining in the front of the building for two tables and four chairs. There's a safety issue, there's an issue of not being able to monitor the patrons as they want to duck into the bar or duck out of the bar and so on and/or those that choose to have their drink on this little patio while they're waiting for a table.

Anthony Oliveri stated maybe I just ask a question?

Mr. Solarik stated yes.

Anthony Oliveri stated on your development coverage calculation, you do need to include this front area even if its pervious pavement, it's still development area. Development coverage is not defined as pervious or impervious, I'm not sure you have it in your calculations, I don't know if that would put you over the 80% or not but just check that.

Mr. Solarik stated it's about 80 square feet...

Mr. Miley stated if he exceeds that number, then he'd be in violation of this site plan.

Mr. Bainlardi stated I'd like to comment on Ralph's last comment. I don't understand why you feel the need that you have to monitor someone you may be sitting out on a patio having a cocktail with their dinner. You do that in every outdoor seating area, in any restaurant in every part of America, are we going to say that we don't want to have that? For what purpose?

Mr. Vigliotti stated you're missing the point, it's not the two couples or the four people that are dining at the two tables, that's still a safety aspect, I'm just as much concerned as the patrons who leave the bar and choose to enjoy the evening air out on that patio and it now becomes a little bit of a hangout. Just a very conservative stance representing the children that still may be playing baseball into the early evening hours and crossing over to the neighborhood and I think its an important aspect that we have to consider.

Mr. Bainlardi stated can you differentiate that from Exit 4?

Mr. Vigliotti stated I'm not going to stand here and argue with you over, that's my opinion, you can't argue opinion, I'm really sorry, I'm not arguing your opinion, that's my stand.

Mr. Bainlardi stated so Exit 4 for instance has an open doorway with people being able to sit outside where an individual can have a cocktail while sitting with their own children or the neighbor's children or anybody else in the Village's children...

Mr. Vigliotti stated and there are cars on the street parked in front of that patio, if there is a car that is speeding and out of control....

Mr. Bainlardi stated that's a separate issue form, it's a separate issue from your second concern.

Mr. Solarik stated they're also a good 5 feet from the church.

Mr. Vigliotti stated you know not to be pejorative, I would like to Mr. Chair, I would like to bring it to a vote and move on, and I'm sorry otherwise this is just going to continue and continue, I want the application to move forward. If the Board chooses to allow this to move forward...

Chairman Cosentino stated you want to make the motion...

Mr. Bainlardi stated we're in the middle of a public hearing, aren't we?

Mr. Hertz stated yeah, let's move this to the public hearing.

Chairman Cosentino stated this is a public hearing anyway.

Mr. Vigliotti stated but you have a sense, you have a sense.

Mr. Solarik stated no, I understand.

Chairman Cosentino stated let's move on to the next thing. Enough...

Mr. Hertz stated can I just make a statement? I think there are two entirely different issues that we're dealing with, one is the perception of how the front patio is going to be used and the second is the safety issue and they should be broken out separately. We shouldn't be muddling these two together and muddying the waters, I think if the concern is safety that can be accomplished with perhaps some bollards within this landscaping, you can even make them have a lighting function and have some fun with it. I think if the issue is not safety, if it's having the open bar right in this location, you know right at the entrance to the park, that's a very different discussion. I, for one don't have a problem with this at all, I think it's a nice design you know, I was at Friendly's with my kids a million times, coming out of the park and what not, I've never seen even the slightest issue on this part of the street. I know cars tend to go somewhat faster there because it's a straight line, I'm not aware of any time a car has come up on that sidewalk and had an issue because it is in a straight line, it's not, the corner is down here and there's another turn up here, this is the straight part of this, so...

Mr. Solarik stated I will, if I may also offer, we had discussed in a previous submission a fence enclosure that was for closing in this area for maybe limited access or control of people moving in and out of the patio area, as far as the safety concern, you know bollards can achieve certain degree of safety, they're not a reinforced barrier that would stop a tank or a truck even...

Chairman Cosentino stated they might help.

Mr. Solarik stated but certainly you know, bollards and I would imagine that actually this is the light pole by the way, that's there.

Mr. Bonforte stated it helps off site...

Mr. Solarik stated envisioning a car making its way this way and plowing into here, yes you would have to have bollards right here. I don't know actually, honestly what the policy is on bollards on public sidewalks.

Mr. Mareschi stated you can ask Pete.

Mr. Miley stated I think what one of the Board members mentioned was kind of putting within the landscape so you don't see it, like a designer bollard, something other than a stripped yellow bollard, something that fits into the landscape.

Anthony Oliveri stated yeah but if it's going to be something that's going to protect them from a car travelling at speed...

Mr. Solarik stated there's limited amount of space, you can't have it right there...

Anthony Oliveri stated excuse me, it has to be something designed for that specifically now. Now you're talking about something that's going to stop a car at speed. You're not just talking about a pipe bollard, its going to be something more significant than that, if that's the intent.

Mr. Hertz stated I'm missing the...

Chairman Cosentino stated well it'd have to be approved by the Building Department anyway.

Mr. Miley stated well it would have to meet certain criteria. Right now, it doesn't really need anything other than what the resolution would indicate.

MR. Hertz stated I'm missing the concern here, I've stood outside on the street licking my ice cream cone here and you know, I don't know that holding a drink in my hand or having a burger in my hand is going to functionally change my feeling of safety there, so I don't have these concerns.

Chairman Cosentino stated well this is only a conceptual, let's get on with something else.

Mr. Vigliotti stated do you want to close the public hearing?

Chairman Cosentino stated no.

Mr. Hertz stated this isn't a conceptual, it's a public hearing.

Chairman Cosentino stated it's a public hearing, that's what I meant to say, let's get on with the public hearing, is there anything else?

Mr. Solarik stated you scared me.

Chairman Cosentino stated no, no, no.

Mr. Bonforte stated Viktor, I'm not against the application at all, I'm just stating a concern, that's it, you're promoting people to be outside in the corner, it's a realistic concern, let's move forward.

Mr. Solarik stated and I think this is, again, in my view and this is strictly personal or a person who enjoys outdoors and outdoor recreation and outdoor activities, I think it's a great improvement to the neighborhood that actually revitalizes area that is kind of you know, not been exciting besides the park.

Chairman Cosentino stated since this is a public hearing, is there anybody out there that wants anything to say about this, you've heard us. You want to come up and identify yourself, do you work for...

Ms. Johannsen stated brought up some issues, I live within walking distance of this location and I go by almost once or twice a day, my name is Maryann Johannsen and I live on Woodland Street.

Chairman Cosentino stated you want to sign the, I think there's a pen there, I would appreciate it.

Ms. Johannsen stated I'll do it after. I think there's a very good concern about safety here, I walked by there today and said 'where are they going to put the tables' and I know trucks come by and just getting across into the park, there's a lot of traffic, is 117, its Main Street, I said great, outdoor dining, wonderful but not in the front. Isn't there another place that you can put it, it's a big lot, you know there's parking and everything and also if you're only going, when I came, when I was walking one day, someone came out of that parking lot which was Friendly's, he saw a parking space across the street and he almost ran me over, he ran someone else over actually, and I said something which I wondered where he got his driver's license but I think there is a good safety issue here. I think it's wonderful, outdoor dining, have a little few drinks, that's okay, enjoy the neighborhood, it's a lovely area, I don't think anybody from the basketball court is going to come up and ask, try to get anything to eat or drink, it could happen but I think the safety of having it in the front just doesn't seem to work. I go by all the time that is a very small space there but there's lots of space in the back and on the sides, it might take a parking space out but I just think another alternative other than having it in the front, that's all.

Chairman Cosentino stated thank you for coming, thank you very much.

Ms. Johannsen stated you're welcome.

Mr. Bonforte stated Maryann, just to clarify, there's going to be 9 tables and a seating of 18 total on the south side is it Viktor, facing the park in addition to these two proposed table in front. So there's going to be plenty of outdoor seating.

Ms. Johannsen stated okay, that's good, I just think in front there, there is, the fumes from the cars and trucks that come by alone...

Mr. Bonforte stated we can't legislate that but thank you for your...

Ms. Johannsen stated it's not a downtown place like Grey Horse or a place like that which has similar traffic that goes by. Anyway, thank you very much.

Chairman Cosentino stated thank you very much.

Mr. Bonforte stated thanks for coming.

Chairman Cosentino stated anybody else? Okay. Alright, anybody else, staff, anybody want to contribute to this? Board members? We're going to leave the public hearing open, as we usually do for written comment.

Mr. Hertz stated for how long, Joe?

Mr. Mareschi stated I think John has something.

Mr. Bainlardi stated my only question is are we going to close the public hearing and keep it open for written comment for a period of time?

Chairman Cosentino stated yeah.

Mr. Bainlardi stated so do you need a motion?

Chairman Cosentino stated yes.

Mr. Bainlardi stated I make a motion that we close the public hearing and keep it open for written comment for...

Mr. Vigliotti stated 30 days?

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

Chairman Cosentino stated I don't know, do we want 30 days?

Mr. Vigliotti stated is that enough?

Whitney Singleton stated the problem with 30 days is it won't necessarily get into your agenda packet.

Mr. Bainlardi stated can we make it 15 days?

Chairman Cosentino stated yeah, make it 15.

Mr. Bainlardi stated keep it open for written comment for 15 days.

Mr. Mareschi stated second it Chairman.

UPON ROLL CALL VOTE:

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

The motion carried by a vote of 6 to 0.

Chairman Cosentino stated there you go.

Mr. Solarik stated that's it?

Chairman Cosentino stated thank you for coming.

Mr. Bainlardi stated Chairman, is the next step to draft a resolution or...?

Chairman Cosentino stated yes, he'll check with the Secretary.

The Secretary stated speak to Jan.

Mr. Solarik stated see you later. Thank you very much. Appreciate all your input.

Mr. Bonforte stated Viktor, can I have one of those, can you hand those out?

Mr. Solarik stated no, its just...

Mr. Bonforte stated sorry.

Chairman Cosentino stated okay, the next applicant is HVA Realty, 299 Kisco Avenue. Come up and identify yourself for the record please.

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

Mr. Eric Kingsbury of Langan Engineering, Mr. Charles Martabano, Esq. and Mr. Tom Kriz of the Premier Collection were present.

Mr. Kriz stated Tom Kriz, the Premier Collection.

Mr. Martabano stated Charles Martabano, attorney.

Mr. Kingsbury stated Eric Kingsbury of Langan Engineering.

Mr. Martabano stated good evening everyone.

Mr. Mareschi stated good evening Mr. Martabano, how are you?

Mr. Martabano stated why aren't you smiling, Joe?

Mr. Cosentino stated okay, this is an amended site plan approval and alright, Jan is not here tonight, he's sick, Peter.

Mr. Miley stated yes?

Chairman Cosentino stated this application or Whitney, this is the one that I went over this with you Peter on the 19th and the 17th on that one. Anybody have anything on whereas? On any page here? I don't want to go through them one by one but I have a couple but the Building Inspector corrected them for me. Why don't you go ahead...

Mr. Martabano stated very basically, this is an application for amended site plan approval as you pointed out Mr. Chairman, for limited purpose of replacing existing gravel area with pervious pavement and I guess Eric can go into greater detail with you but that's really simply the only change to the site plan. There are conditions in there about suggesting some things on site, just tilting lights down which we obviously are going to agree to do, in fact I think we may have done them already...

Mr. Kriz stated its don't.

Mr. Martabano stated so we've been through the resolution, we find it acceptable, we're ready to proceed as well.

Chairman Cosentino stated you're not going to be parking on the grass anymore?

Mr. Kriz stated no.

Mr. Martabano stated no, we had that conversation, right after I heard your discussions.

Mr. Vigliotti stated promise, promise, and promise.

Mr. Kriz stated I've been told by Rich, no parking on the grass.

Mr. Bonforte stated and you're fully aware of the conditions which there's several sets of conditions.

Mr. Martabano stated yes, we've gone through them exactly.

Mr. Bonforte stated numerous, they were all before us and also that the construction shall commence within 6 months.

Mr. Martabano stated right, the only thing and we went over that because obviously you've done this while we're still waiting for DEP approval that may have to be pushed out, we'll come to your Board, we'll file the proper requests for an extension of time. If there's anything that's a concern, that's probably it, but I think it's your standard conditions, so I don't have a problem coming back and asking for an extension at the appropriate time unless you'd be willing to extend it out, knowing that we still are dealing with DEP, so we can go either way.

Mr. Bonforte stated that's a question for the Board, I don't have enough experience with that aspect of Planning.

Mr. Hertz stated I just have a question for you, so you're removing, from a striping perspective and what not, a fair number of spaces the way they're striped and coming up with this striping thing.

Mr. Kingsbury stated we kept it to the original site plan layout, the striping.

Mr. Hertz stated what are you going to do with the rest of the cars?

Mr. Kriz stated we rented property off site, over off of Norm Avenue, so a lot of our cars are going to be going over there.

Mr. Martabano stated which is where we've been doing the off-site deliveries, remember we mentioned them to you a while back.

Mr. Hertz stated so you expect that this will be respected, if you will.

Mr. Kriz stated that's the goal, yeah, that's why we're here, yeah.

Mr. Hertz stated and this is going to be storage of cars.

Mr. Kingsbury stated store of cars, right.

Mr. Hertz stated but that this striping because it is, I mean it's a significant reduction in striped spaces, I just want to.

Mr. Kriz stated we understand.

Mr. Martabano stated but it conforms to the site plan and that's what we...

Mr. Hertz stated yes, I just want to get that on the record and just that everyone acknowledges that, okay. Well I think this is going to be a much more functional site, so you know, this might be, this area will be useful now, so, okay.

Chairman Cosentino stated staff? Anything from staff?

Mr. Miley stated no additional.

Anthony Oliveri stated no, we're good.

Mr. Hertz stated and Anthony, you're good with the details on their pervious pavement.

Anthony Oliveri stated yeah, we had reviewed those.

Chairman Cosentino stated Whitney?

Mr. Bonforte stated he stepped out.

Mr. Martabano stated he stepped out.

Chairman Cosentino stated we'll vote on this in December.

Mr. Martabano stated we appreciate that, before the end of the year, we do like that, I appreciate that.

Mr. Hertz stated you know I do have one minor question, what's happening in your cloud bubble area there?

Mr. Kingsbury stated so the original site plan called out for landscaping and that's what we referenced in the cloud bubble, is the original site plan landscaping, the client will commit to.

Mr. Hertz stated do you have a detail of that from the old site plan?

Mr. Kingsbury stated that is on the original site plan.

Chairman Cosentino stated Whitney.

Mr. Bonforte stated well it's also a condition present in this resolution that they provide that detail. So I don't know if necessary to provide that right now, I'd have to find it but it's certainly in here, Doug.

Mr. Kriz stated Jan has it.

Mr. Hertz stated okay, that's not just a detail that I'm familiar with because it references an earlier site plan so you haven't provided, you don't have access to what that is?

Mr. Kingsbury stated we do have...

Mr. Hertz stated do you have a detail on that? Because I don't think that was...

Mr. Martabano stated is that the landscaping plan you're referring to? The second one or that one there?

Mr. Hertz stated was it in this?

Mr. Kingsbury stated I thought it was this one. It's the one that shows the whole site.

Mr. Martabano stated oh I don't have that one I don't think, you picked the one thing I didn't have.

Mr. Kingsbury stated that's the one thing I didn't have either.

Mr. Hertz stated but that's I guess...

Mr. Kingsbury stated that has been included in the...

Mr. Hertz stated that will be subject to review based on the...

Mr. Miley stated yeah, we walked the site.

Mr. Hertz stated okay, so you're comfortable with the details that are going in on that landscape area.

Mr. Kingsbury stated those landscape plans were submitted with the original application.

Mr. Hertz stated okay, very good.

Mr. Martabano stated with the burger pub, yeah...

Mr. Bonforte stated I'll be glad to make a motion.

Chairman Cosentino stated yeah, you want to make a motion on this?

Mr. Bonforte stated okay, I'd like to make the motion that we move to, that we accept this amended site plan approval, wetland permit approval for HVA Realty LLC, 299 Kisco Avenue, section 69.49 block 2 lot 1, application number PB2015-0310 date is May 24, 2016 and I would like to point out as I previously mentioned that there's several sets of conditions that are in this resolution that need to be met over the course of time, you're familiar with those, they're again several sets, I just want to make sure that that's quite clear.

Chairman Cosentino stated everything will be part of the resolution.

Mr. Bonforte stated and failure to comply with any of these conditions will constitute a violation of the site plan okay and I'll let Whitney address that if need be but other than, I move to adopt this resolution.

Chairman Cosentino stated do we have a second?

Mr. Mareschi stated second.

Mr. Vigliotti stated I'll second that, alright.

Chairman Cosentino stated second by Mr. Mareschi. Will the Secretary poll the Board please?

Mr. Hertz stated on the question Mr. Chairman, I just want to make a comment that that area that we were just discussing is referenced in condition 3...

Mr. Martabano stated the contents of the bubble. Yes, I remember that.

Mr. Kingsbury stated its going to extend out 70 feet to the west.

Mr. Martabano stated okay.

Mr. Hertz stated okay, very good.

Mr. Bonforte stated do you think we should put a note in here that its in the original plan or...

Mr. Hertz stated its noted in the resolution and specifically on the site plan, so and now its in the record as well.

Chairman Cosentino stated Michelle.

UPON ROLL CALL VOTE:

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

The motion carried by a vote of 6 to 0.

Mr. Martabano stated thank you very much.

Chairman Cosentino stated go get it.

Mr. Martabano stated I'm staying, yes.

Mr. Kingsbury stated thank you, have a good night.

Chairman Cosentino stated okay, the next is Hudson Riley.

**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. Ira Grandberg and Mr. George Gaspar of Grandberg Associates and Mr. Matthew Tynan, property owner, were present.

Mr. Martabano stated Hudson Riley, LLC, yes.

Chairman Cosentino stated would you identify yourselves for the record please? Ira, how are you?

Mr. Grandberg stated hi, good evening.

Chairman Cosentino stated did I say hello to you Charlie.

Mr. Martabano stated you said good evening earlier, yes, thank you, I appreciate that.

Mr. Tynan stated Matthew Tynan.

Mr. Vigliotti stated weren't you just here?

Mr. Martabano stated I was and I am and I will be.

Chairman Cosentino stated you have another one here, too.

Mr. Martabano stated yes, I know. I'd also like to introduce Mr. Matt Tynan from Hudson Riley, LLC.

Mr. Tynan stated how are you?

Mr. Martabano stated this is in my opinion, an exciting application for us, this involves 179 East Main Street, I think you all know it for I don't know how many years we could say that it was Leisure Living and its basically remained in the condition that it was in about 40 years ago as it is today. You acted on this, I think in June of 2015 if I remember correctly, you adopted a resolution and established a parking credit. We've been trying to come up with a mixture of tenants to comply with that to enable Mr. Tynan to improve the building and we had come up with that add mixture of tenants, we've set it forth in my letter but I'd like to have Ira first go over some of the planned improvements to the buildings, I'm sure that's of concern to everybody here.

Mr. Grandberg stated the building as we've discussed previously will have entirely new windows, the building will be sandblasted down to the original brick, the building will be waterproofed property, a new core will be put in the building with stairs and a sprinkler system will be put in the building, which has resulted since our last meeting. A tenant is already chosen for the lower level of the building which we'll discuss tonight and its bringing the building back to its, I don't know if ever was at its glory but it will eventually be glorious.

Mr. Vigliotti stated former glory.

Mr. Martabano stated yeah, well hopefully even better as Ira is saying.

Mr. Grandberg stated they'll be new store fronts and new awnings on the ground floor.

Chairman Cosentino stated is there any way possible you can get [inaudible].

Mr. Grandberg stated what we're doing is we're putting, we've already been to the Architectural Review Board, the bulkheads under the building will be marble, like the old fashion store fronts. So the owner is putting in extensive costs to renovate the building.

Chairman Cosentino stated oh, I know, it looks good but...

Mr. Martabano stated will you stop? You might scare him, he's standing right next to you.

Chairman Cosentino stated is there any way that, even though it fronts here, some type of landscaping, like pots or something like that, like we did for North Bedford Road?

Mr. Grandberg stated well there are trees in front, same thing. Well we can look at the site plan, I mean we can talk about it.

Mr. Martabano stated we can do that, again we are trying for...

Mr. Tynan stated its not my land, can I do something on the sidewalk? I don't own the sidewalk.

Chairman Cosentino stated something...

Mr. Martabano stated we'll look within the boundaries of your property to see if there's an ability to do something like that, we can always attach something to the building.

Anthony Oliveri stated there is room in front, on your property.

Mr. Martabano stated well that's what we were just checking, so we'll check and take that into consideration.

Chairman Cosentino stated it looks nice.

Mr. Martabano stated so, like I said, we're very excited about the project and we did come up with this mixture of uses, we've met with staff on numerous occasions to go over them with you. We've outlined them for you, I think when you did your resolution in June of 2015, it was only the one use and that was Mr. Tynan's personal car collection on the third floor. So we tried to work within the rest of the credits, we

came up with the two uses that we've described in here in addition to that and that's Pottery Factory and the specialized physical training studio on the second floor. I know Joe, you had some questions about that, how that operates and I can fill in some of the detail.

Chairman Cosentino stated yeah, it sounds interesting.

Mr. Martabano stated it's more than interesting, it's a great service.

Chairman Cosentino stated because you and I are going to join.

Mr. Martabano stated if you take a look at the memo, actually, we could definitely use a physical training studio, I would agree but this is a specialized one. This is one on one physical therapy and training for special needs children that are affected, if you look at where it said, these are children who have physical, neurological, or developmental challenges that affect core strength, coordination, learning, motor moving and sensory planning and we've got a whole list of the type of people that would be clients. It's one on one, it's a huge area devoted to just one on one with two therapists, two participants and that's why we have the low parking requirement for it. It's a use that there is a need for it, a demand for it and a unique use for this property and this fits in beautifully with your resolution. As a matter of fact I do have...

Mr. Grandberg stated and it has its own entrance on the back of the building, it's not a...

Mr. Martabano stated these are just an idea some of the things that you'd find inside, that's why they use a large gym area for the one on one physical and occupational training and therapy for young children, and I shouldn't say young, it's up to 18 years old.

Chairman Cosentino stated you know Charlie, this is the best application you've brought in, in 35 years.

Mr. Martabano stated isn't it a wonderful thing? I'm excited by it, I'm excited because its such low impact and then the building also gets renovated because we've been able to get this mix of tenants.

Mr. Hertz stated I hardly know what you make of that comment.

Mr. Martabano stated I went right by it Doug, I'm not going to go with it.

Mr. Grandberg stated but it's in the record now.

Chairman Cosentino stated I just happen to like it, that's all, I like it.

Mr. Martabano stated we like it, and we think it's going to be great for the Village and for a lot of residents in the Village as well.

Mr. Bonforte stated can you address parking when you get to that step, parking. I guess I know the building and facilities, I just didn't know where the parking spaces are...

Mr. Martabano stated well we worked within the resolution, I don't know if you were on the Board when they adopted the resolution in June.

Mr. Bonforte stated no.

Mr. Martabano stated it established a parking credit and we worked within that parking credit and this fits actually within a space under the parking credit and it's all set forth in the...

Mr. Bonforte stated yeah.

Mr. Martabano stated with the, and we reviewed that staff before we made the application.

Mr. Bonforte stated the spaces are up in the back?

Mr. Martabano stated the spaces that do exist, they were originally 5 but then we had to make a handicap space, so now there's 4 that is up at the third level...

Mr. Grandberg stated second.

Mr. Martabano stated the second level, forgive me.

Mr. Hertz stated which is in the back.

Mr. Martabano stated its in the back, yes. Those are the only parking spaces that are servicing the building.

Mr. Bonforte stated are they shared with that other building, next door?

Mr. Martabano stated no, these are Mr. Tynan's.

Mr. Bonforte stated okay, great.

Mr. Martabano stated so we're here because it's a change of use, we do need to get a variance with respect to this use on the second floor which you described so nicely, so we're going to go before the Zoning Board hopefully on June 21st but we'd love to see if we can move to a resolution of approval on the Change of Use, that could be perhaps the 28th meeting, provided we get the ZBA approval.

Mr. Hertz stated what's the variance needed?

Mr. Martabano stated the physical training studio is actually in excess of the size as permitted in the CB-2 zoning district because they general think it's a karate place or something like that, whereas we're the opposite.

Mr. Hertz stated okay.

Mr. Martabano stated nay other questions?

Chairman Cosentino stated I don't have any, staff, anything?

Mr. Hertz stated I just want to know the contents of the collection on the third floor.

Mr. Martabano stated you know, I myself have asked that question and I get some responses but I kind of say well maybe as your attorney, I should look at them and I never get that step come down, look, drive, I don't know why.

Chairman Cosentino stated when you get his bill, you got two cars.

Mr. Martabano stated that will be when he has an old Studebaker which he doesn't, they're all contemporary cars instead.

Chairman Cosentino stated remember the old Studebaker's?

Mr. Martabano stated my father was a Studebaker dealer before he was a Cadillac dealer, remember that?

Chairman Cosentino stated your grandfather was.

Mr. Martabano stated that's right, that's right, Valerio, thank you. That's basically our presentation.

Chairman Cosentino stated okay, Whitney, let's put this on for the next meeting.

The Secretary stated they requested the 28th of June, so they can go to ZBA.

Chairman Cosentino stated put them on for the 28th.

Mr. Martabano stated that would be super, thank you so much.

Mr. Mareschi stated thank you guys.

Mr. Grandberg stated thank you.

Mr. Martabano stated yes, I'm still here.

Chairman Cosentino stated okay, 35 39 Kisona Road property, would you come up and identify yourself for

**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 George Gaspar of Grandberg Associates, and Mr. Scott Blakely of Insite Engineering were present.

Mr. Martabano stated Charles Martabano, attorney.

Mr. Blakely stated Scott Blakely with Insite Engineering.

Mr. Martabano stated do you need me to spell that for you?

Mr. Hertz stated do you give a discount if you're in a row or something? I don't think so, right?

Mr. Martabano stated I don't want to get into these personal things, you know what I'm saying.

Mr. Blakely stated he doesn't take the steps down.

Chairman Cosentino stated Charlie, I like the way you do this, I saw it on television.

Mr. Martabano stated what's that, well that's because its so hot in here, I have to keep wiping it back that's all, you know what I'm saying?

The Secretary stated it's 72.

Chairman Cosentino stated let's get on this application.

Mr. Martabano stated let's do that. What's that?

The Secretary stated its 72.

Mr. Martabano stated not here where I am, under these hot lights. You're sitting over there in the cool vents.

The Secretary stated I'll lower it, if you'd like.

Mr. Martabano stated okay in like manner to what we just talked about, where we take a building that's been part of Mount Kisco for many decades and perhaps has seen better days, is a better way to look at it. This involves the property known as the former Whalen's Moving and Storage facility at 39 Kisco, as well as an adjacent lot that's presently vacant that was purchased by the applicant.

Mr. Gaspar stated this is the existing...

Mr. Martabano stated George, go ahead.

Mr. Gaspar stated you all know the building, this faces Kisco, I just wanted to remind everybody of it looks like currently.

Mr. Hertz stated this is from the corner, that photo is from the bend?

Mr. Martabano stated right, at Lincoln Place to Kisco, exactly correct. So, for many years that's been used as Whalen's Moving and Storage, the use ceased about, let's say several years ago, it's being used for warehousing purposes but not active, it's more like a personal collection of the current owner and we seek to have a building supply and warehouse distribution area. The present owner, I'm sorry, the applicant owns the one that's located at 105 Kisco Avenue, it would move to this location. So we plan to add additions to the building, we've acquired 35 Kisco Road, we're going to add that which will help us add greenspace. And we have a new design for the building, we'd like to show you that.

Chairman Cosentino stated nice improvement.

Mr. Martabano stated and then we have a new site and then we're going to walk through that.

Mr. Gaspar stated so we intend to clean up the façade...

Chairman Cosentino stated that's Lincoln?

Mr. Gaspar stated this is Kisco.

Mr. Martabano stated you're on Kisco, looking.

Mr. Gaspar stated same location.

Mr. Grandberg stated see the difference in the front.

Mr. Gaspar stated we're replacing and changing the fenestrations on the building from this point, this is the end of the existing building currently and this is an addition on the side. The rest of façade is being dressed up, so the whole building looks similar.

Mr. Grandberg stated we're putting new storefronts in, we're putting glass down to the floor level or approximately the floor level. We're putting a new parapet on the building, we're putting a new skin on the building and we're taking basically a warehouse building and not drastically changing it but bringing it up to a standard that has some styling to it.

Mr. Gaspar stated and then the façade is being brought up higher than the existing roof to hide the equipment that's on the...

Mr. Grandberg stated right now you can see the A/C equipment on the roof.

Chairman Cosentino stated I see the improvements and some of the suggestions that you brought out were, maybe you can talk to the Post Office and have the address on Columbus...

Mr. Martabano stated absolutely correct.

Chairman Cosentino stated which is excellent, I read that and the egress and ingress is now on Lincoln, which is good...

Mr. Martabano stated yeah, just to cease upon your point Mr. Chairman is that we had previously submitted a conceptual plan and at that point we were a little, on our own part, we were a little unsure about the how the uses were working inside, when we refined that and we realized also that trucks are not supposed to be on Kiskon, we immediately thought let's close out that access onto Kiskon. It has the benefit of protecting the residential uses that still remain, even though they are prior legal, nonconforming, we felt that that also protected and then when that came about we thought okay, let's try to orient it from Columbus, so we're going to seek to involve the Post Office and hopefully change the address to a Columbus address, we're going also to look to the possibility of having signage at the intersection of Lexington and Columbus, I don't know if we can do that in the Village right of way or perhaps where Automotive Elegance is, these are things that we're looking to do to direct everything to that intersection and to that part of the building.

Chairman Cosentino stated on the egress and ingress...

Mr. Martabano stated we have the site plan here, we were going to have Scott go over that with you.

Chairman Cosentino stated a couple of members thought that you would put not left hand turn coming out.

Mr. Martabano stated where are we talking about?

Chairman Cosentino stated right there.

Mr. Martabano stated oh sure, oh of course, that's not a problem at all.

Mr. Grandberg stated maybe Scott should show...

Mr. Martabano stated that will give you an idea also of the changes that we're proposing when you look at this site and what Scott's done, here is the actual site plan for 39 Kiskon, again they didn't own 35 Kiskon at that point in time but to give you an idea, they called 40 parking spaces back there which of course, none of these meet the current requirements at all. You'll notice virtually no greenspace anywhere with respect to the property so this is now what we're proposing here, to really make it part of the revitalization of the Kiskon Lincoln Place and Columbus Avenue revitalization which I think it will do.

Mr. Blakely stated I'll start just real briefly with the existing site, Charlie was referring to 39 Kiskon which is this parcel here, existing building, the grey represents the current pavement on site, pavement along Columbus Avenue, there's a pavement section along Lincoln between the property line and the building and then the only greenspace is a small area on this corner and then a strip along this piece, the piece...

Chairman Cosentino stated these four trees.

Mr. Blakely stated yeah, there's a number of trees in this location. 35 Kiskon is this parcel here which is currently a vacant parcel, there's an existing egress from 39 Kiskon here, there's an informal egress from 35 Kiskon in this location and then this pavement is basically wide open to Lincoln. What we're proposing...

Chairman Cosentino stated what was that formal egress for?

Mr. Martabano stated what's that?

Chairman Cosentino stated you just said there was an informal egress.

Mr. Grandberg stated there's a break in the curb, you can drive up the grass.

Mr. Blakely stated here, there's a little mountable concrete curb that rises up, you can drive up into this lot.

Chairman Cosentino stated that's the...

Mr. Blakely stated this is for this vacant 35 Kiskon...

Chairman Cosentino stated why was that going up like that, why was there...?

Mr. Grandberg stated many years ago...

Mr. Blakely stated no idea.

Mr. Martabano stated we have no idea, I took a look at some old aerial photographs and they had large gardens back there, I don't know if that was part of getting your truck in towards the garden...

Chairman Cosentino stated we'll talk about that another day.

Mr. Martabano stated is that where the vineyards were?

Chairman Cosentino stated yes.

Mr. Blakely stated so as George and Ira mentioned, they're looking to do a small addition 1,500 square feet to infill this front corner, they showed you the front façade here, by the current owner picking this piece up, it allowed us some flexibility with the ingress and egress to the site. As Charlie mentioned, we were able to eliminate any access off to Kiskon, our main access is off of Lincoln Place, we have two access points here on the back side of Columbus Avenue which is currently paved from property line to property line, what we're proposing to do is to create some greenspace. We're going to create a planting area here and then there's 4 overhead doors on the back that are going to remain, there's one depressed loading area, it's not a full depth loading area, its only 30 inches to 3 feet, so it can't function as a loading area, so we're going to eliminate that loading area and bring that up and create direct access into the building here and between those loading doors, we're proposing some planting island so that you have some greenspace as you approach from Columbus Avenue, because that's going to be your customers first view as they drive to the site.

Mr. Vigliotti stated Scott, does that façade, the existing façade, is that remaining the same?

Mr. Martabano stated are you talking about the back of the building or are you talking about the front?

Mr. Vigliotti stated well, I always looked at as being the front but it's the back...

Mr. Blakely stated the Columbus Avenue façade.

Mr. Vigliotti stated is that being, is there any change to that at all or is it going to stay the same?

Mr. Gaspar stated the entire building is going to be stucco'd...

Mr. Vigliotti stated oh, okay.

Mr. Martabano stated as opposed to the cinder block look, yes.

Mr. Hertz stated so it will have a unified look.

Mr. Gaspar stated and it will be repaired too.

Mr. Blakely stated and as you come around the corner to Lincoln, we're also proposed to remove the asphalt between the building and the parking area and create some greenspace along Lincoln...

Mr. Hertz stated so you know where the road ends...

Mr. Blakely stated because currently this area is used as perpendicular parking up against the building for the users in the area. Again, we're creating greenspace along Lincoln in this island between the two egress access aisles, we're creating greenspace along Katonah, there is, we're creating a 10 foot wide buffer on our property but there's an additional 12-15 foot wide green strip between edge of pavement and our property line. So basically we will have roughly a 20 to 25 foot green strip along Kiskonah. We are proposing to make some modification in front of the building, currently there's no sidewalk, the pavement comes right up to the face of the building, there's actually an old scale here, I guess weighed the vehicles, that's going to be removed. We're creating a new sidewalk, creating some planting aisles at the main entrance, we are proposing a free standing 2,000 square foot storage building here which will have access from the parking lot side, we're utilizing this building as a grade change between this property line and this piece. What that allowed us to do was to be able to flatten this parking area so we have a gentle slope coming across this versus you know, the current condition of this egress here, its relatively steep across this. So what this has allowed us to do is to depress this parking area in so the parking and this is going to sit a little bit below Kiskonah which will help buffer this parking from Kiskonah also.

Chairman Cosentino stated so you eliminated the ingress and egress there.

Mr. Blakely stated we've eliminated this egress...

Chairman Cosentino stated tell me something, its going to be a hardware store too, right?

Mr. Martabano stated yes, that's correct, yes, its very much similar to what is at 105 [Kisco Avenue], except that none of the outdoor, outside storage exists in here...

Chairman Cosentino stated there'll be no outside storage here.

Mr. Martabano stated that's correct, exactly.

Chairman Cosentino stated do you anticipate many walks in?

Mr. Martabano stated we don't anticipate a lot of onsite traffic in that area all, let me tell you why. 75% of the business and again this now exists at 105 Kisco Avenue, 75% of it is not your retail customer at all, its your contractor, who basically e-mails his set of plans in, you do the order, he generally doesn't even come and a lot of the materials are basically shipped from vendors to the job, so in terms of traffic, if you take a look at what see at 105 Kisco Avenue, for all these years, you never see cars there because they don't really come there. Will we hope to get some retail customers? Yeah, we definitely will...

Chairman Cosentino stated the reason why I said it, there's no sidewalks from Lexington Avenue.

Mr. Martabano stated oh, no, pedestrian, no we don't anticipate any pedestrian, no I'm sorry, I thought when you said walk-in, I was talking more about retail type customer, I'm sorry, I misunderstood. No, we don't anticipate walk-ins.

Chairman Cosentino stated so you're going to have two lumber yards?

Mr. Martabano stated no, the one at 105 Kisco will close.

Mr. Mareschi stated and move here.

Mr. Martabano stated I know you'll be upset...

Mr. Vigliotti stated no, just interested.

Mr. Mareschi stated it's the same store, just here.

Mr. Hertz stated is there outdoor dining?

Mr. Grandberg stated there's two tables with four seats.

Mr. Blakely stated inside though...

Mr. Martabano stated on the Kisona side of course. You know, again, going back historically, the uses there at its height of its business, Whalen's would have 40 tractor trailers here. So in terms of what we're going to have in terms of traffic here, it's going to be a drop in the bucket. He has two trucks and van, that's it, okay, so bottom line is you're going to see a very beneficial change to the entire neighborhood.

Chairman Cosentino stated it looks good.

Mr. Martabano stated so now obviously if you saw Peter's memo, we have a number of variances that we have to obtain, we're going to try to be on the ZBA agenda for the 21st as well, but if there's any other comments you have that can help us along...

Chairman Cosentino stated I don't have any other comments, I think as we go along there may be a few coming up but right now...

Mr. Martabano stated I hope you find it to be an improvement over what we submitted previously.

Chairman Cosentino stated a big improvement.

Mr. Martabano stated thank you, we appreciate that. Anything else?

Mr. Vigliotti stated thanks for listening.

Whitney Singleton stated are you merging the lots?

Chairman Cosentino stated anything from staff, Peter, anything?

Mr. Miley stated no, Chairman.

Mr. Martabano stated why not? That's what we're here for, that's what you're here that's what we're here for.

Whitney Singleton stated Charlie?

Mr. Martabano stated yes?

Whitney Singleton stated are you merging the lots.

Mr. Martabano stated you know actually, I think that we probably are.

Whitney Singleton stated your client is purchasing the property?

Mr. Martabano stated yes purchasing 39 subject to contract right now, yes he is.

Whitney Singleton stated okay, so the lots will be merged and...

Mr. Martabano stated the lots will be merged.

Whitney Singleton stated and you'll, this parking will be married to the site.

Mr. Martabano stated yes, the parking will be married to the site, yes.

Whitney Singleton stated so you won't do this site what you did to the other site.

Mr. Martabano stated I have no idea what you're talking about but I certainly agree with what you're saying.

Whitney Singleton stated so long as we're in agreement.

Mr. Martabano stated aren't we always? Thank you very much.

Chairman Cosentino stated thank you for coming.

Mr. Mareschi stated thank you.

Mr. Bainlardi stated procedurally, this is a conceptual application at this point, so...

Chairman Cosentino stated they need variances.

Mr. Martabano stated we need variances, we'll file our formal, thank you John, but we want to go forward with the variances right now.

Mr. Bainlardi stated you don't need a referral from this Board?

Whitney Singleton stated no but the problem is you're going to have, you're going to have a Board that's not going to have a determination of significance and there's not going to be lead agency.

Mr. Martabano stated that's true, we have to do the coordinated review for SEQRA purposes. Okay but you know, quite honestly...

Whitney Singleton stated you haven't submitted an EAF yet.

Mr. Martabano stated have we submitted an EAF?

Mr. Blakely stated no.

Mr. Martabano stated we'll coordinate that with Jan because we did talk about doing that and you're probably right about significance but perhaps we can get a polling of the Board and see where we go from there.

Whitney Singleton stated Poll [inaudible].

Mr. Martabano stated yeah, the ZBA, yes. Thank you very much guys. Have a good night everybody. Physical training studio indeed, I've lost 13 pounds, come on, I've working on it.

Chairman Cosentino stated you the man.

Mr. Martabano stated alright.

Chairman Cosentino stated alright, Bagnato. Come up, identify yourself for the record please.

**5. Bagnato – 205/215 Lexington Avenue
PB2016-0328, 80.32-4-6 (SBL)
Site Plan**

Mr. Anthony Crecco was present.

Mr. Crecco stated how are you, Anthony Crecco, owner of 205/215...

Fire Horn sounds.

Mr. Bonforte stated you may want to wait a moment.

Chairman Cosentino stated hi Mike.

Fire Horn sounds.

Chairman Cosentino stated okay let me start this and...

Mr. Crecco stated do you want me to identify myself or...?

Chairman Cosentino stated I thought you did already.

Mr. Crecco stated no, he said hold on because of the...

Mr. Bonforte stated there was noise and it may not have been picked up.

Mr. Crecco stated yeah, so my name is Anthony Crecco, I'm the owner of 205/215 Lexington Avenue.

Chairman Cosentino stated okay, now I'm going to try to help the situation over here, you need to go before the ZBA, okay and we as a Board, we have no idea what the ZBA is going to do, we want you to go before the ZBA first to find out what, I don't know, does he have an application before them [the ZBA] now?

The Secretary stated no.

Whitney Singleton stated no, Joe, can I just intervene a little?

Chairman Cosentino stated yeah, I want you to, go ahead.

Whitney Singleton stated the ZBA has already entertained an application from the property owner and the applicant. They entertain an application which they have approved subject to certain conditions of approval and those conditions of approval, as required by your Code, mandate that there be site plan approval for this site. You can't change the uses from one use to another without obtaining a site plan approval, site plan approval is required for multi-tenanted buildings and it's also required for, I'm sorry, multi-tenanted residential buildings and it's also required for commercial sites or mixed use sites, such as this. So they have to come before you and the Building Inspector has outlined just like you had in the last application, the application before that. The degree to which the applicant is given credit for prior parking and the applicant has been advised of that and I believe it's in your packets and now needs to either demonstrate to you in a site plan application that the applicant can either meet or exceed those site plan elements or need to apply for relief from the Zoning Board in the event that he can't meet the Code requirements. Specifically, those Code requirements are the Zoning Code relative to parking, relative to setbacks, relative to building and development coverage and New York State Uniform Fire and Building Code requirements, relative to some of the internal things within the building, sprinkler system, fire escape, stuff of that nature, multiple dwelling law and the applicant has been advised of what needs to be done pursuant to Mr. Miley's memorandum. I believe that's accurate Peter.

Mr. Miley stated correct.

Chairman Cosentino stated I agree and in wanting to help the situation here, our hands are tied unless he goes before the ZBA and gets relief, we'd listen...

Whitney Singleton stated your hands are tied in that you're going to have to entertain a site plan application, the question is whether or not he's going to demonstrate to you compliance with the Code or he's going to seek relief from that section.

Chairman Cosentino stated but we don't have that now.

Mr. Crecco stated yeah, I came here because the Zoning Board told me to come here and if I go back to the Zoning Board, then I'm just being bounced around. So I did submit, the last meeting you said that you weren't able to review the package, I submitted a full package...

Chairman Cosentino stated right.

Mr. Crecco stated now I have some disagreements with...

Chairman Cosentino stated Peter, did you see what he submitted?

Mr. Miley stated yeah, we all reviewed the package.

Mr. Crecco stated so you received the package and basically the site plan would need a variance for this one-story concrete building that was never approved, the wood deck that was approved, that was made bigger than it should have been. So and then from the Building Inspector's memo, some parking variances, I don't agree with what was presented and I'd like to show you why. So as far as the deck, I'm prepared to remove the deck and leave it as greenspace, I don't want the deck, so I think that's better than having a deck, so that's one thing. As far as this one-story concrete structure, it would need a variance, the issue is that its got the electric meters in there and that would be kind of, you I'd have to figure out how to resolve that but I'm not going to argue the issue, if I need to remove it, I'll remove it. As far as the parking goes, which me and Peter discussed it several times and the issue of Change of Use keeps coming up, now I know that your current Code does have, I don't have enough room to...

Chairman Cosentino stated Peter, can you see from there?

Mr. Miley stated I can see, yes.

Mr. Crecco stated your current does have a Change of Use, however I filed a FOIL request and Michelle gave me all the old Codes that she could find, the last Code that I found was, I think it was '69 or '62, I couldn't find any Change of Use in the Zoning Code when all this took place, so in 1954, and this is all in the member but I just wanted to kind of give you a visual so you can absorb it.

Chairman Cosentino stated sure, we understand.

Mr. Crecco stated 1954, the tax and we agreed that the only thing we can go by is what's in the file and the tax records seem to be what we're basing it. In 1954 it was church, a dental lab and 3 units, now there's a lot of confusion, as 3 units, 1 unit, 2 units, but we have to have a base on something. In 1966 the tax record shows Marshall Moving and Storage, a dental lab and 4 apartments. On May 19th of 1965, the Planning Board approved 3 parking spaces for what was there, these are the uses after they approved it, 69-82 was Westchester Typewriter, Apple Antiques was there between 79 and 91, I spoke to Larry, he's still alive and he kind of gave me a little bit of history. He closed down because Ron Buxton was giving him a hard time, he wanted to put stuff outside, I'm just giving you the history. Supposedly there was another antique store from '91 to '07 and from '07 to right now is Amigo's Gift Shop. So the uses did change but they didn't change when there was a Change of Use in the Code. I couldn't find it, if you can show me that then I would agree that if today I want to change it from Amigo's Gift Shop to a self-storage, I would totally agree that I have to come in for a Change of Use. I can't, if you can show me where I need that and where it's in the Code, then I'd have to agree but from what I found I can't see where I need to get a variance, so unless I missed something...

Whitney Singleton stated okay.

Mr. Miley stated yeah, Anthony...

Whitney Singleton stated it's in 110-38 under the Change of Use provisions...

Mr. Crecco stated yes, the current Code.

Whitney Singleton stated it's in 110-45 under the Site Plan use requirements.

Mr. Crecco stated the current code, but show me the Code in these years when these uses changed because it changed and the Code wasn't in effect. I want to see the Code...

Whitney Singleton stated I can tell you I have worked for the Village since 1995...

Mr. Crecco stated I don't want you to tell me, I want you show me the Code...

Whitney Singleton stated I don't need to show you, you need to demonstrate to this Board compliance.

Mr. Crecco stated correct and I looked at whatever was provided by your Town and I couldn't find it.

Whitney Singleton stated because you couldn't find in the books the requirements of the Village that doesn't make your interpretation the law.

Mr. Crecco stated well I don't agree, so I have a right to disagree, so I'm telling you kind of what I found and what my opinion is.

Mr. Miley stated Anthony, I think your focusing again, and we had this conversation about the Change of Use, the Change of Use is not the significant part of your application, all of those uses that you just described, there's no C.O. for any of them. So you have to present the application as proposed, what's there currently. The Change of Use, as we indicated, it's a Change of Use because it did change significantly over the years without permit, without approval, without Planning, without C.O.'s, so you have to take the application today and base it on what's currently presently and if you look at the memo we've provided a credit of parking for something that wasn't lawful and didn't legally exist.

Mr. Crecco stated right but I guess my question then, explain to me the Planning Board approval in '65, is that null and void.

Mr. Miley stated its not specific, that's the unfortunate, it indicates for tenant use, its doesn't specify which tenant, whether it's a commercial tenant, whether it's a residential tenant, its providing off street parking to tenant use.

Mr. Crecco stated well, I know but according to records we know what was there, so we've got to make an assumption as to what was there. So, that's kind of where I'm coming from and as far as what's required. So, you know, I'm not a legal expert and I don't mean to, but...

Whitney Singleton stated but let's, backing up to what the Building Inspector just said, there has always been for the past nearly 100 years, there's been a requirement to have a Certificate of Occupancy, there's not a single Certificate of Occupancy for anything in the front portion of the building.

Mr. Crecco stated well the building was built in 1916...

Whitney Singleton stated yes, in nearly 100 years.

Mr. Crecco stated right.

Whitney Singleton stated so every single time that you went from a church to a dental lab to a bodega, to whatever it is you went to, go from 2 units to 1 unit to 5 units back down to 2 units, you were required to get a certificate of Occupancy or our predecessors were and that was never done. And what Peter is pointing out to you is that what he's done, since there's not Certificates of Occupancy, he has taken a past use and used that as a base line and is giving you a credit that you might otherwise, technically, not be entitled to you.

Mr. Crecco stated okay let's turn the page and look at another scenario because I'm open to resolving it but I just want to make sure that I exercise all my rights. So, according today, this is what you would need and this is kind of recapping your memo, 4 apartments would need 10 spaces, 2 per unit and 1/2 space per guest. The single-family residence would need 2 per dwelling, 2 spaces. Retail would need 7 spaces, Peter your memo says 8, this site plan shows 1,104 square feet, 1 space per 150 square and I'm coming up with 7, so I'm going by because these are current plans that were just done. Let's see, Planning Board approval in 1965, I went over that, it was moving and storage, it was dental lab, and 4 apartments. So in keeping in line with your concept of credits, okay, fine, so if I'm going to get the credits, based on I think how you calculated from '65, and this is probably where you're going to disagree but I'm assuming that the Planning Board in '65 approved it with 4 apartments and 2 retail spaces.

Whitney Singleton stated the Planning Board didn't approve that.

Mr. Crecco stated yeah, they approved, they approved 3 spaces. Let me just finish with my thought because in '65 they approved 3 spaces for commercial and apartments. So I've got to make some assumption they approved it for something, we weren't there and we don't know what they approved it for, so I'm saying that I should get a credit for 8 spaces for the 2 dwelling units, 2 for the visitors spaces for the dwelling units, 4 for the dental lab which is 1 space for 200 square feet, 1 for the moving and storage, 5 on site, I should get a credit of 20 and I need 19. You can disagree with me but I have a right to, this is my concept of it.

Chairman Cosentino stated you need the ZBA.

Whitney Singleton stated can I clarify that, because I don't want to mislead the applicant. The Building Inspector has made a determination as to the required parking for the site, the applicant is disagreeing with him. If the applicant wishes to disagree with him, he may file an application to the ZBA for an interpretation that is his avenue of relief. If he wishes to file an application for relief from the parking requirements, then he needs to file an application for a variance, I want to be very clear as to proper steps here. Your Board has been instructed by the Building Inspector as to what the requisite parking is and what the requisite credit is, it's not for you to determine whether the Building Inspector is correct or incorrect.

Chairman Cosentino stated exactly.

Mr. Crecco stated but the Zoning Board made me come to the Planning Board, and you're just telling me to go back to Zoning Board, I mean they told me to come here...

Whitney Singleton stated well, the Zoning Board told you to come here because you need a site plan approval, you can't simply change your site, change your uses without site plan approval. Every site in Mount Kisco is required to have, let me retract that, every commercial or multi-family site in Mount Kisco is required to have a site plan of record, its right there in 110-45, you don't have one. In order for you, and everyone in Town does it, we have a building across the street come in for a site plan, we had Tommie Copper come in for a site plan, if they don't have a site plan they need to come in and secure a site plan. You need to come in like everybody else and secure a site plan and since you're not demonstrating a plan which is Code compliant, you need to get relief. The Building Inspector has told you in his estimation how many parking spaces your use would require and if you can't provide that or if you disagree with that, then

you need to seek relief from the Zoning Board. If you came in here, Peter, how many spaces did you say he needs beyond what he has?

Mr. Miley stated the deficiency that I came up with was 8, 7, excuse me, 7 spaces.

Whitney Singleton stated if you came in showing 7 additional spaces on that property you wouldn't need to go back to the ZBA but what you're saying is you're not providing those spaces on your plan.

Mr. Crecco stated correct, based on what I just went through 10 minutes ago.

Mr. Bainlardi stated can you just turn the page back for a second.

Mr. Crecco stated can I just...

Mr. Bainlardi stated I just want to put something to bed, if we can.

Mr. Crecco stated page 1?

Mr. Bainlardi stated no, that page right there. Your 19 spaces, you've got 7 spaces for 1,104 square feet...

Mr. Crecco stated of retail.

Mr. Bainlardi stated if you divide that by 150, you get 7.36, Peter, what is it, you have to round up?

Mr. Miley stated yes, correct.

Mr. Bainlardi stated so that's where you get the 8.

Mr. Miley stated I've taken an enormous amount of time looking at the records trying to be as fair as possible with respect to credit and...

Mr. Bainlardi stated you understand why he has 20, I think its correct, I think again its not this Board's...

Mr. Crecco stated I thought you round up to 7.5.

Mr. Miley stated this is the aggregate of all spaces combined.

Mr. Crecco stated I thought it was 7.5 where you round up.

Mr. Miley stated you do round up, even if it's a portion of.

Mr. Crecco stated and what about a credit for the moving and storage, I didn't see that.

Mr. Miley stated because it didn't exist according to our records, there's no C.O. I went back, as far back as I could to give you the most credit possible. Moving and storage is 1 per 1,000, I gave you the 1 per 200 on the service establishment, so I gave you as much credit as possible that I could, that I could establish.

Mr. Crecco stated but that calculation you came up with 3, when I did it, its 4, I think,

Mr. Miley stated no, again when its 745 square feet, you don't get the benefit of 55 square feet, you get the 3 space credit I gave you on there.

Mr. Crecco stated alright, so I guess I have to give the same argument to the Zoning Board.

Mr. Miley stated yeah but Anthony, whether you disagree with me or not, and I don't hold it personal, I couldn't care less. If you want to appeal my decision, its your prerogative if you need to. This is based on, what the Board asked me to is go through all the records and give them facts, as much facts as I could possibly come up with and that's why I outlined it fact by fact what was there, what was present. In all honesty I could have said I have zero C.O.'s so therefore its not entitled to any credit because we can go back all the way to when it predates, it predates, it was a church and we don't have plans or a C.O. for either, that's the first known use. So, with that said, we understand that there's going to be a parking deficiency so I tried to attach and give you as much latitude as possible with respect to credit because its obviously a difficult site but again, you don't have to agree with me and I don't hold that personal.

Mr. Crecco stated it's not that I'm not agreeing, it's just that this file has been going on so long, you haven't been involved since the beginning that its, I keep digging into it and more stuff keeps coming up because it was built 10 years ago and there's not concrete, you know...

Mr. Miley stated yeah but my job is to just assess all the files of record to give you, to extent to you the most credit as possible to try to identify the uses that had C.O.'s, try to identify the site, what's present, what's conforming, what's nonconforming, what require area variances, what was legally existing, that's what my job is, where the Board takes it from there, you know...

Mr. Crecco stated I guess I'm not understanding why the Zoning Board made me come here when I could have just asked for the variance.

Mr. Miley stated well its two different items.

Mr. Hertz stated because you need a site plan approval, its not about the variances, its about the site plan approvals that...

Chairman Cosentino stated nothing to do with variances.

Mr. Bainlardi stated well I think it is still about a variance for parking which the Building Inspector has now determined is necessary, we don't have the authority as a Board to approve that, so procedurally you need to get a variance unless you can demonstrate that you can provide the parking spaces. Is it safe to assume that there's not, there's not ability to provide additional...

Mr. Crecco stated no, there's no ability, well there's not ability to provide what the Building Inspector determined was needed.

Mr. Bainlardi stated and is there any reason, I don't know if there's any reason to believe that the Zoning Board will not approve it but essentially what we're saying at this point is if you can get that variance and then you can legalize your site plan and going forward you'll have a site plan for future purposes with the variance that you needed for the parking. The question, the legal question which you touched on but I don't know if you actually obtained legal advice on is the question about to what extent you were required to get a change of use during those periods of time and whether or not the Code required a Change of Use, that's a question if you're not satisfied with, you need to go and look at further...

Mr. Crecco stated I did.

Mr. Bainlardi stated and your recourse is to go to the Zoning Board of Appeals and appeal the interpretation. And I don't know, frankly I don't know at the end of the day if that's the most prudent way to proceed, if you believe that you can get the variance for the parking from the ZBA, then that's probably [inaudible] best bet.

Mr. Crecco stated if they, they were very nice when they approved the rebuilding of the house and they led me to believe that they would, they didn't guarantee it, but I have to cover all my bases and kind of figure worst case scenario, do I think they will? Yeah, I think they will.

Whitney Singleton stated just for edification, because I drafted the language in 110-38, prior to about 10 years ago, 110-38 required a Change of Use permit whenever there's a change in classification of the use which entailed a higher parking requirement. The uses that have entered this site have increasingly demanded higher parking requirements. So dating back to at least 1986, I can assure you that they were required to get a Change of Use permit and they didn't. Before '86 I'd have to look in the books.

Mr. Crecco stated well yeah, whatever I looked at, I saw up to '62, I couldn't find it.

Mr. Miley stated we did some research, in all the Codes and the '62 does reference, it doesn't say Change of Use permit but it does require Planning approval through Change of Use.

Mr. Bonforte stated which is in the memo, Anthony.

Mr. Bainlardi stated that's really a factual question...

Mr. Bonforte stated everything he's saying is in his two different memos.

Mr. Crecco stated no, no, no, I took his memo and kind of just you know, I just wanted to look at the, '62 amended '79, preexisting buildings and uses, any building or use existing at any parcel in the CD district is effective date of establishment may continue as such subject to the provisions of article 4 of the Zoning

Ordinance of the Village of Mount Kisco which this is article 4, so I don't know if that's what you're referring to...

Mr. Miley stated I don't know the Code off the top of my head.

Whitney Singleton stated what that says and it has said for almost 80 years. It says you cannot make any change to a preexisting nonconforming building or a nonconforming use which would increase any degree of nonconformance and what you have done, not you personally. What has happened at this site is that there has been a change of the uses, and there's been a change in the structures which has triggered an increased parking demand and that has resulted in an increase in the degree of nonconforming. When they built that building without a building permit, it increased your parking demand, when there were changes of the use in the front building that went from, let's just say, I'm not saying what the uses were but if it was Marshall Moving at 1 per 1,000 and it transitioned through a series of uses up to general retail at 1 per 150, that's a significant increase in the parking demand and what Peter has done, is he's given you a very generous base line. He didn't give you a base line of 1 per 1,000, he gave you a base line of 1 per 250...

Mr. Miley stated 200.

Whitney Singleton stated 200.

Mr. Crecco stated well I have to do some further research, I guess I can get on the Zoning Board.

The Secretary stated you'll have to apply.

Mr. Miley stated well you have to identify on the application as to whether you're going to appeal my decision or you're going to proceed with the variance.

Whitney Singleton stated or modify your application.

Mr. Miley stated or, right...

Whitney Singleton stated I don't know whether you...

Mr. Crecco stated modify what application? I don't have...

Whitney Singleton stated I don't know, are you going to try to squeeze in 2 more parking spaces on the site, are you going to try to just go for a variance from all of the parking requirements, are you going to maybe change the use in the front, I don't know and its not for this Board to tell you what to do or for Peter or I to tell you what to do. Its for you make a decision based upon all the facts and circumstances.

Mr. Crecco stated well right now, without further researching, I'm going to go to the Zoning Board and ask for a variance and then I guess I have to come back here and once the variance is approved, do I need to do the site plan over?

Mr. Miley stated you still need site plan approval, yes.

Mr. Crecco stated right but do I need to redo this site plan?

Mr. Miley stated it depends, if you maintain the way it is and you get all of the variances, then no, its as proposed. If they deny the variance, they you'd have to modify it based on the denial and propose it, amend your application to the Planning Board.

Chairman Cosentino stated okay Anthony, we'll put you back here as soon as you know, work it out with Peter, you go before the ZBA and do what you have to do.

Mr. Crecco stated I go before the ZBA and...

Mr. Miley stated you have to file an application depending on...

Mr. Crecco stated when do they meet, June 21?

The Secretary stated yes, the deadline is Tuesday the 31st.

Mr. Crecco stated they meet and then I come back here after that?

Mr. Miley stated you can use my memo because they specify the parking and the area variance that I required as part of our application or you can appeal my decision or modify what you're currently presenting to the Board, you have 3 options. It's up to you what you want to do.

Mr. Crecco stated right but what I'm saying is can I schedule myself to come back here after I go to the ZBA?

Chairman Cosentino stated sure.

Mr. Crecco stated can I get on the next Planning Board meeting...

The Secretary stated well the next Planning Board meeting will meet before the ZBA meets.

Mr. Crecco stated well after I meet the ZBA.

Mr. Miley stated yeah, if you get through ZBA, you come right back.

Mr. Crecco stated right. I have to do more research, this is all because of the fire.

Chairman Cosentino stated yeah.

Mr. Crecco stated it'll be two years since I had the fire, still can't rebuilt the house. 50% rule, what a joke that is, that's just my opinion.

Chairman Cosentino stated you're entitled to your option.

Mr. Crecco stated yeah but you know what they say about opinions.

Mr. Miley stated I think they say that about assumptions, not opinions.

Chairman Cosentino stated thank you, Anthony.

Mr. Crecco stated thank you.

Mr. Bonforte stated good luck.

Mr. Bainlardi stated good luck, yes.

Chairman Cosentino stated 461 Lexington Avenue, LLC. Would you identify yourself for the record, please.

**6. 461 Lexington Avenue , LLC
PB2016-0329, 80.64-2-15 (SBL)
Site Plan**

Ms. Cynthia Filkoff and Mr. Armand Dibiase of Dibiase Filkoff Architects, Mr. John Manfredi, of JM Associates, Inc., Mr. Scott Blakely of Insite Engineering, and Ms. Tina Fischer, property owner were present.

Ms. Filkoff stated hi, I'm Cynthia Filkoff from Dibiase Filkoff Architects.

Mr. Dibiase stated yes, hi, Armand Dibiase, Dibiase Filkoff Architects.

Mr. Blakely stated and Scott Blakely with Insite Engineering.

Ms. Fischer stated Tina Fischer, co-owner 461.

Mr. Polaner stated Douglas Polaner, also co-owner 461.

Mr. Manfredi stated John Manfredi onsite environmental specialist.

Ms. Filkoff stated so we're here this evening to talk to you about the property at 461 Lexington and the property previously had a condemned building on, I don't know if you're familiar with it but...

Chairman Cosentino stated very familiar.

Ms. Filkoff stated the goal is to improve the property and I think after what was there previously, it shouldn't be very hard to do. It's a wonderful location and our clients are part of the Mount Kisco community, Tina, maybe you can talk a little bit about what you do.

Ms. Fischer stated our business, so we've been in business since 1999, we're a wine importer and distributor, we've been renting a space in Tony Monteleone's building at 19 North Moger, since 2000. We import and distribute wine, the office is just an administrative office, we don't warehouse any of our wine at the office in Mount Kisco, it's all in a public warehouse in New Jersey. We have 35 employees, 23 of those employees work remotely, they're salespeople who work in their territory and sell our cases for us. The remaining 12 employees work out of the office along with Doug and I and out of those 12, that's a total of 14, on a regular basis there's only about 10 of us in the office. Why I'm sort of explaining that is because we want to land bank some of the parking spaces, which is the explanation why we don't need the 22 parking spaces. That is our business in a nutshell, if you have any questions, I'd be happy to answer.

Ms. Filkoff stated so in terms of the site, it is a half-acre lot, so there is a lot of land, it's in the GR zone and it's about twice the size of what's required, minimum lot is 10,000 square feet and we have more than 21,000 [square feet], so it really allows us to get a lot of parking on the property. There is the Mount Kisco, the Kisco River is on the east side, so there is a wetlands buffer but...

Chairman Cosentino stated there's no storage for any product.

Ms. Fischer stated no.

Ms. Filkoff stated no.

Chairman Cosentino stated so you're having how many total offices?

Ms. Fischer stated we have two offices and then the rest is open space for my other ten employees...

Chairman Cosentino stated are you going to be renting any space out?

Mr. Polaner stated it's a single tenant building.

Chairman Cosentino stated it's a single tenant. Do you have a picture of the building?

Mr. Dibiase stated sure.

Chairman Cosentino stated are you before the ARB at all?

Mr. Dibiase stated no, not yet. So this is the Lexington Avenue view, it's a red brick building which is a very Mount Kisco material, it has steel glass and windows, this is a wood cornice up above, there will be precast corning at the corners, some signage, some lighting, there's some detailing...

Chairman Cosentino stated I think as a conceptual, it does really fit in with the rest of the buildings in that area, if you look down the road, a fella just finished his building, look at it, it's got a peak on it, it really does nothing for the area, the flat roof.

Mr. Dibiase stated well I think it's a very Mount Kisco looking building and I'm not sure the character of that area...

Chairman Cosentino stated well take a look at it, it's...

Ms. Filkoff stated do you mean the houses on that side?

Chairman Cosentino stated it just doesn't...

Ms. Filkoff stated because there are a lot of brick buildings on Lexington Avenue.

Ms. Fischer stated the restaurant a couple doors down is a flat building...

Chairman Cosentino stated well that was built in 1953.

Ms. Filkoff stated is that bad?

Ms. Fischer stated and the building right across the street, Radio Circle...

Chairman Cosentino stated that was built in 1962.

Mr. Hertz stated Joe, I don't know if I agree with you.

Chairman Cosentino stated well that's my opinion, if you go down to...

Ms. Fischer stated no, the Dunkin Donuts right up the block, that's a flat building, Mrs. Greens that was completely just renovated...

Chairman Cosentino stated they were there already...

Ms. Fischer stated the Dunkin Donuts is new...

Chairman Cosentino stated I just gave my opinion as a conceptual, I don't know if anybody else's opinion...

Ms. Filkoff stated do you prefer a newer looking building, is that what you're thinking?

Chairman Cosentino stated I don't know, I could be wrong, I just don't like a flat roof, that's me.

Mr. Bainlardi stated my opinion is that when it comes to the architecture of the building, we have an ARB. My first instinct is to defer to what the applicant wants within reason. I think our purview is really more to focus on the site plan, the layout, the functionality, that's...

Chairman Cosentino stated the ARB might like that, the ARB might like it.

Ms. Filkoff stated we hope so.

Mr. Bainlardi stated that's not say we can't express opinions, to each his own.

Mr. Blakely stated and I don't think there's an architectural style along that road, I think there's a variety of buildings.

Chairman Cosentino stated remember the old fish market that was there down towards the house, it looked like a house. What he did with that, you know...

Ms. Fischer stated the fish market has a flat roof too.

Whitney Singleton stated no, no, no, he's talking about the original fish market...

Mr. Bonforte stated well the existing.

Ms. Filkoff stated an old one.

Whitney Singleton stated it's now EBW Bella Drywall.

Ms. Fischer stated yup.

Whitney Singleton stated they used kind of residential style for a commercial building.

Mr. Bainlardi stated it's attractive, it's just...

Chairman Cosentino stated like I say, the Architectural Review Board may like that, that's just, its conceptual and whatever they like, they like.

Mr. Hertz stated can you talk a little bit about the use of the building, visitors to the site.

Ms. Fischer stated so we don't have very many visitors at all, we don't have customers [inaudible] so we can only sell to licensed retailers and restaurateurs, so we really don't have any public...

Chairman Cosentino stated main headquarters.

Ms. Fischer stated its an administrative building, its an administrative office that's all it is. The UPS person comes, the FedEx person come, but we have very few customers.

Mr. Hertz stated so you wouldn't have an event there, you wouldn't have [inaudible].

Ms. Fischer stated no.

Mr. Bainlardi stated it will be fabulously situated next to La Tulipe, so I don't think...

Ms. Fischer stated its delicious, yeah.

Chairman Cosentino stated anything is an improvement than what was there.

Mr. Vigliotti stated can you go back to the rendering, again?

Ms. Filkoff stated its down now.

Mr. Vigliotti stated I'm not sure Mr. Chair to what you were referring to, maybe a, did you say something about a pitched roof or something? Is that what you're referring to?

Chairman Cosentino stated look, let me rephrase it, whatever the Architectural Review Board wants, we'll look at it. We'll leave it at that.

Ms. Filkoff stated thank you.

Chairman Cosentino stated they may like that, if they like it, I'm for it.

Mr. Bonforte stated the basement page, it says storage, again, you were already asked this but you're not planning on using that for inventory or anything like that.

Ms. Filkoff stated no.

Ms. Fischer stated we have 60,000 case that are warehoused in Edison, New Jersey, so none of them will be here.

Mr. Bonforte stated how much did you just say?

Mr. Polaner stated 60,000, 6-0.

Ms. Fischer stated that's a lot of wine.

Mr. Bonforte stated okay, you have to at least put a case down there, and I'm not saying that in any manner...

Ms. Fischer stated we have miscellaneous samples at our office, miscellaneous samples. Okay.

Mr. Polaner stated the basement storage is for...

Ms. Fischer stated for our files, for the 7 years worth of file.

Mr. Hertz stated general use, office hours?

Ms. Fischer stated 9 to 5:30, someone is there 8:30 to 6 everyday, we're not open on Saturday or Sunday.

Mr. Hertz stated okay, and this is purely your office?

Ms. Fischer stated yes.

Mr. Hertz stated in total, the maximum number of employees you would say at the site is?

Ms. Fischer stated its 15 and normally there are only 10 on site at a given day.

Mr. Hertz stated and what's your request [inaudible] parking land banking...

Mr. Dibiase stated there's 23 required spaces and we want...

Mr. Hertz stated 23.

Mr. Dibiase stated required and we want to land bank 8 of them, so that would leave 15 spaces.

Chairman Cosentino stated no greenspace.

Ms. Filkoff stated exactly.

Ms. Fischer stated we'd love to maintain as many trees as possible and keep very green, it's a nice piece of property. Have you seen, it's demolished, the building.

Mr. Bonforte stated yes.

Chairman Cosentino stated I remember the lady that bought that place, Mrs. Kapoor.

Ms. Filkoff stated oh really?

Chairman Cosentino stated I think she bought it in 1947.

Ms. Filkoff stated that's interesting, it's a shame what happened to it.

Chairman Cosentino stated it was a boarding house.

Ms. Filkoff stated really?

Ms. Fischer stated it was a mess at the end.

Chairman Cosentino stated when she had it, it was gorgeous.

Ms. Fischer stated really? That's hard to believe, I mean...

Chairman Cosentino stated when she had it, it was meticulous.

Ms. Filkoff stated I mean, this is what it was like a couple of months, just scary, you know and so...

Mr. Vigliotti stated its been that way for 40 years.

Chairman Cosentino stated the guy, that used to be a car repair shop back there...

Mr. Blakely stated in the rear.

Chairman Cosentino stated Artilio used to own it.

Ms. Filkoff stated so you can imagine how dilapidated it was.

Ms. Fischer stated you have no idea, John what we hauled out was pretty unbelievable and so yeah.

Mr. Manfredi stated yeah, we did, we went through all the steps, we got a demolition permit we filed all the proper papers and we proceeded immediately to A-1, initially clean up the site because we couldn't even get equipment on it.

Chairman Cosentino stated sure.

Mr. Manfredi stated you couldn't move around, a lot of oil, there were a couple of oil tanks there that must have been leaking for years, we got rid of the tanks, we cleaned up the soil. I've documented everything and I will be submitting them to the Building Department but we have all of the documentation that we sent to the DEC to close out the spills, demolished the building with all the materials going to proper disposal facilities, the building was taken down as an asbestos containing building because we could not get inside. It was dangerous to get up on the roof to take samples, so we had a special dispensation from the Department of Labor for us to do that and we had inspections from the Department of Labor, I have documents here that shows all the air samples, it shows that there never was an particles in the air, we had special equipment there to hose it down as if it was a fire...

Chairman Cosentino stated sure.

Mr. Manfredi stated and as of right now, I seeded the place on Saturday, so hopefully they'll cut grass there, the buildings are gone, everything is gone...

Ms. Filkoff stated its safer now, yeah.

Mr. Manfredi stated we still have it locked up just so people don't go in and out...

Chairman Cosentino stated good, you're doing a good job.

Mr. Manfredi stated its not ready for construction.

Chairman Cosentino stated excellent. So I would suggest you go, go ahead.

Mr. Hertz stated well Peter has identified a couple of questions, a couple of issues...

Ms. Filkoff stated yes, we've tried to...

Mr. Hertz stated in regards to long term parking versus short term parking.

Ms. Filkoff stated we've addressed those and I'd love to show those to you, Scott has the revised site plan, we've just very quickly revised it.

Mr. Blakely stated had discussion with Peter, the parking on site is proposed as long term which requires 9 foot spaces, 25 foot access aisle and then there was a parking calculation that Peter had us redo based on 1 per 250 versus 1 per 275, it required 2 additional spaces. So what we did and what this plan indicates is the proposed land banked parking of the 8 spaces, versus the 6 that were submitted on the conceptual, so we just wanted to bring that to your attention that that was our intention to build the 15, land bank the 8 and I know we have to take into consideration with our coverages and our stormwater, we have to take those 8 spaces into consideration when we design the stormwater. Just, other things that we're going to be involved with from the site plan stage is obviously we're in the DEP designated Main Street, so we will need DEP approval for the stormwater, we will require a wetland permit from your Board, there is a off-site wetland that Cynthia mentioned in the back. This is the existing conditions survey, the portion of that repair garage was located within that 100 feet in this section, and what we're trying to do is trying to keep our parking as far out as we can, you'll notice that the building is you know, set approximately 21 feet off the front property line and the parking has been designed to minimize the intrusion into that buffer. This areas been disturbed in the past, so it's not a pristine wetland buffer, where it starts to turn into that pristine buffer is kind of, it starts to turn into a wetland buffer really is as that grade changes behind here, there was a shed that was located off the property, that has been removed also.

Mr. Hertz stated and Scott, I had a question about the aisle width of the driveway, is that a compliant width?

Mr. Blakely stated I believe its 18 feet for two-way access.

Mr. Hertz stated and that's what we...

Ms. Filkoff stated that's what we're showing.

Mr. Hertz stated and Peter that's...

Mr. Miley stated yeah, Scott revised it today and we reviewed it quickly.

Mr. Hertz stated okay and then just in terms of alignment of that because there's a traffic light right here...

Ms. Filkoff stated exactly.

Mr. Hertz stated so I guess the feeling was to bring it far enough way so you wouldn't be going into, which seem to make sense.

Ms. Filkoff stated exactly.

Mr. Blakely stated yeah and this allowed us to provide that parking, to meet the Code requirement and obviously we're land banking the parking up front, so you're not going to see any parking from the street, its all going to be behind the building.

Chairman Cosentino stated looks good.

Ms. Filkoff stated thank you.

Mr. Bonforte stated so can you just point to the land banked spaces again.

Ms. Filkoff stated sure, these are kind of hatched in, right, so in our earlier submission, we didn't have enough so Scott has updated that with a few more.

Mr. Bonforte stated sorry, there's 2 spaces there and then the 6, 4, sorry...

Mr. Hertz stated that gives you a better sense.

Mr. Bonforte stated they're outlined in red, right?

Ms. Filkoff stated yes.

Mr. Bonforte stated 6 spaces.

Mr. Dibiase stated 3, 3, 6, 7, and 8.

Ms. Filkoff stated total of 8.

Mr. Hertz stated well based on the new calculation, based on the 250, not the 275...

Ms. Filokff stated exactly, so we just tried to quickly provide you with something updated.

Mr. Blakely stated we didn't mean to confuse anything but we just wanted to clear up the potential issue for a variance, and we think we can demonstrate that we don't need it.

Chairman Cosentino stated excellent.

Ms. Filkoff stated thank you.

Mr. Hertz stated it seems like a great use.

Chairman Cosentino stated anything else.

Ms. Filkoff stated isn't it?

Ms. Fischer stated excellent.

Mr. Bainlardi stated Scott, the property that's on the survey that's here, heading towards Main Street, that's owned by the Village of Mount Kisco?

Mr. Blakely stated yes.

Mr. Bainlardi stated you know the way your property comes in and there's a little ledge in front.

Ms. Filkoff stated yes, it's inaccessible for anyone but this site.

Chairman Cosentino stated was that the New York State agreement?

Ms. Fischer stated yes.

Whitney Singleton stated it's New York City and its deed restricted property.

Chairman Cosentino stated deed restricted. Anything, Whitney you have anything? Okay, so what we'll do, this is a conceptual, we'll put you on to come back and maybe you'll have...

Mr. Blakely stated yeah, we've got to pull together a formal application.

Ms. Filkoff stated thank you.

Whitney Singleton stated Scott, I've got one question Scott, you were able to do all this demolition, how were you able to demolish that building in the wetland area.

Mr. Blakely stated it just disappeared.

Whitney Singleton stated it just disappeared. You need a wetland permit to put the parking in but not to take the building down.

Mr. Manfredi stated actually we never went into the wetland, we pick it up and put it back down.

Chairman Cosentino stated a big improvement guys.

Ms. Filkoff stated thank you.

Ms. Fischer stated thank you.

Whitney Singleton stated [inaudible].

Mr. Mareschi stated what's the name of the wine?

Ms. Fischer stated well we're the importer, Polaner Selections, so when to turn the bottle around you might see our back label on some of our imports.

Mr. Mareschi stated oh, cool.

Mr. Blakely stated thanks guys.

Chairman Cosentino stated you guys are...

Mr. Vigliotti stated what happened?

Chairman Cosentino stated put me under the table, let me tell you something but that's okay, what goes around comes around.

Mr. Hertz stated I think what we need to do is get the best of all our applicants...

Mr. Bainlardi stated did he just promise that he's going to get us?

Mr. Hertz stated wine, cars, food, we'll put them all together...

Chairman Cosentino stated 68 Woodland Street.

The Secretary stated and do what?

Mr. Hertz stated I don't know but it sounds like it'd be fun.

Chairman Cosentino stated want to come up and identify yourself for the record, please.

**7. Sani Sherpa – 68 Woodland Street
PB2016-0330, 80.49-1-11 (SBL)
Site Plan**

Mr. Tim Dunphy, AIA and Mr. Chirring Sherpa, property owner, were present.

Mr. Dunphy stated my name is Tim Dunphy and I'm the applicant, I'm an attorney and an architect and I'll be representing Mr. Sherpa, who is back there. And I'm here tonight for a conditional review, what had happened in February of this year, several violations were issued on this site and the hearings for those are separate issue that I've been working with Mr. Squirrel and he suggested that I move this forward before we meet and talk about how we're going to come to a resolution on those.

Chairman Cosentino stated your familiar with this Peter?

Mr. Miley stated I'm familiar with it, yes.

Mr. Dunphy stated okay...

Chairman Cosentino stated your familiar with him coming before us with the violations, to straighten it out, right?

Mr. Miley stated he's in court, so court will provide a remedy.

Mr. Dunphy stated which we will have hopefully next week when I sit down with...

Mr. Miley stated can I interject for a second, are you signing a stipulation?

Mr. Dunphy stated we will be.

Mr. Miley stated okay, so part of it will be the compliance aspect of the case.

Mr. Dunphy stated right, so we probably won't even have the hearing, just the stipulation. So what we were told is when Mr. Sherpa submitted a building permit application, he was told that since this is a two-family residence...

Mr. Miley stated two-family zone.

Mr. Dunphy stated I'm sorry, two-family zone, it has to come before you for a site plan approval, so what I have and you have before you, are the preliminary drawings and site plan for this application and as you can see there's no change to the site plan except for the addition of 2, I had contemplated the addition of 2 parking spaces, however, I have read the memos from the Building Inspector and the Planner. And we have no problem providing just the 2 parking spaces in front of the garage with that hammerhead for the turnaround. All other changes are inside and they're really di minimus, one is removing a door, another one is on the first floor removing one door, adding another door and splitting a closet in half to provide an entry between 2 bedrooms and then on the top floor, there's the relocation of one door and the renovation of a kitchen that's existing. So that's exactly what we want to do, and so we're here for site plan approval or condition or what do you call it, not conditional...

Mr. Bainlardi stated conceptual.

Mr. Dunphy stated conceptual.

Chairman Cosentino stated well there's the parking, I didn't bring my, the...

Mr. Bonforte stated is this the...

Chairman Cosentino stated parking seems to be, Peter, wasn't there something with the parking?

Mr. Miley stated I'm sorry.

Chairman Cosentino stated wasn't there something with the parking, I spoke to Jan this morning...

Anthony Oliveri stated Jan made some suggestions in his memo.

Mr. Miley stated yeah.

Chairman Cosentino stated yeah.

Mr. Dunphy stated yeah.

Mr. Miley stated he was proposing, or asked if the applicant would consider not doing the gravel area and providing parking in front of the garage, there is a 2-car garage...

Mr. Dunphy stated yes.

Mr. Miley stated and 100%, not sure if that's permitted, if tandem parking is allowed in that district. I based my review on what was proposed.

Mr. Dunphy stated okay.

Mr. Miley stated that's an answer I can get for you.

Whitney Singleton stated parking is allowed in the driveway.

Mr. Miley stated tandem? Okay.

Mr. Dunphy stated tandem parking, okay.

Mr. Miley stated so that would be, then with what he's proposing or what he's recommending that you remove, there's no need to add the gravel area.

Mr. Dunphy stated exactly.

Mr. Miley stated just show the parking, is that a 2-car garage? It says frame garage.

Mr. Dunphy stated yes but he does ask for some sort of turn around, hammerhead to turn around but that would be an addition but I'll look at the Code and see what the minimum requirement is.

Chairman Cosentino stated okay, I just have a couple questions. You're not adding any bathrooms downstairs, these are existing?

Mr. Dunphy stated no, yes.

Chairman Cosentino stated and you have an office here, but that's because the room is not compliant for a bedroom, so you're making that an office.

Mr. Dunphy stated is too small?

Chairman Cosentino stated what is this study?

Mr. Dunphy stated well that's actually, I reread the compliant and that was used for sleeping quarters for two, it can meet Code if it's used as sleeping quarters for one, so that will be a bedroom for one person.

Chairman Cosentino stated so it's a not a study, it's a bedroom.

Mr. Dunphy stated no.

Chairman Cosentino stated oh, I'm writing on your thing over here...

Mr. Bonforte stated that's fine, what is the Code?

Mr. Miley stated size requirements.

Mr. Dunphy stated I believe the size is...

Mr. Miley stated it would be a minimum 7 by 10, plus 70 square feet with the minimum dimension of 7, it would require an adequate egress window, it would require some storage, potentially a closet or some furniture, some storage, required smoke and CO detector close by.

Mr. Bonforte stated so you would change the label to be bedroom or...

Mr. Dunphy stated sure.

Mr. Miley stated well if it goes to a bedroom, you have to demonstrate that it meets those 6 or 7 requirements.

Mr. Dunphy stated sure.

Chairman Cosentino stated so you're going to have an office, this is going to be a bedroom now, another bedroom, 2 bedrooms, 3 bedrooms, 2 baths, kitchen, foyer, and on the second floor again you have an office there.

Mr. Dunphy stated right, that's too small for a bedroom.

Chairman Cosentino stated so you're having 2 bedrooms then.

Mr. Dunphy stated yes.

Chairman Cosentino stated over here living room, bathroom, kitchen, so nothings been changed here.

Mr. Dunphy stated no.

Mr. Bonforte stated well except the doorways been moved, the 30, see the left side there, the door here.

Mr. Dunphy stated the doorway from bedroom number 2 has to be moved from the kitchen over to the living room, can't have...

Mr. Miley stated you can't egress through a kitchen, so you'd be required to change the door location.

Chairman Cosentino stated and a set of stairs going up to that apartment.

Mr. Dunphy stated yes.

Chairman Cosentino stated okay.

Mr. Bonforte stated would you like to hold that Joe?

Chairman Cosentino stated no, I have one, thank you anyway.

Mr. Dunphy stated as far as all the comments that we received, we have no problem with adopting those and putting those in. Now the only, I do ask that since the, since you are permitted to waive some requirements on the application, if they're inappropriate or unnecessary and we're doing really nothing to the outside, except that little, whatever I need over here to make the change. The things on the application for proposed development for the site plan, I won't be adding any of those so I'm asking that I don't have to show anything and the natural features, the existing contours at 2 feet, it's a relatively flat site and we're not changing anything...

Chairman Cosentino stated can I have that again?

Mr. Dunphy stated and location of watercourses and wetlands, there are none and existing structures and utilities, nothing is being changed there, so I'm asking that we not have to show...

Chairman Coentino stated Peter, do we have a signed site plan here?

Mr. Miley stated no, that's why he's here. There is no site plan at all.

Mr. Dunphy stated we just have the survey.

Chairman Cosentino stated you're going to need a signed one then.

Mr. Miley stated the site plan is specific to the site that you have.

Mr. Dunphy stated do you need all of the other information that is on here?

Mr. Miley stated part of formal...

Anthony Oliveri stated you're going to be submitting a site plan signed by an architect or...

Mr. Dunphy stated by me.

Anthony Oliveri stated so why don't you include the information you think is pertinent to the site plan and when you come for formal review, I'll be able to look at it and if there's something that I need to see, then I'll ask for it.

Mr. Dunphy stated okay, great.

Mr. Hertz stated but I think you are going to do, you are going to do a turnaround for the cars and it's going to change the development coverage on the site.

Mr. Dunphy stated all of those calculations will be included.

Mr. Hertz stated okay.

Mr. Miley stated it doesn't necessarily have to be quite as big and to remove the wheel stops because it's not going to be used as parking.

Mr. Dunphy stated right, okay. Any other questions?

Whitney Singleton stated can I short circuit a little bit? The applicant is asking for some relief which is provided for in the Code that he provide certain requirements before he engages or doesn't engage.

Chairman Cosentino stated for what?

Whitney Singleton stated 110-45 allows an applicant to request of your Board a waiver of certain requirements that may not be necessary for the application. And I'm not saying that these things should or shouldn't be provided in connection with the site plan application but one of those is going to be a topographic map and he's going to engage somebody to do a topographic survey, it could take a while and I think what's he's saying is that the total change in contour, or the total change in elevation is 2 feet, 3 feet...

Mr. Dunphy stated I don't know offhand but it is, I know relatively flat.

Whitney Singleton stated he's going to be using the existing driveway and everything is going to be an interior change. So with regard to that, if you're going to make him get the topo, you might want to start that.

Anthony Oliveri stated well you have an existing survey, a recent survey?

Mr. Dunphy stated the survey I have is from 2010 but it doesn't have topographical information on it.

Anthony Oliveri stated and you're expanding the parking area?

Mr. Dunphy stated no, the parking areas are staying, we're just going to provide a turnaround right here.

Anthony Oliveri stated a turnaround so you can really...

Chairman Cosentino stated not a turnaround.

Whitney Singleton stated hammerhead.

Anthony Oliveri stated the only way, it would require that there is some drainage concern in adding impervious areas.

Mr. Dunphy stated and that would be gravel, so we would try to make it as pervious as possible.

Anthony Oliveri stated the way it sounds, you're not going to need the topo, so I would say hold off on it if need be and if we need some spot elevations or something or there was some question, we could do that. I don't need topo...

Mr. Dunphy stated okay, thank you.

Mr. Miley stated it's a relatively flat lot, I walked the lot.

Mr. Dunphy stated yeah.

Chairman Cosentino stated where do we go from here, Whitney?

Whitney Singleton stated this is conceptual, you have to submit a formal application.

Mr. Dunphy stated okay, now when I read the Code, we submit the formal application and it comes before at the proper meeting and we can't wrap things up there, you can only schedule it for the next one? So we're two meetings out, okay. Thank you.

Chairman Cosentino stated thank you sir, for coming.

Mr. Dunphy stated have a great night.

Mr. Vigliotti stated thanks.

Mr. Bonforte stated once you start, you can't go back.

Chairman Cosentino stated okay, correspondence, the Beautification Committee, I'm sure we all read that. Anything else before this Board, before we adjourn. **Motion to adjourn.**

Mr. Hertz stated yes.

Chairman Cosentino stated second.

Mr. Bonforte stated second.

Chairman Cosentino stated all in favor.

Mr. Vigliotti stated on the question.

Chairman Cosentino stated yeah.

Mr. Vigliotti stated at some point Mr. Chair, will we be discussing a summer schedule or are we going to wait until the Task Force meets to discuss that?

Chairman Cosentino stated the Task Force hasn't been approved, so that means we're still on the old schedule.

Mr. Vigliotti stated okay.

Chairman Cosentino stated until the Village Board approves it.

Mr. Vigliotti stated so, if I can, until the Village Board approves...

Chairman Cosentino stated am I right Peter?

Mr. Bonforte stated a date?

Mr. Miley stated as far as what.

The Secretary stated but you have two meetings for the summer setup already.

Mr. Vigliotti stated so it will be those two meetings we're going with, unless something else...

The Secretary stated unless your schedule changes, those two meetings are going to be what your schedule is. You approved that schedule back in January.

Chairman Cosentino stated July and August, we're only having one meeting for each month.

Mr. Miley stated no argument from my end.

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

Mr. Miley stated you can change to one, by all means.

The meeting adjourn at 9:42 p.m.