

**Minutes of Meeting of the Planning Board  
Village/Town of Mount Kisco  
Tuesday, September 27, 2016**

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

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

The Planning Board convened for a work session at 6:35 p.m. The following items were discussed:

- Polaner: There were no objections from involved agencies, the record supports a favorable Neg Dec. The CAC overwhelmingly supports the project but requests additional trees be preserved. The ZBA looks favorable.
- EK Construction: There's a revised Amended Neg Dec due to the connection of the accessory building to the main building to avoid a variance. There's a revised circulation pattern. The Village Board is to review and report back to the Planning Board what they want on Kiskonca – a dead end or a cul-de-sac.
- Manara Laundry: There is a revised landscaping plan for the project.
- 487 Main Street: Joint use of parking spaces, handicap space regulations changed, peak operating hours
- The Hearth: What does the zoning permit? Temporary remediation complete, bond \$196,000; no permanent remediation completed
- TJ Maxx: There is an up-lighting issue

Chairman Cosentino called the meeting to order at 7:35 p.m.

Chairman Cosentino led the Pledge of Allegiance.

Chairman Cosentino stated this is Tuesday, September 27, 2016 and this is a Planning Board Work Session.

**Minutes**

Chairman Cosentino stated the minutes of February 9<sup>th</sup> and February 25. Michelle, I think we have a makeup here. If there are no questions on the minutes, we can vote on them together. Does someone want to make a motion?

**Mr. Mareschi stated I'll make a motion for February 9, 2016 and February 25, 2016.**

**Chairman Cosentino stated motion made by Mr. Mareschi. Do I have a second?**

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

**Chairman Cosentino stated all in favor?**

**The motion carried by a vote of 7 to 0.**

**Formal Application:**

Chairman Cosentino stated the next thing we have is a formal application.

- 1. 461 Lexington Avenue LLC  
PB2015-0329, 80.64-2-15 (SBL)  
Site Plan**

Charles Martabano, attorney for applicant; Rich Williams, Insite Engineering appeared before the Board.

Jan Johannessen stated that the Planning Board had declared their intent to be lead agency a couple of months ago. Since that time, no involved agency has objected to the Planning Board acting as lead agency.

We've received a number of responses back from involved agencies giving their consent. At this point in time, the Planning Board is in a position to declare themselves lead agency. He said they have also prepared a draft Negative Declaration of Significant under SEQRA for the Board's consideration.

Whitney Singleton stated he would also like to relay, as discussed at the Planning Board staff meeting, that there was both positive feedback from the Zoning Board of Appeals at a recent appearance, as well as authorization from the Village Board of Trustees to draft a cross easement agreement. He added, it has not been acted upon by the Board but they have authorized me to draft a cross easement agreement between the Village and the property owner to facilitate the development as proposed.

Chairman Cosentino asked if there is a motion for the Board to declare Lead Agency?

**Mr. Bainlardi made a motion to adopt the resolution for establishment of Planning Board as Lead Agency for 461 Lexington Avenue LLC.**

**Mr. Mareschi seconded the motion.**

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

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

**Motion carried by a vote of 7 to 0**

Chairman Cosentino stated that I haven't heard that many names in a long time, fantastic. Next Jan?

Jan Johannessen said next is consideration of the Negative Declaration.

Chairman Cosentino asked if anyone wanted to make a motion.

**Mr. Bainlard made a motion that we adopt the resolution adopting a Negative Declaration as a Notice of Determination of Non-Significance for 461 Lexington Avenue.**

**Chairman Cosentino asked if we have a second?**

**Mr. Mareschi seconded the motion.**

**Chairman Cosentino stated on the question? Will the Secretary poll the Board please?**

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

**Motion carried by a vote of 7 to 0**

Chairman Cosentino stated the other thing is we are going to need input from the CAC.

Mr. Martabano said the CAC has issued an email memorandum that was read at the meeting of the Village Board on the 20<sup>th</sup>. They are in support of it. They did ask for some minor modifications to preserve even more trees in the back that the applicant has indicated that she will accommodate. Mr. Martabano stated he would get a copy of the email memo and send it to the Board.

Chairman Cosentino stated just so we have a paper trail.

Mr. Martabano said it was read at the Village Board meeting.

Chairman Cosentino stated that Counsel already spoke about the ZBA.

Mr. Martabano said we did appear before them and they did express that they were very favorably disposed to the application. Of course, until the Neg Dec was issued, because it is a coordinated review, they can't act on it. They will act on it hopefully on the 18<sup>th</sup> of October.

Chairman Cosentino stated ok, that's it, right Jan?

Jan Johannessen stated yes.

Mr. Williams asked what are the next steps for this project?

Jan Johannessen stated the next step is for the applicant to obtain approvals from the ZBA, the DEP and the Village Board.

Mr. Martabano stated for that easement. He added he would like to see a resolution of approval from this Board, if they are so inclined.

Jan Johannessen asked if they are coming in on the same curb cut or do they need a second curb cut.

Mr. Martabano stated they are using the existing curb cut.

Whitney Singleton asked Mr. Martabano if he is going to appear before the ZBA on the 18<sup>th</sup>?

Mr. Martabano stated yes.

Whitney Singleton asked Mr. Martabano if he would be working with him on a cross easement agreement that would not be before the Village Board until the earliest, October 24<sup>th</sup>?

Mr. Martabano stated he thinks it's the 27<sup>th</sup>, unless they schedule a meeting in between, which he is always hopeful of.

Whitney Singleton asked Mr. Martabano what he would be providing this Board between now and the next time you appear before them?

Mr. Martabano stated he didn't think anything would be updated in terms of the site plan because the site plan at that point would be legal when the variance is granted. So the only change that would be a modification with respect to the saving of that tree, so probably a modified tree preservation plan because we are going to now save the tree in the back.

Jan Johannessen stated you are going to modify some drainage as a result of that.

Mr. Martabano stated that is correct too, so I don't know if that level spreader in the back moves or not. So we will have to give you a revised plan in the interim.

Anthony Oliveri stated he had outstanding comments on the drainage as well.

Mr. Martabano stated that he's sure Insite will address those promptly.

Whitney Singleton stated there was discussion as to what improvement would be made, not only to your client's property, but to Village property and asked right now is there any proposed plan or is there anyone with whom you are discussing this to make sure when you appear back before this Board or before the Village Board that there is something that can be endorsed, reviewed, considered.

Mr. Martabano stated he believed Scott has reached out to Mr. McCartney and had discussions in that regard but he didn't think.... He stated that we had talked at one point about the possibility of gravel parking spaces but I think they didn't want that.

Jan Johannessen stated they revised their landscaping plan so you couldn't get a vehicle from the end of the driveway back to Village property. Nobody was really pushing the gravel.

Mr. Martabano stated that was what he understood as well, that it was on the table but they didn't really want it. There was also discussion at the Village Board meeting about the possibility that on weekends would we make our parking lot available and the applicant said she would do that, which we could address any number of ways. He stated in terms of plans, though, there will be a revised tree preservation plan and there will probably be a change to the storm water plan, I would presume, as a consequence of that.

Whitney Singleton stated and the CAC and the Zoning Board and the Planning Board and Village Board, has there been any recommendations with regard to walking paths in regard to the type of landscaping that the Village would like?

Mr. Martabano stated that he has not heard anything. Unfortunately Scott is not here and he has had the discussions.

Whitney Singleton asked Mr. Martabano to do a reach out and make sure that Jan is included in that.

Mr. Martabano stated that he would and that would help bring it to the finish line faster. He said he would coordinate with Jan about that. Thank you.

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

Charles Martabano, attorney for applicant; Rich Williams, Insite Engineering appeared before the Board.

Mr. Martabano stated since they were last before the Board, there has been some fairly significant changes to the plan - some are as a consequence of discussions with the Planning consultant and some are as a consequence of a determination made by Peter. Specifically, as you remember, this storage building was previously a separate building but it was determined that accessory storage are not permissible uses in the SC district that we had to attach it to the building where that addition is being added here. That also changed the variances that we needed, but very slightly. The other suggestion that was made by Jan would we consider one-way traffic circulation. So we did consider it. And he also wanted to change the curb cuts. Now the thought, obviously here again, there has always been a focus of keeping traffic off Kiskon Road. So, if you take a look at the design of the curbs, you can’t come out and do a left hand turn. They are specifically designed to prevent that. So you’ll have signage and extra curb cuts.

Chairman Cosentino asked if right across the street, wasn’t there supposed to be a sign for no left turn.

Mr. Martabano stated they have no problems with any signage, but now we have actual curb cuts.

Chairman Cosentino stated it’s not there though.

Mr. Martabano stated we can’t show one across the street.

Mr. Vigliotti stated it could be shown in the resolution.

Mr. Martabano stated we don’t have the authority to do work on someone else’s property and that’s probably the Village’s property, he would presume at that point in time.

Chairman Cosentino asked Jan how do we go about that.

Jan Johannessen asked if there is a sign on the applicant’s property. I think there is a no left turn sign there.

Mr. Martabano stated on our property there is but they were talking about across the street.

Jan Johannessen stated that now the curbs are flared like that...

Chairman Cosentino stated they should keep the sign on their property.

Mr. Martabano stated they will, of course. He added one of the other advantages of moving the storage building closer is we have a much better loading space for it so now it all works properly. And as Whitney pointed out, we also appeared before the ZBA on the 22<sup>nd</sup>. We reviewed all of the changes with them. They again enthusiastically supported the application but now when we changed the variances and we changed the plan we need a revised Negative Declaration, which is what is before you tonight, which we need before we can go back to the ZBA on the 18<sup>th</sup> and hopefully get the variances granted.

Mr. Bainlardi stated on the signage issue, there are two signs shown at each exit indicating one way traffic.

Mr. Martabano stated yes, and there is also no left hand turn also if I remember correctly.

Mr. Sturniolo asked Mr. Martabano if at this point does the ZBA know about the revision?

Mr. Martabano stated absolutely. We appeared before them with this plan that you are looking at. Absolutely, that is what we did. Because we need that variance because it did increase the number of square feet and it did increase the site development coverage from 80 to 85.

Mr. Sturniolo stated and you're waiting for them for their...

Mr. Martabano stated they were very responsive and one neighbor was also there, and they were very favorable to it, but they can't act until we have a revised Negative Declaration. And you hadn't seen this plan before.

Mr. Sturniolo stated that it kicks off tonight.

Mr. Martabano stated that is exactly correct. This is the predicate that allows everyone else to move forward.

Mr. Sturniolo stated understood. Thank you.

Mr. Martabano stated that you have the revised Negative Dec in your packet.

Chairman Cosentino asked Jan if he had anything.

Jan Johannessen stated that he circulated a redlined version of the revised Amended Neg Dec to show the changes that were being made as was discussed this evening. I have nothing else to add. So then during our work session it was indicated by the Board that you wanted some communication from the Village Board with request for comment.

Chairman Cosentino stated exactly and brought back to us before we can do anything. Anthony, Whitney, do you have anything?

Anthony Oliveri stated he had some comments in a memo – storm water issues. One thing maybe we should clarify, in their memo in response to the last memo, it was noted that it was determined at the past Planning Board meetings that extending the proposed curb along Kiskon Road was not necessary. I'm not sure that was determined or not. I think maybe the Board should probably chime in on that. I had brought that up, curbing down Kiskon as a possibility but wasn't sure if the Board really wanted to pursue that and I'm not sure if it was definitely determined that it wasn't necessary.

Chairman Cosentino stated that he didn't remember that. Why would you need curbing? I don't see why you would need the curbing.

Anthony Oliveri stated that right now there is just a broken up edge of asphalt along there.

Chairman Cosentino asked what would hold the plantings in.

Anthony Oliveri stated that the planting is really on their side of the property.

Mr. Vigliotti asked if Anthony Oliveri could point out where the curbing is that he talking about.

Anthony Oliveri said when you're coming out of Lincoln.

Mr. Williams stated right now when you come out Lincoln, we're coming down Lincoln and we're stopping just past the egress from the site.

Mr. Vigliotti asked why would you not curb on Kiskon.

Mr. Martabano stated because there are no curbs beyond that and it's obviously a very significant expense as well. We are trying to keep a natural landscape there as well.

Mr. Vigliotti stated that it would seem in an effort to delineate the private property from the public right-of-way, which is the street, and we've done this before, where we've required curbing.

Anthony Oliveri stated that the curbing would be in the right-of-way.

Mr. Martabano stated that it's not in our property.

Chairman Cosentino stated that we require curbing on their property but we've never required curbing on Village property.

Anthony Oliveri stated that he only brought it up because sometimes the Board will ask for improvements.

Chairman Cosentino stated that he didn't know what the Village is thinking of. I don't know whether it has anything to do with the Village, so we don't know about that. So, you'll talk about that. Good question though.

Anthony Oliveri stated I don't think it was ever determined.

Mr. Martabano stated obviously, we'll respond to those comments. From our perspective, I know you have a meeting on October 25<sup>th</sup>. Assuming we are going to get our approvals from the ZBA on the 18<sup>th</sup>, I would love to see a Resolution of Approval. Obviously, we're anxious to try to start the work here. We're anxious to try to start the move to this location. So the end of October, unfortunately there have been some things that have delayed this. I'm not talking about the Board. I'm just talking about changes in the plans and what not. We'd really like to get this thing moving as fast as possible.

Chairman Cosentino stated that we need the Village to act.

Mr. Martabano stated he didn't think they are going to act. They don't have jurisdiction here. They are not an approval authority with respect to the plan.

Whitney Singleton stated that they are not an involved agency. That does not mean that they won't have input.

Mr. Martabano stated that input is one thing. That's fine. If you reach out and you ask them to comment, the difficulty would be that they don't meet until the 27<sup>th</sup> because they canceled the meeting and that could then knock us into November. That could really be cutting it close for us.

Chairman Cosentino stated Whitney, you have something to say on this application just now. Before Anthony spoke you said something.

Whitney Singleton stated I just said the Village Board is not an involved agency in that they're approving anything but they certainly may have input as to what they would like to see done with the plan.

Chairman Cosentino stated Jan do you see anything wrong in drawing up a draft resolution?

Jan Johannessen stated he is happy to prepare a draft resolution but if you're going to seek input from the Village Board...

Chairman Cosentino stated that it's only a draft. Charlie, I don't know...

Jan Johannessen stated there is nothing lost...

Chairman Cosentino stated if they don't come back to us, I'm not going to wait for them.

Mr. Martabano stated that's fine.

Chairman Cosentino stated is the Board ok with that?

Mr. Bainlardi stated he has no issue with having a draft prepared.

Mr. Martabano stated fantastic, I appreciate it.

Mr. Bainlardi stated if you are ready to entertain a motion, I'm prepared to make a motion that we accept the revised Nec Dec this evening as well.

Chairman Cosentino stated go ahead and make the motion.

**Mr. Bainlardi stated I make a motion to adopt a resolution of revised Negative Declaration, Notice of Determination of Non-significance dated, I'm sorry, this is showing September 13<sup>th</sup>.**

**Jan Johannessen stated September 27<sup>th</sup>.**

**Mr. Bainlardi stated am I looking at the wrong one.**

**Mr. Bonforte stated the revised one is the 13<sup>th</sup>. Keep going.**

**Jan Johannessen stated mine says the 27<sup>th</sup>.**

**Mr. Vigliotti stated mine says the 13<sup>th</sup>.**

**Mr. Bainlardi said so dated today's date, September 27, 2016, for EK Construction, 35 & 39 Kiskon Road.**

**Chairman Cosentino stated thank you John, do I have a second?**

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

**Chairman Cosentino stated on the question.**

**Mr. Hertz said on the document dated the 13<sup>th</sup>, with a cross out of August 9<sup>th</sup> re-dated as September 13<sup>th</sup>.**

**Jan Johannessen stated mine says September 27<sup>th</sup>.**

**Mr. Bonforte stated there's a draft in your package. If you keep flipping through your package, you'll find it.**

**Mr. Bainlardi stated yes, yes.**

**Mr. Martabano stated it's beyond the draft that showed you the changes. This is the incorporation of the changes.**

**Jan Johannessen said the original version is incorrect. It has the wrong date on it.**

**Mr. Martabano stated so it's really the 27<sup>th</sup>.**

**Mr. Bainlardi stated so there's a clean and a marked version.**

**Michelle Lailer stated the clean one is first and the marked up one is underneath.**

**Jan Johannessen said the clean version has the date of the 27<sup>th</sup>.**

**Chairman Cosentino stated are you ok Doug?**

**Mr. Hertz stated he was just getting his book keeping correct.**

**Chairman Cosentino stated Michelle....**

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

**Motion carried by a vote of 7 to 0**

**Mr. Martabano stated thank you all very much.**

**Whitney Singleton stated Charlie, where are you with the driveway for the adjoining house.**

**Mr. Martabano stated are you talking about 25 Kiskon?**

**Whitney Singleton said yes.**

**Mr. Martabano stated we have the topographical survey, Insite is working on that for the property owner. I said before to Jan and to Peter that we would bring that in to you as soon as that's done. So I would think in two weeks we would have that ready to go. It's a promise we made to the Board and we're going to keep. Now I'm leaving in case you come up with anything else.**

**3. GBD Realty Inc – 556 Main Street (Manara Laundromat)  
PB2016-0332, 80.57-4-6.1 (SBL)  
Amended Site Plan**

Chairman Cosentino stated GBD Realty – Manara Laundromat. Will you come up and identify yourself for the record?

Mr. Bill O’Neill, architect and Mr. Paul Maffucci, owner appeared before the Board.

Chairman Cosentino stated we have a draft resolution.

Jan Johannessen stated the applicant has worked through the Board’s prior comments and has agreed to increase the landscaping around the perimeter of the building, that would be around the south and west sides of the building. He has revised the lighting plan with lower wattage LED bulbs, showed the fixtures, the height of the poles have been decreased by 10 feet.

Mr. O’Neill stated 10 on a two foot base – we’re 10 on top of the retaining wall and there are now three fixtures instead of two. We’ll end up with one additional fixture. We’ll affix the halcite shields. And we met with Jan a couple of weeks ago. We’ve already revised the landscaping plan. We brought a copy today. I know you’re not going to consider that tonight. We’ve done the work. We’ve reviewed the draft resolution. We have no objection to any of the conditions. We’re satisfied.

Chairman Cosentino stated if there was something wrong, Jan would have let us know.

Jan Johannessen stated basically everything the Board has asked for has either been incorporated into the plan or is a condition of approval.

Mr. Hertz stated can I just ask one question? On Condition #24, which is just talking about turning off lighting and reducing security. The hours of operation are... because it talks about during non-operating hours. What are the hours of operation? Are they listed in here?

Mr. O’Neill stated I believe we do list it as to midnight. It’s on the plan now.

Jan Johannessen stated that the lighting plan specifies actual hours.

Mr. Hertz stated ok, it’s on the lighting plan. Ok, it’s not in here.

Mr. Vigliotti asked what are the hours now?

Mr. Maffucci stated that they are five in the morning until eleven, twelve o’clock.

Chairman Cosentino stated that we have a draft resolution here. Do we have a motion?

**Mr. Bonforte stated he would make the motion. He would like to ask the Planning Board to adopt the amended site plan approval for Manara Laundromat, GBD Realty Inc., 556 Main Street, Section 80.57 Block 4 Lot 6.1, application number PB2016-0332, dated September 27, 2016.**

**Mr. Vigliotti seconded the motion.**

**Chairman Cosentino stated Michelle?**

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

**Motion carried by a vote of 7 to 0**

Mr. O’Neill stated thank you.

Chairman Cosentino stated you have done a nice job.

Mr. Maffucci stated thank you as well.



## **Conceptual Application**

Chairman Cosentino stated conceptual, 487, we talked about that in our work session. 487 Main Street and it was all about seating.

### **1. GBD Realty Inc – 556 Main Street (Manara Laundromat) PB2016-0332, 80.57-4-6.1 (SBL) Amended Site Plan**

Mr. Don Walsh, Development Strategies; Rich Williams, Insite Engineering appeared before the Board.

Mr. Walsh stated they understand the Board's point. They had gotten the suggestions from Jan as to what should be added to the plan. They are prepared to do that and they are prepared to deal with the staff as you are directing and come up with a number that works for everybody. He stated they did meet with them before they came here. There was some ambiguity. There were different proceedings, building department, your predecessors, your Board. He added we do have three restaurants that are very interested but with a number in the area, the Board suggested we come.

Chairman Cosentino stated there is nothing really to show, we are talking about people.

Mr. Walsh stated exactly. We did a summary on here and we did the calculations.

Chairman Cosentino asked if there was anybody on this Board that wanted to say anything other than we said before and let our Building Inspector meet and bring us back something. Do we all agree on that?

Mr. Hertz stated we are looking at double counting of parking spaces because of dissimilar operating hours on both the UPS store, Lacrosse Unlimited, the liquor store and this. Would that be accurate?

Chairman Cosentino stated yes. He added the applicants are going to come back and meet with Peter and they are going to come back to us with a plan.

Mr. Walsh stated that they did work in the hours and the parking with each site just for the exploration of this Board. He said this is not one of those things where someone is lined up coming in this second, so the deliberation time is fine. The staff time is fine.

Mr. Hertz stated he was very upset when Q left. He said he liked them, they tasted really good.

Chairman Cosentino stated you'll work with Peter.

Mr. Walsh stated that we'll come back perhaps in October.

Jan Johannessen stated between now and then if you could schedule with Michelle a meeting with him and staff.

Mr. Walsh stated he would like to do that in the next week. Rich and I will look at our schedules. He added we appreciate your time. He said Mr. Karnow who was the architect before is here tonight. He will be doing the plans for the Building Department for the interior. Thank you very much.

## **Correspondence:**

Chairman Cosentino stated we have BDM. He added Anthony, for the record, just go over what you find and what they are going to do.

Anthony Oliveri stated the letters were from DEP. One of them stated that the application was incomplete. That was the September 15<sup>th</sup>. There was a notice on August 24<sup>th</sup> that just listed different things that they had to supply. He stated they are just going through the motions with DEP.

Chairman Cosentino asked if this is going to be a drag along thing again. It's been before us for 3 years.

Anthony Oliveri stated the good thing is they are actually into the DEP now. They are making some progress. Once they have that SWPPP approved, they should be able to get started.

Chairman Cosentino asked if there was anything else that anyone wants to bring before this Board before we adjourn.

Michelle Lailer stated that November 8<sup>th</sup> is your first Planning Board meeting in November. We are actually closed for Election Day so we do have to make a change to your schedule. I don't know if anyone is opposed to that Thursday, November 10<sup>th</sup>.

Chairman Cosentino stated he would let her know, they may cancel the meeting.

Mr. Hertz asked about the next meeting dates.

Michelle Lailer stated the next meetings are the 11<sup>th</sup> and the 25<sup>th</sup>.

Mr. Bainlardi stated there are a couple of other items of correspondence on Page 2. He stated on the previous correspondence for BDM, it appears that the August 24<sup>th</sup> letter from the DEP asked for five or six items. Then they acknowledged by letter dated September 15<sup>th</sup> that they received those items and that the only thing that is left is for completeness. The DEP must comply with the requirements of SEQR.

Chairman Cosentino stated Bare Burger, help me out here.

Anthony Oliveri stated DEP is saying there is no regulatory permits or approval required.

Chairman Cosentino stated WIN Development, memorandum from NYS DEC. Anthony?

Anthony Oliveri stated this one is checking on, they needed a DEC permit.

Jan Johannessen stated they need a DEC Wetland permit.

Mr. Bainlardi stated the stream is identified as an unnamed tributary to Mount Kisco River.

Anthony Oliveri stated they are going to need a fresh water wetlands permit.

Chairman Cosentino stated Philar Realty, we've never given a year extension. We've only given 6 months and they come back again. He stated I'm in favor of giving what we usually give a 6 month extension, not one year.

Mr. Bonforte asked if the Chairman meant that specifically for a conceptual review.

Chairman Cosentino asked what does he want the extension on anyway.

Michelle Lailer stated he is looking for the application not to disappear. He is not ready to pursue the application just yet but he does have plans to pursue it.

Chairman Cosentino stated that he never had a question like that asked.

Jan Johannessen stated he didn't think it was necessary. He said he thinks you could just acknowledge that it's a pending application.

Chairman Cosentino stated it's a pending application and after one year, it's null and void anyway.

Michelle Lailer stated that is what he's trying to avoid.

Jan Johannessen asked if there is something in the Code that someone doesn't continue with their application, that it goes stale for a year that it expires in some way.

Whitney Singleton stated no, but there is something in the Rules and Procedures. It says any application which does not come back to this Board in a twelve month period shall be considered expired.

Chairman Cosentino stated there is nothing we can do on that.

Jan Johannessen stated that you could grant relief to that, true?

Whitney Singleton asked when was the last time this was before you? He stated that you could deem his correspondence as an appearance before your Board.

Chairman Cosentino asked for six months?

Mr. Vigliotti stated he would have to come back if he needs another six.

Chairman Cosentino stated six months, that's what we normally do for any applicant. Not a year.

Whitney Singleton stated it's not an approval. It's a pending application.

Chairman Cosentino stated so six months. Do we need a motion on that?

**Mr. Vigliotti made a motion.**

**Second, inaudible**

**Mr. Bonforte made a motion to adjourn.**

Chairman Cosentino stated all in favor?

All ayes

The meeting adjourned at 8:10 pm