

Minutes of the **Regular Meeting** of the Planning Board of the Village/Town of Mount Kisco held on **Tuesday, January 12, 2021** at 7:15 pm via Zoom Teleconference

Members Present: Doug Hertz, Chairman  
John Bainlardi, Acting Chair  
Ralph Vigliotti  
Michael Bonforte  
William Polese  
Crystal Pickard  
Barbara Roppolo  
Shondra Floyd McClary

Members Absent: John Hochstein

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

Chairman Hertz stated great, so welcome everyone. This is the Mount Kisco Planning Board meeting for Tuesday, January 12<sup>th</sup>. We have just concluded our work session and this begins our regular session. Waiting for a couple of our members to come back on from break. In the meantime, we will have a series of public, after we do the minutes which were the first item on the agenda, we have a series of public hearings, I believe five public hearings in a row this evening. So, Mr. Miley, would you just go over the ways in which the public can speak if you will at these hearings or...?

Mr. Miley stated I'll be happy to. So, the first way is if you joined us on Zoom, you can raise your hand and Michelle will allow you to speak, on a first come, first serve basis. And then you could also call in to our Zoom number, and I'll give you that number, its 1-646-558-8656 and we could say before each meeting if you'd prefer, Chairman. And the last method would be to comment on Facebook. I'm monitoring it. And I'll read any comments that are shared into the record, Chairman. So, those are the multiple -- oh, and last but not least, you decided you'd like to come down to the Village, we do have a microphone set up for people to speak at the meeting as well.

Chairman Hertz stated thank you very much. And additionally, comments can be sent to us via email or via snail mail. And those comments will be entered into the public record and will be, we will acknowledge them and the applicants will need to respond substantive comments that we received by mail or by email. Alright, first item, the agenda are the minutes for September 22, 2020. We do have a quorum for those minutes. I'm assuming people have given secretary any notes if needed. **So, I will make a motion that we approve the minutes of September 22, 2020.** Do I have a second?

Mr. Polese stated I will second the motion.

Chairman Hertz stated thank you, Madam Secretary?

The Secretary stated I'm only going to call the members of the Board that were present.

**UPON ROLL CALL VOTE:**

<b>Chairman Hertz</b>	-	<b>aye</b>
<b>Mr. Polese</b>	-	<b>aye</b>
<b>Mr. Vigliotti</b>	-	<b>aye</b>
<b>Mr. Bonforte</b>	-	<b>aye</b>
<b>Ms. Pickard</b>	-	<b>abstain</b>
<b>Vice Chair Bainlardi-</b>		<b>aye</b>

**The motion carried by a vote of 5 to 0.**

The Secretary stated thank you.

**A. ARC Westchester – 699 Main Street  
PB2020-0405, SBL 80.72-4-19  
Site Plan**

Chairman Hertz stated thank you all. All right. So, the first item on the agenda is a public hearing for ARC Westchester-699 Main Street. They are on for site plan and steep slopes. So, Jan, would you introduce

this? And this is the, we're opening a public hearing tonight for this application. Jan, would you do the intro? Do we have Jan with us?

Mr. Miley stated Jan, I don't see him but we do have the applicant with us if they like to...

Chairman Hertz stated okay, well, I'll give a brief introduction while we're waiting for Jan to re-Zoom in. So, this is an application for ARC --

Jan Johannessen stated Doug, can you hear me?

Chairman Hertz stated yes, now we can.

Jan Johannessen stated okay, great. Sorry about that.

Chairman Hertz stated that's okay. I was just asking you if you would just introduce this application then we'll turn it over to the applicant.

Jan Johannessen stated sure. This is Westchester ARC at 699 East Main Street. It's applied for a site plan, the steep slopes permit. The property is just over four acres. It's in the OG Zoning District, developed within adult day care facility and the basement is leased for record storage to a second party. They're proposing to construct a new entrance vestibule with a cover drop off area. They're proposing to expand the existing parking lot to increase parking capacity. They're also proposing upgrades to the building, an outdoor patio, a on-site trail system, storm water management improvements, site lighting and landscaping. Unlisted action under SEQRA, the only other approvals that are necessary are ARB approval. We did, I think in a work session discuss the potential area variance from the ZBA. The application has been referred to Westchester County Planning Board under 239M of the General Municipal Law. And since land disturbance will exceed 5,000 square feet before commencement of work, they'll need to obtain coverage under the SPDES general permit. So, for a public hearing, the first hearing, first public hearing scheduled. That's the site plans.

Chairman Hertz stated great. Thank you, Jan.

Jan Johannessen stated you're welcome.

Chairman Hertz stated alright. So, I will turn it over to the applicant in a moment. I just want to make a comment. This, we're trying to institute a new set of rules for public hearings to keep them more orderly. So, we are going to ask anyone who's going to speak other than the applicant to keep your comments to approximately three minutes. We realize some people have much more substantive comments than that. So, if you can, if you do have long and detailed comments, we'd ask that you provide those in letter form so that we can, we can take those in. And then we would also ask that people who are basically supporting comments that have come before to try to make those as expeditiously as possible in respect to everyone's time. So, I will be trying to keep everyone within time limits if that's possible. Okay. With that, I will turn it over and as I said, that's not to apply to the applicant because obviously, they are the applicant. So, with that, I will turn this over to, Dawn, are you representing thing applicant here?

Ms. McKenzie stated I am. I'm also here. Dawn Lewis McKenzie from Insite Engineering, Surveying & Landscape Architecture, registered landscape architect for the project, were also the Civil Engineers. I'm here tonight with Ian Mueller from IKMueller Architecture and Ian's going to give you a brief introduction to the programming at the site and what ARC does at this location. Ian?

Chairman Hertz stated Ian, you unmute it and you re-muted.

Ms. McKenzie you re muted.

Mr. Mueller stated hi, alright. This is Ian Mueller from IKMueller Architecture, the register architect on the project. Yeah, as Dawn said, this is a project that is for the Ann Manzi Center which is run by the ARC Westchester as a multigenerational day program center providing support and services to adults with developmental disabilities. The services include learning life skills on site and serving as a hub for volunteering in the community. The programs offered on site range from yoga to pet therapy, gardening to painting. The goal of Arc Westchester in operating through this Ann Manzi Center is to assist these individuals in really becoming independent. The center can support up the 75 individuals with their day programs, and they have 30 staff there that work out of this building. The building was bought by ARC in the mid-90s and has not undergone any meaningful renovation since. Improving the building on the site became a mission a few years ago to expand their program to support the senior age population thereby, allowing the Ann Manzi Center to provide valuable opportunities for a population that typically ages out of

these programs. Part of this application addresses the building maintenance and the small entrance vestibule addition at the front of the building with a covered awning. The largest scope of this project is to better utilize the four-acre site for ARC's program at the Ann Manzi Center. This is only gaining area or importance during the COVID-19 pandemic where spending time outdoors has truly become a critical need for them to serve the individuals in the program. So, Dawn from Insite will now describe in more detail the site improvements that we're proposing.

Ms. McKenzie stated okay, so, just to give you a general for those of you who are not familiar where the site is where the site is located on the south side of East Main Street and Lexington Avenue. The intersection with Lexington Avenue is right in this location here. Some of you may be familiar with the Dunkin Donuts at the commercial property next door. There are residential properties on the west side of the parcel and on the south side of the parcel. And there are commercial properties on the east side of the parcel. There is an existing one-story building generally located in the middle of the site and existing driveway that comes up from Main Street on the eastern side of the site along the Eastern property line. And there is an existing parking lot in the back. What most of you may not know is there's an extensive area of underground building that comes out along the front of the building on the north side and extends out here to the east on the side of the building. It's underground, there's no surface building shown. The only evidence of that is this egress staircase in this location that you see over here. So, that underground structure provides constraints to where we can put the proposed parking lot. Generally speaking, [inaudible] on this site, and everyone parks in the back. The main entrance of the building is actually at the back of the building in this corner, that's the existing condition. And one of the things the project proposes is to provide an entrance vestibule. Right now, the doors opened right up into the greeting/lobby area. And whoever is in that, it's very cold there in the winter and this will provide a double door entryway to give them a little bit of weather protection at the colder times of the year. And it's actually will be particularly helpful at times like this with COVID. Hopefully by the time they get this built that will no longer be an issue, you know stopping people at the door before they come in. But that will be very helpful more for a weather reason and security reasons. So, the other thing that they're proposing is a covered drop-off. So, currently, I'll just flip to the existing conditions, so, currently, so here's the door, the driveway comes up, there's parking in this area and there isn't a cover drop-off. The vans come in, they stop in this area, they drop off the individuals when they come in the morning and pick them up from this location at the end of the day.

Chairman Hertz stated Dawn, would you mind just blowing up that image just a little bit, so that everyone sees?

Ms. McKenzie stated of course. I can do that. Yes, just to give an idea, you want to focus in on the parking lot, Doug?

Chairman Hertz stated yeah, the areas that you're discussing.

Ms. McKenzie stated okay. So, existing driveway, existing building, this location right here is where the door is, that's the entrance to the site, entrance to the building and that's currently where the vans come in and they drop-off and pick-up the individuals when they arrived to the site. And this parking lot here is where the staff parks and visitors. And currently, they don't have enough parking, if you go there during the day, you'll find that there are cars packed in here and parking along the driveway to accommodate the needs of the site. So, in addition to providing a covered drop-off in this weather protection entryway into the building, they need more parking. And actually, the zoning for their current use requires that they have more parking. And ARC has determined that what is required for them is also what they need. So, that's one of the main, one of the main reasons why we're here for site plan approval in addition to as Ian said, improving the programming and more programming opportunities at the site. So, let's go back to the site plan. So, now that we've talked about the existing conditions, well, actually let's talk about this. So, they're mature shade trees on the site, there is an extensive existing vegetated buffer along the western side of the property and there's more along the southern other side of the property. There are quite a few existing mature evergreen and deciduous trees in that location with some understory brush filling in underneath that and that is in the existing condition. So, as part of the project with the proposed improvements, we're not planning on impacting that existing vegetative buffer as part of the project. So, let's talk about parking. As I just, as I said, they need more parking at the site. So, what the project proposes to do is reconfigure, we're going to change the layout of the existing parking in the existing parking lot, so, that's number one. Currently, there are cars parked along this side, and they need better circulation. We're proposing to expand the parking to the west and provide additional parking spaces in this location. And as I mentioned earlier, we're providing a refuse enclosure in this location. We'll have to discuss with the applicant, just letting the Board know whether or not they will be looking to seek a variance. If not, we'll find another spot probably and relocate that. So, in addition to that, we're providing a new parking lot just south of where the existing parking lot is in this area here. So, in order to access that and provide better circulation, cars would come in to parking lot, they would pass through here and we're

providing a new driveway up the hill into this area here. This is a 40 car parking lot, and then there would be another access drive down this way for cars exiting the site. So, we have this kind of circulation pattern, in a loop. Let's see, in addition to that, so we've already been to the Board once and one of the requests that was made by the Planning Board was for us to look at shifting the parking lot closer to the building and further away from the residents to the south. So, from our previous submission to this current plan, we have actually shifted the parking lot further away from the property line and closer to the existing parking lot in the building. And in doing that we made we lower the parking lot a little bit, made some adjustments to the grade and actually on the southwestern corner, this corner of the parking lot is up to, I believe its three feet lower than the adjacent grades here at the property line. And also, on this corner here, this corner of the parking lot is about three feet lower than the adjacent grades at the property line in this area as well. In addition to that, we have graded in an earthen berm along the head of the southern side of the parking lot. And we're proposing to install, to supplement the existing evergreen and deciduous plantings with some more evergreen trees and shrubs in this area. Also, we're proposing so the brighter and darker symbols here, the circles represent supplemental plantings. And that's just a general overview of what we're doing with the parking lot. There will be site lighting proposed as part of this, new parking lot that they're going to need that for safety at the times of year when it gets dark early. For the most part, my understanding of ARC's programming is everyone, all of the individuals who come for the day, and Ian, you can chime in on this to make sure I get the time's right, they arrive at 8:30 in the morning and they leave at 4 o'clock in the afternoon and that's when the programming ends, and then after that the staff leaves. So, lighting the parking lot is not something that's going to -- the parking lot lights are not going to stay on all night or into the late hours. There's a small window of time at the end of the day when staff needs to get to the cars for the parking lot needs to be lit. And then when the site is not in operation, it's expected that the lights will probably be turned off. We'll find that and provide that the timing for when the parking lot lights will be on in our next submission when we, when we get back to the board with the photo metric lighting plan for the project. In addition to that, let's talk about the fun part of the project. So, at the front of the building, what the project proposes is an outdoor patio area. So, this would be a place where possibly training or therapy could occur, along with that, to provide handicap accessible access out into the lawn areas of the site, of the yard area, we're also proposing to provide this lighter circulation system. It will be pervious pavers and it allows individuals in wheelchairs to access other portions of the site. There's actually a potential future opportunity for them to expand that accessible route further out to the site and possibly get to this garden as well but that's what this loop is about. On top of that, these spaces here are open enough for outdoor programming to occur in those locations. So, maybe there'll be some therapy going on in that spot or some sort of outdoor training just situations where other activities can occur. On top of that, we'll talk about this, so this is the bioretention filter. We don't always have exciting stormwater management on projects. But in this one we're proposing a garden in this location and it doubles as a bioretention filter as part of the stormwater management for the parking lot. In addition to that, the darker brown, this will be mulch paths to allow other individuals access to get around this site. And I think that really gives an overview of it. The other thing that ARC has requested is they're looking to put in a sidewalk along the side of the driveway on this western side of the driveway. So, generally, that's an overview of the project.

Chairman Hertz stated thank you very much.

Ms. McKenzie stated you're welcome.

Chairman Hertz stated let me ask a couple of questions. Dawn, can you just highlight for us? You said that the plan was able to save a number of mature trees, can you point this out for us?

Ms. McKenzie stated you're asking about, okay. So, it is part of the, from the previous site plan, we were originally planning on removing this tree here. This is a 50-inch maple tree, pretty mature in size but the current revised site plan has worked the pass around that and we've changed the stormwater management system and the grading to preserve this particular tree. This one here is, I believe a 48-inch maple and that one we were planning on preserving as well. So, I'm going to show you we're talking -- were you asking me, Chairman, about the existing trees in the buffer as well, or?

Chairman Hertz stated I was really just, you had mentioned in your comments that you were able to save some of the trees that we had asked. So, I just was giving you an opportunity to kind of talk us through that.

Ms. McKenzie stated okay. Well, that was the 50-inch maple in particular. Some of the other mature trees that are in the lawn. So, generally speaking, there's lawn on the front of the site and around the western side of the site, there is an existing garden up in this area. And so, we're going to reconfigure the gardens and preserve the lawn area. And there are some significant mature trees in the front lawn, we're going to keep those as well and by the 50-inch one in particular was one we had been proposing to remove. And because of the changes that we've made and the because of the request of the Planning Board, we've

worked things out so that we can preserve that particular tree. Now, one thing I didn't mention is that there are four mature oak trees along this side of the driveway which we are proposing to remove as part of the project. One of the main reasons that those trees are going, are being requested to take down is they're showing signs of decline. We provided a letter from Sav-A-Tree, the arborist today who has been taking care of these trees for the last four or five years. But we just sent that to Michelle today, so it hasn't circulated around to everyone yet. But we'll make sure that we officially include that in our next submission, so that you have that. But just to briefly paraphrase that, not being an arborist, I'll just tell you generally what they had to say about that if I can get that to pop up, so I can see it. No, that's not going to happen. Okay. So, there, all four of the trees are showing some decline in the branching structure, and there is evidence of damage to the structure roots because of the existing driveway over those roots. And there's other evidence that the trees are suffering and in decline and Sav-A-Tree has been out to the site over the last four years severely pruning those trees and they feel that they pose potential hazard, and that they're in decline. And that's why they're recommending that they be removed. If those trees were removed, it would allow ARC to install the sidewalk on the western side of the driveway that they're requesting, so.

Mr. Vigliotti stated Dawn, if I may. I've driven by the site a number of times. I live in the area, I've seen the trees and they look for their age quite healthy. For my age, I feel like I'm pretty healthy, yeah. However, I think we need to take a closer look. I would love for the rest of the Planning Board members to see those trees in full foliage to make that determination. I would hope that the site work could maybe be moved to the other side of the trees, to the west of the trees and be able to save those trees. They are 30-plus inches in caliber, in diameter, if not more than that. The tree trunks look like they're in terrific condition. I mean folks have driven over the root system. I mean there could be something to save those trees. It's just a thought I think, and when we do a site visit, we'll be able to discuss that a little more. If we just moved to the south end, I see 246, the dark circles mean the trees are being removed, correct?

Ms. McKenzie stated no, these are proposed evergreen trees.

Mr. Vigliotti stated okay.

Ms. McKenzie stated you're talking about these along the back. We're not removing any trees.

Mr. Vigliotti stated okay. So, --

Ms. McKenzie stated a the back of the property.

Mr. Vigliotti stated I like the idea of the evergreens there. And wherever we go with the parking with the buffers and so on, I would think you have 2, 4, 6 if you created a full line of trees, it would offer the homeowners in the back less visibility of the parking lot rather than just putting 2, 4, 6 a complete row. And we've done that with other applicants in the past to try to protect abutting homeowners or even other abutting commercial establishments. So, whatever we can do to protect the homeowners is an important aspect for me.

Ms. McKenzie stated okay.

Chairman Hertz stated Dawn, if you might, can you take us through, I know on your full plants that there was a, I believe if I'm not correct, there was a detail on that planting, I think it's on Page SC-2.

Ms. McKenzie stated in detail, you're talking about the section that we provided?

Chairman Hertz stated yes.

Ms. McKenzie stated okay. Let me show you that. This will zoom in. So, pardon my panning and zooming. Alright, just to give you an idea where we're providing a section line. So, we did a section through this portion of the site, that's what this line represents. And so, and the arrows actually indicate the direction that you're looking at. So, you're standing on the east side looking to the west and that's what the section line represents. So, here we have down below, this is the existing parking lot and this is the graded slope that we're proposing in between the existing parking lot and the new parking lot. And then what we're proposing is there'll be a guide rail on the low side to provide some protection. And then this is the proposed parking lot. We're doing some cutting to put that in and then we're proposing a berm between the parking lot and the existing vegetated buffer and then we're planting evergreens. So, actually, what's shown on the plan is there are the six evergreen trees that Mr. Vigliotti pointed out. In addition to that, we were showing some evergreen shrubs planted behind that. But we can certainly provide more planting in that location if that's what's desired.

Mr. Bonforte stated yeah, I'd like to emphasize that point also that Ralph made and what Chairman Hertz is pointing to. Just that south end, I visited the site. And with the elevated parking lot, adding the extra spaces, I think the houses on Fairways need to be maintained in that sort of privacy level that they've had in the past. Not too concerned about the East Ridge portion, but the homes on the Fairways. So, that cross section, some numbers on there, Dawn, but I couldn't read, was that a 3-feet on one of those elevations? Did you have a three there right by the proposed -- the wood guide rail? Three, was -- is that a three or something right there?

Ms. McKenzie stated so, the slope is three horizontal to one vertical that has to do with the grade of the slope.

Mr. Bonforte stated well, anyway you mentioned in your initial presentation that you would put more landscaping back there, and I think it's really needed. And this is contrary to what I mentioned to you directly in the prior meeting. I did visit the site subsequently, and it's not how I remember it as a younger person living there. So, it needs to be landscape more, I say heavily. But you mentioned there's a berm. So, how high is the berm? Can you give those dimensions? And just maybe that's going to afford those homeowners the kind of, what I would say, privacy that they've had in the past?

Ms. McKenzie stated so, we graded in the berm so that we wouldn't impact with the grading the existing buffer that's there. And so, the berm is probably -- let's go back to that. I believe that in the middle of the site, so let's just -- let's come back here and look at this. So, this is the grating plan where we're showing what the berm is doing. So, in the middle of the parking lot which is this location here, we have a bottom of curb elevation of 102.9, and then we have a 105 elevation which will be the top of the berm in that location. So, there's -- in this location, there's probably about two feet from the bottom of curb to the top of the berm. Over here at the corner, same thing; we have a bottom of curb elevation of 105 and a top of berm elevation of elevation 107, so it's two feet in that location as well. On this corner, it's -- let's see. So, there's the 106.8 and the top of the berm is at an elevation of just over 108. So, there's probably about a foot-and-a-half in that location. So, it's a low berm, but we didn't want to grade it out any further because there's existing vegetation in here that we didn't want to impact.

Mr. Bonforte stated what's the elevation on the back, at the back fence, the base of the back fence?

Ms. McKenzie stated in this location here?

Mr. Bonforte stated yeah.

Ms. McKenzie stated this is an elevation of 108. Is this what you're talking about?

Mr. Vigliotti stated yes.

Ms. McKenzie stated okay.

Mr. Bonforte stated so it flattens out is what you're saying after the two feet rise?

Ms. McKenzie stated it does, that's what the elevation is in this location. Over here, this is the elevation of 110 that wraps around here. So, there's, and it's higher, so the elevation upon the site is actually 112. I know that's less what you're concerned about. But if this is the 110 and we're at 106.8 in this location. We've got just over three feet of grate change between this spot in the parking lot, and...

Mr. Bonforte stated okay, I understood.

Ms. McKenzie stated at the property line here.

Mr. Bonforte stated I'm going to just state for the record that I think it needs to be, just in that section there, not necessarily all the way over because it does rise. But more towards the middle of that parking lot towards the...

Ms. McKenzie stated this location.

Mr. Bonforte stated east side, right, with the east side to put in some more shrubbery or, and or cover off for the, for the homeowners behind the property.

Chairman Hertz yeah, so, and let me comment. Dawn, I don't I think you guys did a great job by pulling the parking lot back, being able to get it with lower on being able to get that berm in there. So, I think those things are very significant. You know, it lets you preserve the existing tree line and shrubs

underneath it. But as you did know those are some older, some older trees back there that are a little thin on their story. So, I would, I would echo the idea of just trying to flesh out the low some low shrubs. I don't think we need to do, I don't necessarily agree with Ralph that we want a full line of evergreens there because that can look very regimented. And I think the bulk of where we need some visual cover is very, very low in the additional foot or two above berm height. So, I think any low shrubs in that area that can fill in between those six evergreens and accompany that, I think, will help to just kind of finish out the shelter between the two, between the parking lot and the homes behind it. I think that will go a long way but I think you've done the changes we've seen here relative to where you were or what you brought to us last time are significant, I think very, very positive.

Ms. McKenzie stated thank you. And just to point out what we're showing on the planting plan which we still have to key all of these and quantify them, but these evergreen circles in here are actually additional strawberry. So, whereas these are larger evergreen trees, these lighter more chartreuse green, we're proposing some understory evergreen shrubs in that location as well and this could be mixed. So, there's not a row of all one type of plant material. Mix it up a little bit to supplement what's already there. That was what we were proposing -- sounds like what you're asking for.

Chairman Hertz stated yeah and it'll feel natural try to keep the sense of it being natural [inaudible] which is I think always what we're, what we would hope to do in there. And I think that will be successful in helping to delineate. But I'll let you work with our staff. I think you've heard a couple of people on this board. So, I think you have a sense of at least what a few of us feel is important there. Okay. Anything else you want to present to us at this point? All right. Other Board members, any comments, thoughts, questions?

Ms. Pickard stated I agree with Doug. I think some nice low mixed shrubbery would be nice in the back rather than something or regimented, some mixture of native plantings. And I mean overall, it's a really great improvement to the property. And I know it's been a long time coming, so thank you for your hard work on that as well.

Chairman Hertz stated okay, as this is a public hearing and board members, I'm not cutting you off. We have plenty of time to speak as well. Since this is a public hearing, let's now hear from the public. So, Michelle or Peter, are you going to queue up people who are, who want to speak on this matter?

Mr. Miley stated yeah, let me just repeat their number, Doug. The call-in number which goes directly into Zoom and you will be entered into the waiting room is 1-646-558-8656. There's nobody in Village Hall. Currently, I'm monitoring Facebook. We don't have any comments as we speak, so I'll turn over to Michelle who is not with me tonight. She's in a different location.

The Secretary stated so, there are two hands raised in the Zoom, but neither of these gentlemen that have their hands raised are for this application. They are for another one. I do have a new hand raised and Ms. Randi Sperber, if you'd like to, I'm going to start your video. I assume you raise your hand to speak on this application.

Ms. Sperber stated yes.

The Secretary stated right. If you start your video, you're all set.

**Ms. Schreiberman** stated thank you. Hi, I'm Jill Schreiberman, this is Randi Sperber and we live at 28 Fairways Drive. Thank you both, thank you to the committee members who have really, it sounds like you have thought and are looking out on our behalf for those of us who do face the field. We appreciate that you've already asked them to revise the plans. And I know that most of our, all of our neighbors on this side of the street that do face the field and the Ann Manzi Center are also on the Zoom, and probably has something to say as well. So, we recognize how fortunate we've been all these years to have a nice field to look out on and certainly have not taken that for granted and appreciate it. And I took -- yeah what we're concerned about is if -- I don't know if you're able to see this, I took a picture. This is from our backyard of --

**Ms. Sperber** stated we're right at -- you could see us on this, we're Sperber so we're right there where the parking lot is going to be.

**Ms. Schreiberman** stated so, you can see the existing -- hopefully, you could see it, the existing staircase and there's a van there. I don't know if you're able to see the van. So, we have several concerns. One is the light at night. Even though I understand that the center closes relatively early, there's a light on the building that's on all the time. You could see that this was taken at like 11 o'clock from our deck. So, there are lights that are on all the time. So, the concern for all of us is the light that will be coming from the

lamp posts in the extended parking lot, the additional noise and exhaust that will come as the parking lot is closer to our house and the walking path. So, I'm not clear if the walking path is just for the staff and clients of the Ann Manzi Center or if that's a walking path for the public where people are going to be essentially walking around our backyard. So, that's a question that we have. And I think we were wondering, not being architects at all or having really any sense of architecture, if the plan could be flipped where the cars were -- the parking lot was on Main Street, if it were to face...

**Ms. Sperber** stated It just seems like since there's so much space in the front and on the side, we were just wondering why the parking lot had to be abutted up to our backyards when there's all that space in the front and on the side without houses.

**Ms. Schreiberman** stated so, thank you, thank you for your thoughtfulness in this and for hearing us. And I know our neighbors probably have stuff to add as well. Thank you.

Chairman Hertz stated thank you. Peter or Michelle, are there any other folks who have their hands raised to speak?

**Ms. Schreiberman** stated we had a hard time figure out how to raise hands. I know that.

The Secretary stated yes, it's the three dots at the top of the screen. It probably looks like a drop down and it'll give you the option. I did have somebody else asked how to do that and I did give them...

**Ms. Sperber** stated no problem, I see.

The Secretary stated the instructions. But I'm not sure if Kris Mullen, are you looking to speak on this application?

Ms. Mullen stated yes, I am.

The Secretary stated okay, you have the floor.

Chairman Hertz stated alright, there you go.

**Ms. Mullen** stated good evening everyone, thank you. I also am on Fairway Drive, two houses down from my neighbors who just spoke. And very similar concerns. One of the things I would like to add about the parking is that it's creating a very secluded area back there. And we get a tremendous amount of noise from the 666 Lexington parking lot where Mrs. Greens and the radiology facility is. So, there's -- we deal with kids hanging out, we deal with idling cars, trucks, busses, the dumpsters. I think that code for our town at 7 a.m. that they can come and then 8 a.m. on Saturdays. And sometimes they come in 4:00 or 4:30 in the morning to empty these dumpsters. And I just don't want to add to that uncomfortableness and the noise that it causes by doing this. And again, flipping it over to the front makes sense to me. Not an architect either, but it would give us some more a privacy and maintain what we've been used to. It really is encroaching on our houses, our neighborhood, our privacy and it's a very dramatic change. Not that change can't be good but it just seems that it might be, again, it could be placed in another area that's not going to affect our lives and our property values.

Chairman Hertz stated thank you. Are there -- is there anyone else who wishes to speak on this matter at the present?

Mr. Miley stated we have nobody.

The Secretary stated John Rhodes. John Rhodes has his hand raised. But as far as I was where he wasn't looking to speak on this application.

Chairman Hertz stated alright.

**Ms. Xu** stated sorry, I cannot find the button to raise hands. Can I speak? It's Jesse.

The Secretary stated sure, can we have your last name please, Jesse?

**Ms. Xu** stated yes, last name is X-U, Xu. Actually, we are one of the property on the south. It's under last name, Poor.

The Secretary stated thank you very much.

**Ms. Xu** stated yeah, so, a couple of questions. One is, I think I read some document about there's a distance spacing of the parking lot to property line is 100 feet. I, actually I'm sorry I did not remember which document you know, I read. I do not know if that is true, the spacing is maintained for the zoning law there. Then the other is I sort of just wonder about the expansion of the parking lot from, I believe it's from 34 spot to 65. So, is that to the number you know, absolutely necessary? Because I was thinking if there's possible to remove the back row parking lot, you know the one that close to our property, if you remove that then that will be able to still the other row you can keep. To be able to maybe make the parking lot to the grading. It's a little easier, not impact vegetation and make it's more sunken. So, the headlights will not come to the backyard and help with the privacy. And again, I think just to maybe look a little bit harder to see if this possible to move a few parking spot to the front of the building, which will not impact the programming. But there are a lot of space there. So, I just hope that we will give a little bit more room between the backyard to the parking spot. And maybe the parking spot can be graded lower by maybe really we can figure the last, the road that's closest to the property that might help in this issue here. And then revisit how many spots you really need. I understand that people parking on the side of the road but how many of them really you need.

Chairman Hertz stated alright, thank you. While we have that comment open, I'll ask Building Inspector, do you happen to have available the rear yard setback for the zone?

Mr. Miley stated I could take a look if you give me a minute, I will.

Chairman Hertz stated maybe you could just answer that one question while we're there.

Mr. Miley stated I did review it for, you know, to see if they comply with the zoning code and it did.

Chairman Hertz stated so, the short answer there, well, we don't have an exact distance. The rear yard setback for that parking lot is compliant with zoning. So, your comment about 100 feet would not be accurate.

Mr. Miley stated it's definitely not 100.

Whitney Singleton stated Doug?

Chairman Hertz stated yeah?

Whitney Singleton stated just to be clear, the setback doesn't run for the parking lot, it runs for the building. It would be the buffer.

Mr. Miley stated correct.

Chairman Hertz stated got you, thank you. You are correct. Okay, comments heard, and we appreciate the input. Is there anyone else at this point who wishes to speak?

**Mr. Banho** stated if I could, this is Brian Banho, I'm another of the residences on the south side, 34. I also cannot find the three dots anywhere on my screen as hard as I looked, so, I apologize for that. So, I thank my neighbors for their comments. And I agree with what they said. We're all of course interested in privacy and peace and quiet in our backyards. There was, I think the Board for their suggestions about adding more of a visual block in terms of trees and shrubs and so forth. And I would just add that I don't -- I am not objection, I have no objection to a full line cover. In fact, I prefer a full line covered to a bunch of low shrubs that don't actually block the view of the parking lot. So, I just like to put that on the record.

Chairman Hertz stated thank you.

Mr. Miley stated Chairman, just answer that previous question. The 20 foot required buffer and they exceeded, I don't see a dimension Dawn, maybe we could provide to the curb. It looks like 35 to 40 ft.

Ms. McKenzie stated oh, how far -- yeah it's...

Mr. Miley stated to the impervious.

Ms. McKenzie stated yeah. I believe that the minimum is 34 ft. I'll verify that. We can put a dimension on that for the next emission. But that sounds...

Chairman Hertz stated is that dotted line the setback?

Mr. Miley stated that's the buffer.

Ms. McKenzie stated so, let's...

Whitney Singleton stated the setback is 50 ft.

Chairman Hertz stated no, no. The line that you're showing on right on that...

Ms. McKenzie stated okay, so, let me zoom in on this, so then I could tell you what the lines represent. So, this line right here where the fingertips are on the hand that is the 20 foot minimum buffer. This area here is snow storage. So, they have to have somewhere to push the snow back here and we were asked to provide snow storage areas on the back of the plan. And that's what these dash lines represent.

Chairman Hertz stated okay, it might -- that might be something you might want to think about reconfiguring if we want to have a stronger buffer between the -- along that rear row, we might want to look at an alternative for snow storage.

Ms. McKenzie stated okay.

Chairman Hertz stated so, that that could be more heavily planted without being impacted by snow storage. That would be my suggestion.

Ms. McKenzie stated so, one of the things the applicant is amenable to is providing a fence, a privacy fence along the back property line if that would help supplement this.

Chairman Hertz stated okay.

Mr. Bainlardi stated I was going to suggest that is a possibility. A solid panel fence could go a long way to help. Also Dawn, I don't know, I'm assuming that along the, I guess that's the eastern property line that would be up against -- yeah, up against the 666 building. Are you able, if you're, if you aren't precluded from putting parking spaces in the side yard there, could you fit the parking in some parking spaces, adjacent to the lower parking lot against that building?

Ms. McKenzie stated you're talking about this spot right here?

Mr. Bainlardi stated yes.

Ms. McKenzie stated so, let's just take a look at the grating plan over there. We have to, there's a steep slope in here. We'd need to put in [inaudible] in order to do that. And I'm not sure what the minimum buffer is on that side. Let me see. I guess on all sides, the buffers is a minimum of 20 feet. It doesn't matter whether it's against a residential property line or not.

Mr. Bainlardi stated okay, if it's too steep in there and the geometry doesn't work, then it's probably not worth pursuing. Particularly if you have to end up taking a lot of earth out of there or you have to construct a retaining wall to make it work. The setback to me is a non, somewhat of a non-issue because you're up against the building. But it's just a thought about maybe where you could if you could maybe pick up a few more spaces and lose some along that back line, which may not be, maybe in some of the sections that aren't as sunken as the others. But again, I think with the berm with the planting and with a solid panel fence that could help a lot. The lighting I'm sure we can address with the dark sky lighting that's out there now. And then from an operational standpoint making sure that it's on timers and goes off at a certain time in the evening. Just some thoughts.

Chairman Hertz stated yeah, thank you. Thank you Mr. Bainlardi. And Dawn, when you talk about, I know you said you'll address in a subsequent application or a subsequent submission. The business plan and timing for lighting. If you could also address any requirements for the storage lessee and their hours of operation. So, in other words...

Ms. McKenzie stated okay.

Chairman Hertz stated do the lease require their ability to enter at night et cetera, et cetera. And what would that do because it sounds like we do have the opportunity to get those lights maybe better controlled than they are today.

Ms. McKenzie stated so, well one of the things that we're doing is we're going to replace, you know they have existing post top site lighting along the driveway and in this back parking area. And some of them

don't work. So, it may be that they're relying on the lights on the back of the building to supplement what's not currently working out there. So, we'll take a look at what that is and we might be able to light it better with the light fixtures that we're proposing and they are dark sky compliant. They don't have, you know, so and they could turn on when it starts to get dark and being on a timer and shut off after a certain time find a purpose of the light on the back of the building. I'm sure, but that's that location but we will -- we'll provide additional information on that.

Chairman Hertz stated great, okay.

Mr. Bainlardi stated and I think the response to one of the questions from one of the neighbors about the pathway. And clearly this is not a pathway that's open to the public in the sense that people could come up to the property and walk around. This is for use by the clients who are the folks who are using the facilities, correct?

Ms. McKenzie stated that's correct.

Chairman Hertz stated thank you. Okay. Any other comments or questions by Board members?

Mr. Miley stated Chairman just one question. Sorry to interrupt. From a member of the public.

Chairman Hertz stated yes.

Mr. Miley stated Dawn, if you could just -- well, let me just read it. Is it possible to show us where the fence would run that was just discussed? If you could just briefly touch on there.

Ms. McKenzie stated okay. So, let me go back to the landscape plan, just so we can show it in the context of the landscaping. And I'm just going to zoom in a little bit, it's a little bit bigger. Let me pan. So, some of the neighbors have existing fencing. I know that the one on the corner over here has some white vinyl privacy fencing but what we would do is continue that along the back property line here. So, to the extent that we need to, you know, I don't necessarily -- if the concern is the parking lot then I think we would probably only need to go to this extent but that's what we're thinking. I could probably draw a red line. Try that to see what comes out red. So, maybe there are some neighbors who have wire fence that are -- that's on ARC's property, just to point that out. But it would be outside the trees. Is it going to work, a nice yellow line. So, maybe we would do something along the lines of this up to where this fence is. And it's probably...

Chairman Hertz stated and is there -- there's open space there now or there's -- it's trees in that area?

Ms. McKenzie stated so, well we would have to put the fence in so that it doesn't impact the trees that are there. That's the tricky part. We have to get the route, so that we don't have to take out any trees to do it.

Chairman Hertz stated got you. Okay. So, I would actually ask that we get some input from the public, particularly the neighbors who would be most affected if that would be of interest to you. The applicant has proposed that they're willing to do that. So, why don't you -- I would suggest that maybe talk amongst yourselves. I'm sure you know each other, or you're welcome to provide that input back. But you can email us. We're going to continue this public hearing, so you can give us an answer the next moment. But you email back the board with your comments and your suggestions, not just about whether you would like to have a defense there. But if you have any specifics on the type of fencing, that would be valuable for this Board hear.

Mr. Bainlardi stated Chairman, question for Dawn for consideration. Dawn, would it be a viable alternative if we -- if a fence was to be used to have that fence located at the southern edge of the parking lot?

Ms. McKenzie stated so, you're talking about this location here?

Mr. Bainlardi stated yes. And then I think that if you're going to locate the fence along the property line, you're going to pick up a couple of extra feet in height, which is helpful. I'm just curious as to whether or not if you put it on the other side where you know there's not going to be any the interference with trees because nothing exists there, if that's a viable alternative. Just something to think about. You don't have to give an answer now but something to consider.

Ms. McKenzie stated yeah, we'll have to think about that and take a look at this site because I still keep thinking about how are they going to do their snow storage, it might be if what about the possibility and I'm not committing like I said, we'll have to look at it, maybe we split the difference.

Chairman Hertz stated yeah, I think there are a number of options there. And...

Ms. McKenzie stated right, there are, so, we'll take a look at that.

Chairman Hertz stated and most title insurance companies tend to like fences more or less in the property line. Suggestion, not abandoning a portion of the property. But I acknowledge with what John is saying. And I think there's some options there. Okay. Let's, at the risk of being rude, we have a monstrous agenda before us tonight. And I don't mean to cut everyone off but what I'm going to suggest is you take that input. Let's hold this public hearing over until the next meeting. So, I'd like to -- that's not going to give you enough time to submit but you can give us information on what your changes are going to be next meeting being only two weeks away, submission date being for a few days. Is that -- does that work for the applicant?

Ms. McKenzie stated yes.

Chairman Hertz stated or would you prefer to have us bump you to the second room?

Ms. McKenzie stated I think as long as the Board feels that if we have responses even if we don't have resubmission document revised that that we may have the option of closing the public hearing potentially at the next meeting. That's just that's my only concern timeline wise, you know...

Mr. Vigliotti stated I think we should get a site visit in Doug at some point.

Chairman Hertz stated yeah, so, this is a site that's easily accessible by everyone. And the plans are very, very specific. So, I don't know, Ralph, that we need to do a coordinated site visit.

Mr. Vigliotti stated just long as folks get update, yeah.

Chairman Hertz stated yeah, so, I think this is an easy site for everyone just to drive to on whatever time they can. And I think it's, it would behoove everyone to wander around in the back there and understand. Is there any objection by the applicant to having Planning Board members wander willy-nilly like that?

Ms. McKenzie stated no, no, not at all. That's fine. We've already talked to them about it. And at the last meeting we were asked to put some stakes in the ground. Three stakes representing the far line of the parking lot. So, basically what we did is we put a stake generally in this location, another one in generally this location. And one somewhere in this area here to represent this line of the parking lot so you could get a feel for what that is at the site. And that's already been done.

Chairman Hertz stated that's been done, okay. And then in terms of the grade there, you're lowering the grade approximately a foot, you said from what the existing grade is?

Ms. McKenzie stated so, let's just take a look at that. You can get a better idea from the plan. So, if this is the 108 contour, that's the 108 contour. So, when this corner, we're bringing it down just over a foot. Actually, that's the 108, so this is probably almost 109. So, then this corner is actually going down about 2 feet from where it is now. When you get out there, you can really see this rise, if you look at the topo, you can really see that rise where the existing garden is in that spot. And then this location over here, this is the 106 contour and so, we're taking this corner down about a foot. So, about a foot here. And what did I say? About 2 feet over here. And then in the middle it's actually coming down a foot there as well, so.

Chairman Hertz stated okay, all right. So, where we -- so when members get out to the site where the stakes are, you're coming down 1 to 2 ft.

Ms. McKenzie stated correct. And the parking lot drains towards the building, so, this area is actually going down. I'm going to say it's going to be, I don't know what that contour is. So, that's the one. That's the two.

Chairman Hertz stated well, I think that's less critical for us. We're more concerned the rear of the lot.

Ms. McKenzie stated inaudible.

Chairman Hertz stated okay.

Ms. McKenzie stated but we're cutting this into the hillside, so.

Chairman Hertz stated great, thank you. Thank you very much. Any other comments or questions? Okay. So, we will, I think we need a motion to adjourn this meeting and hold it over to the meeting of the 26. Would that be the next one, Michelle? January 26th?

The Secretary stated yes, Chairman. That is the next meeting.

Chairman Hertz stated okay. So, I'll make that motion. Do I have a second?

Mr. Bonforte stated second that, Chairman.

Chairman Hertz stated thank you Mr. Bonforte. All right. Michelle, would you poll the Board?

**UPON ROLL CALL VOTE:**

<b>Chairman Hertz</b>	-	<b>aye</b>
<b>Mr. Bonforte</b>	-	<b>aye</b>
<b>Mr. Vigliotti</b>	-	<b>aye</b>
<b>Mr. Polese</b>	-	<b>aye</b>
<b>Ms. Pickard</b>	-	<b>aye</b>
<b>Ms. Roppolo</b>	-	<b>aye</b>
<b>Vice Chair Bainlardi</b>	-	<b>aye</b>

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

Chairman Hertz stated all right.

Ms. McKenzie stated thank you all very much.

Chairman Hertz stated so, and for voting purposes just so everyone understands. We're going to be -- when there is an alternate spot, we'll just be alternating the alternates, if you will. So, we will get it. Thank you very much. We'll see you at the next meeting and hopefully we'll be able to get this wrapped up. And I would also just make the comment from homeowners who've spoken do give us your feedback on what you've heard tonight. And you can provide it either at the next meeting or by mail, email, et cetera in the interim. Thank you very much. Okay. Next item on the agenda is 2 Morgan Drive, LLC -- 2 Morgan Drive. This is for Site Plan and Subdivision and possibly wetlands still unknown. This is additionally a public hearing, so, again you can raise your hand via Zoom. The call-in number is 646-558-8656. You can, I think, do something on Facebook to indicate you want to speak.

Mr. Miley stated you could place a comment I'll read into the record or present a question.

Chairman Hertz stated thank you. And then you can also come to Village Hall where there is an open microphone. Okay. Jan, would you introduce this application?

Jan Johannessen stated sure, can you hear me?

Chairman Hertz stated yes.

**B. 2 Morgan Drive, LLC – 2 Morgan Drive  
PB2019-0370, SBL 80.55-1-2.1/4  
Site Plan and Subdivision**

Jan Johannessen stated great, this is 2 Morgan Drive before the Planning Board for a subdivision, site plan, and steep slopes permit, as you mentioned potentially a wetland permit. The property is up 5.7 acres. It's located on Radio Circle Drive and Morgan Drive, it's currently vacant. The subject property was once part of a larger parcel that was occupied by the New York City DEP sewage treatment disposal system. That ceased to operate in the mid-1960's and there's some remnant buildings and structures on the property relative to that use. The applicant is proposing to subdivide the property into two lots, lots of A and B as they are referred to in the application materials and construct a private automoto -- private storage of automobile warehouse. Warehouse approximately 70,000 square feet that would be a private automobile collection not open to the public. Lot B has a history of contamination and while it's being analyzed for zoning compliance, there is no formal proposal to develop a Lot B. Lot B will be the subject of future remediation on anything proposed on Lot B in the future would come back to the Planning Board and any other agency having jurisdiction for relevant approvals. The warehouse building is going to be served by 10 off-street parking spaces. Access is proposed off Morgan Drive. The proposed action is an unlisted action of their SEQRA. The Board is in the process, are in the midst of a coordinated review under SEQRA, the

Board has established itself as the lead agency. The other agencies that have jurisdiction include the Health Department due to the subdivision, New York City DEP for approval of the stormwater pollution prevention plan. And it did require referral to the County Planning Board. I will ask Michelle just to update us on where we stand with that. But those are the relevant approvals in addition to the ARB. Where we stand now is the applicant has provided in a couple of iterations of a site plan. And what we've been focused on now is just trying to complete the SEQRA aspects of the project. The applicant had previously submitted a Part 1 EAF, which was reviewed by the Planning Board in our office with some revisions that was deemed complete. The Part 2 and Part 3 of EAF were submitted just recently by the applicant, we reviewed or my office reviewed Part 2, we found it to be complete but that's really a -- the document that's the responsibility of the Planning Board to complete and to make sure it's accurate. Mainly because the items that are identified as potentially large impacts in Part 2 needs to be studied or further evaluated in Part 3. So, I'd ask that the Board go through that document tonight, it's in the packet, I believe. And make sure that the items that you want evaluated in the Part 3 have been appropriately checked. I think they have, but it's again your responsibility. Part 3 is a narrative that evaluates the impacts that are checked off in the Part 2. And as of now they generally deal with impact on land, impact to steep slopes, the amount of material being excavated from the property, stormwater, flooding potential impacts and impacts the plants and animals and human health mainly due to the prior use of the property and contamination that's been identified on parcel B. So, we identified some -- this had some comments on the Part 3. And asked the applicant to supplement and elaborate upon certain aspects of the Part 3. But we could get that into that during the meeting. It's about where we stand now. The Village has retained GEODesign, Paul Woodell from GEODesign is on the meeting tonight to review the environmental aspects of the project. That's about it.

Chairman Hertz stated all right. Thank you, Jan. So, this is a public hearing. So, officially I'm opening the public hearing on this matter. So, first we'll just hear from the applicant with any brief changes or just to give us an overview of what's changed on the site. And particularly if there are any responses to some of the things we brought up the last meeting, and then we will move on to the environmental aspects.

Mr. Sweet stated good evening, everybody. I'm Tyler Sweet with Sterling Environmental. And I just wanted to go over to any of the, anybody from the public who's interested in this who is not familiar with the project. This is the former wastewater treatment plant, as Jan had discussed. And we are looking to put a private automobile storage facility on Lot A. This is the current condition of the site. We went through and we reevaluated the slope categories as we discussed before. There seemed to be some discrepancies in the surveyor's plat in our slope categories. So, we went and reevaluated and you can see for Anthony and Jan that the amount of steep slopes in this area is greatly reduced versus what it was prior. I don't know why there was an error in there but we've corrected it and this is the new slope designations. Also, we looked at the wetland buffers that needed to be evaluated. The 100 foot buffer from the stream does extend onto the site. We are currently working with the landscape architect. We have removed any tree removal within that buffer and we're currently pulling the grading back out of that buffer to avoid needing wetlands permit. So, we should not need a wetland permit for this project. So, as evidence here there's no development, there's nothing going on Lot A. And the proposed development, nothing really has changed. From our previous application other than showing the new slopes, all the steep slopes that we will be disturbing out within the building footprint other than a small extension of a moderate slope out here beyond the building footprint. Yeah, I think that's it. As far as that goes we're currently, before were the DEP. They're reviewing the SWPPP in regards to the stormwater compliance. So, once they complete their review when we get comments back from them, we'll move forward with modifying the complete drawing set application to get that back before the Board. There were a number of comments, technical comments on some of the details and connections for the stormwater stuff. And once we complete the review of the DEP, we can finalize all those details and get the full final drawing before the Board. And I believe that was the only changes. The DEP did have some concerns regarding subdivision in the Designated Main Street Area because those lots are locked in. So, that was just something that they were looking at. It's something that the village attorney is probably going to need to review with the DEP in regards to that issue. And I'll turn it over to Mark who can speak to any of the environmental aspect.

Mr. Millspaugh stated sure, this is Mark Millspaugh with Sterling. I would add with respect to the drawings that the Planning Board consultants had asked the final set be a different scale. So, the, we didn't start that process until we had the DEP comments, so, that we wouldn't be doing it multiple times. But we still acknowledge that comment and will respond to it. I guess with respect to SEQRA, Jan, is that your sense that you want to step through Part 2 with the Board?

Jan Johannessen stated I think at some point we should. Whether that's now or following public comments, I'll leave it up to the Board. But we should quickly step through the Part 2 at some point.

Mr. Millspaugh stated okay, well, with respect to remain in comments, we have address the questions about the soil quantity. And this particular layout of the building is notched into the hill. So, it's going to end up

in effect to being like a three-sided retaining wall. And that generates approximately 10,000 cubic yards of surplus fill that needs to be managed offsite. And there was interest on the part of the DEP to maybe have that soil available for the ultimate remediation of the wastewater treatment plant. But it doesn't appear that we're going to be able to make these projects line up in time where that would be feasible, so, we will be hauling all this soil away. And there were comments on the record about soil contamination on Lot A. And I just wanted to point out that the reason we're subdividing on creating Lot A separate from Lot B is it's Lot B that had the identified impacted soil, not Lot A. So, the soil from Lot A could be loaded out as clean fill and managed in the marketplace, either it could go to another construction site provided the soil meets their specifications and meets the regulatory standards for reuse, or it would be hauled to a disposal facility. And if its haul to a disposal facility, some will accept the material based on existing characterization data, others will potentially ask for more characterizations. And some of these facilities are out of state and operate on completely different regulatory standards from New York. This soil does qualify for reuse under New York State DEC's program, it's not restricted in terms of any chemistry. The levels that have been measured in the past are within the range of naturally occurring soils. I think with respect the soils, once we have contractor bids and the contractors schedule, we'd be able to determine what the removal rate would be. I've worked on a number of projects like this and it's not a very large site. Once they set up and start loading out, they may be able to do 15 or 16 trucks a day to remove the soil. And if that's the case it would take approximately 3 1/2 to 4 weeks to have all the surplus soil removed and allow the construction to proceed without having on site stockpiles that would have to be worked around and moved. So, the number of vehicles per day is not excessive over a standard work day. We believe those were the questions about soils management. Tyler mentioned stormwater and where we stand on that. I guess with that, there's remaining comments from the Board or from the public, Tyler and I can address those.

Chairman Hertz: stated alright, thank you. So, before we get into the EAF, and what I'd like to do is have Paul Woodell, our consultant, give his report and comment, so that that's entered into the record. And then we can move on from there. So, Paul?

Paul Woodell stated thank you, Chairman Hertz. Yeah, so, for the Board's benefit, I had the opportunity to review the final status survey report by the company Co-physics, which was released in December of 2020, which was an extension of a report that was in draft the previous summer, the summer 2019, which documents a new investigation of Lots A and B. The final status survey report focuses on Lot A, the investigation was specifically with regard to a survey of radioactive materials in soil. And the conclusion of the final status survey report was that there are no radiological materials of concern on Lot A that essentially the levels detected on Lot A identified are consistent with background conditions that would be expected from naturally occurring materials, radioactive materials and soil. This in addition to the previous data that with regard to other contaminants classes supports the conclusion that there are no contaminants of concern on Lot A that would preclude the subdivision or pose any threat to construction activities, construction workers or to the occupants of the site. One of the recommendations provided in the Co-physics report was in the interest of liability, the recommendation was put forth at the property line separating the two lots should be fenced to prevent ingress into a Lot B from Lot A, and I support that recommendation. Further, we had some discussion in the previous meeting regarding some of the infiltration structures that are proposed, specifically the southern end of Lot A. There's two rain gardens and a subsurface infiltration structure proposed to accept a runoff from paved surfaces. The question was posed previously whether there is supporting evidence to conclude that infiltration from the instructions will not modify the subsurface hydrologic conditions such as mounting of the water table, et cetera, such that it would pose the potential to interfere with us very small area of radio nucleotide containing soil on Lot B. The question was posed to the applicant's consultant and I request in my most recent memo that some additional supporting evidence be provided. The statement was received that infiltration practices will not increase the ground where elevation of the location of Lot B exhibiting the elevated radioactivity. And I'd like a little bit more explanation as to why that conclusion has been reached. Further, I had a conversation with Dan Laniers who was the NYSDEC Project Manager for the site as a whole, Lots A and B, the former wastewater treatment plant. This department give the most recent Co-physics report, however at the time of our conversation, the radiological experts of DEC had not had the opportunity to review that report. And Mr. Lanier's indicated that any requirements that may be placed on the development or final use of Lot A would be subject to their review, so he didn't really give me a timeline on that but the expectation is that DEC will provide some comment with regard to the conclusions of that Co-physics report. And finally, I know we're going to get into this in a moment but my final comment was with regard to the narrative for part three of the EAF. I asked for just an expansion of some of the responses in the narrative to provide a more background understanding explanation summary of prior investigations, et cetera, to expand upon these responses and provide reasons and rationale for some of the responses in part three of the narrative of part three of the EAF, that's it. I think you're muted, Mr. Hertz.

Chairman Hertz stated you are correct. I was trying to be good and go figure. Thank you very much. So, let me just ask you, those responses are going to come from the applicant or from Co-physics?

Paul Woodell stated they would come from the applicant's consultant, from Sterling presumably.

Chairman Hertz stated thank you. Okay, before we go through the Part 2 EAF, are there members of the public who wish to speak about this application?

Mr. Miley stated Chairman, I'm looking at Facebook. I don't have any comments. I'll just repeat that call in number, it's 1646-558-8656 and I'll turn over to Michelle. There's nobody also present at Village Hall. I'll turnover to Michelle for any hands that are raised.

The Secretary stated the only hand I have raised is John Rhodes who spoke in the comment in the chat earlier tonight that he is looking to speak with regard to Homeland Towers and SCS Sarles Street. I do not have any hands raised for this application.

Chairman Hertz stated thank you, okay, I will remind the public that they can comment, send us in emails, send us in regular mail, et cetera. Okay, with that said, let's then go through the EAF and Jan, do you want to walk us through this and help us to focus on the issues that you're concerned about or you think we should be concerned about?

Jan Johannessen stated is it possible, Tyler, to bring that up on the screen.

Mr. Sweet stated yes, let me see if I can grab that quick here.

Chairman Hertz stated I actually have it open. I can -- let me see if I can share my screen. Let me I see if I can just grab this one item.

Mr. Bainlardi stated Chairman, while you're looking could I ask two quick questions?

Chairman Hertz stated yeah, go ahead.

Mr. Bainlardi stated there was reference during the presentation by the applicant that there has been at least the meeting where some correspondence with DEP, they may have made some comments. Have those comments been shared yet with the Village?

Mr. Sweet stated we have not received the written comments yet back on the SWPPP from the DEP, we had our initial consultation with them. We went through the project, we went through the concept. We're getting them over the full SWPPP but they have not yet provided us with a comment letter or any notes or anything like that formally yet.

Mr. Bainlardi stated okay, thank you.

Anthony Oliveri stated just a, I'm sorry to interrupt. I had spoken with DEP as well just to see where they were at on it and I guess, yeah, they haven't done any kind of formal review, I'm not sure they have any kind of final plan or SWPPP yet. I guess it was a meeting but they did mention to me that they'd be requiring soil testing, I guess, percolation testing that they want to witness. So, I would just check with them and get that done if that's what they're requiring.

Mr. Sweet stated yeah, I'll have to review with them exactly what they're going to require with that in regards to some of it to meet the letter of the specifications, we would actually have to excavate part of the site out down, significantly degrade to do some of that, so we'll have to go over that with them.

Anthony Oliveri stated right.

Mr. Bainlardi stated that's not atypical for infiltration practices, so.

Mr. Sweet stated sure, yup.

Mr. Bainlardi stated typically, they want to see some pit and observe the one, the perk. Okay, and then, Mr. Millspaugh you mentioned the quantity, estimated quantity of soil, did you say 10,000 cubic yards or 10,000 tons?

Mr. Millspaugh stated it's 10,000 cubic yards and we have a conversion of 1.6 so it would be basically [inaudible] tons.

Mr. Bainlardi stated and your expectation is that in any events, waste characterization of that soil will be necessary as the excavation takes place and prior to enduring?

Mr. Millspaugh stated perhaps. It depends on the requirements of the individual disposal facility that's selected by the contractor. There is data that exists right now but as you may be aware, each disposal facility has its own pro forma for entering into an arrangement. Some may want testing every 2000 yards or every 2000 tons or 5000 tons, whatever their protocol is. And it's not unusual that some facilities have unique testing requirements.

Mr. Bainlardi stated yes.

Mr. Millspaugh stated for example, that they might want you to test for something like asbestos, if there was a building on the property, may want you to test for...

Mr. Bainlardi stated lead.

Mr. Millspaugh stated perhaps some parameter we haven't tested for in the past.

Mr. Bainlardi stated yea, you'll, there's soil brokers out there. Have fun.

Mr. Millspaugh stated I know.

Mr. Bainlardi stated so, okay. Those are my two questions. Thank you.

Mr. Millspaugh stated okay.

Chairman Hertz stated alright, so, let's start to go through the part two.

Jan Johannessen stated Doug, if you're presenting to -- is it possible for you to expand that? Resuming that at all?

Chairman Hertz stated so, I -- let me stop to share. Is it not full screen?

Jan Johannessen stated it is, on my end it's small but maybe it's just me, maybe I have, kind of some computer difficulties. I found that before the applicant submitted, we had a call and we went through the part two together and I had indicated what I thought would be reasonable responses. So, I'm satisfied with how they answer these questions but it is the board's determination, so. We could walk through quickly kind of...

Chairman Hertz stated sure, is this easier to see?

Jan Johannessen stated yup, that's great.

Chairman Hertz stated okay.

Jan Johannessen stated on my end anyway. So, just for the instructions of the Part two EAF, there's always a threshold question, a yes/no question and in this case, before you, item one impact on land. They had to answer that question, yes, so they're responsible for answering the sub-questions. If they were to answer a threshold question, no, they do not need to answer the subsequent questions. If they are reviewing subsequent question, in this case items A through H, and they meet the numeric threshold provided, they have to, if they meet or exceed it, they have to check the box moderate to large impact may occur and then provide a response in the Part three. If they, if the question is not applicable or they're less than the numerical threshold than that there to answer, no, or small impact may occur. I mean, obviously, anything marked potentially large requires the part three narrative.

Chairman Hertz stated okay. Let's...

Jan Johannessen stated this first page, the only items I thought that were applicable for the steep slope you know, greater than 50% disturbance and Mark's conversion of cubic yards to tons. They were over the 1000 tons. So, the...

Chairman Hertz stated yup.

Jan Johannessen stated those were two items that were applicable there.

Chairman Hertz stated anyone have any concerns with this? Moving on. Impact on geological features. We're in the no, everyone agree? Hearing nothing, moving on. Impact on surface water.

Jan Johannessen stated so, impact...

Mr. Bonforte stated go ahead, Jan.

Jan Johannessen stated there's no direct impact to wetlands or the buffer but there are wetlands and watercourses that are adjacent to the property that could potentially be affected. So, they answered the threshold question, yes. And then, all of the subsequent questions, no, or small impact may occur. There was some uncertainty about how wetland buffer disturbance at the time this was prepared but I don't think they hit any thresholds here.

Mr. Bonforte stated does that include the driveway, Jan? Meaning, on the way in from Lexington the -- that, the roadway, you know the dirt roadway is adjacent to the stream. I was just curious what...

Jan Johannessen stated correct.

Mr. Bonforte stated I was just curious what -- was there any remediation to the driveway or is it going to stay and remain a dirt road?

Jan Johannessen stated the Pump House Road? You're referring to the Pump House Road off of Lexington?

Chairman Hertz stated their extension out to, that's not Pump House Road but the extension out to Lexington.

Jan Johannessen stated yeah, I don't think there's any improvements proposed within that flag that goes out to Lexington?

Mr. Sweet stated correct, the plan does not include any work to be done on the little flag arm that heads up to Lexington.

Chairman Hertz stated okay, does anyone have any disagreement with this? And you're still trying to determine if you are within the wetland buffer?

Mr. Sweet stated no, the wetland buffer extend onto the parcel in an area that we were going to basically be doing a little bit of grading and plant act the limit of disturbance outside of that buffer. We're no longer taking down the trees within that wetland buffer. So, we're pulling all of our grading and everything out of that. So, we should not be encroaching in that wetland buffer at all anymore.

Chairman Hertz stated okay. All right. Impacts on groundwater. They've checked no. So, we're comfortable with the potential to introduce contaminants to groundwater based on Paul's conclusion in the reports that that is accurate.

Anthony Oliveri stated the question still out there really. I think -- I don't want to speak for Paul, but I think that the response really didn't tell us that there'd be no effects on groundwater.

Paul Woodell stated yeah, I agree with you, Anthony. I think the issue here is that detrimental conditions in the groundwater beneath Lot A, and even the ground water quality beneath for Lot B is for the most part, meets State standards, however that one question with regard to the infiltration structures and their potential to have some influence the radiologic materials nearby on Lot B, I think is still somewhat open-ended. I haven't, I need more evidentiary information to back up the conclusion that there simply will be no change in the ground water regime in the vicinity of that material based on the existence of these proposed infiltration structures.

Chairman Hertz stated all right. So, I'm going to recommend that we change this to yes with other and then we can cross that off the list once you get the responses that you've requested.

Anthony Oliveri stated and for me just one of the point, I think Paul's comments are kind of along the lines of how is it changing groundwater or mounding groundwater, for me, the question is more with infiltration practices introducing water that might infiltrate possibly through soils that may be contaminated with radiological contaminants. Is there any possibility of migrating those contaminants into groundwater? I'm not an environmental scientists, I can't answer that question. So, that's kind of the question for me also.

Mr. Millspaugh stated I can address that. The, right now the current condition to the extent water doesn't run off to adjacent properties, it soaks in and it sustains whatever the subsurface condition is. In the post development condition, the roof water is kind of removed from the equation on this end of the site that's directed over towards the river. And there's pavement and there's the building so that the amount of recharge from precipitation is reduced. The rain gardens don't have an appreciable impact on water elevation. And I'll let Tyler elaborate on that because he stepped through the calculations, but I'll remind everyone that the soil that's of concern at this one location that Paul mentioned is on Lot B, it's not on Lot A. And we're not raising the water level enough on Lot A to bring that water up until the elevation of the soils that have been identified. So, that was the genesis of why we check this category as no. I don't have a disagreement with the Chairman's recommendation to check it yes, but then deal with everything under other. But let me have Tyler explained the rain gardens because we think there's enough change occurring on the property due to the project, that water levels are likely to be significantly reduced.

Mr. Sweet stated so, in regards to the rain gardens in the front of the property and the infiltration chambers beneath the parking lot, those are only receiving water from the front of the property. They're not receiving water from anywhere else. They have been sized such that the infiltration is going to be the, essentially what was infiltrating prior to development and the peak flows run off to the adjacent properties is going to meet the preexisting conditions. So, in terms of the hydrology of that very small front portion of the site, the parking and the driveway, we're not changing the hydrology whatsoever. The same amount of water is going into the ground, the same amount of water is running off. And that's how we've size these units to meet the requirements for runoff production and peak runoff. In regards to the end of the building, everything on the southern end of the building is now going to be directed all the way to the north end where the other infiltration chambers are. So, in the immediate area in the southern end of the building, we will be actually lowering the water table not appreciably. It's not a huge square footprint that we're talking about here but it will in fact reduce the water elevation there, meaning that any flow is going to be directed more towards the Kisco River and away from that potential mounding anyway, so.

Anthony Oliveri stated I appreciate everything you were saying and I don't necessarily disagree. But for me, the rain gardens along that the imaginary line that was drawn for the parcels which outlined the hotspot of radiological material, to me those are now concentrating water at that property line. And I don't know if we know the depth of the radiological contamination there. So, that for me is the question and that's just what has to be addressed and answered sufficiently for me. And Paul is probably a better person to analyze that response, but for me, that's where I'm coming from.

Chairman Hertz stated so, rather than deal this all tonight, I'd like just the yes check, which deal with it in other. And I think Paul and Anthony need to be satisfied that that's okay. I think Mark and Tyler, you're comfortable with providing those responses but let's -- for now, let's move on but let's add that to the list here. Impact on flooding, well, item 5. So, we have yes and then it's the pros action may result in a require modification of existing drainage patterns, that's all contained within the SWPPP and the rest of this discussion. I don't think there's anything else here that needs to be dealt with.

Jan Johannessen stated correct, there is a small portion of the flag that goes out to Lexington Avenue that's within the flood plain but there's no disturbance or development within it, so those were less now.

Chairman Hertz stated okay, moving on to six then, impacts on air. We've checked, no. There's really nothing that's happening at the site, that's what it will impact on air. And we move on to seven, impact on plants and animals. We've, it's been checked, yes and then, let's see but all the other items, no...

Jan Johannessen stated Doug, I just wanted to point out that they did check this item yes the following, you know, the subsequent questions, no, but they have provided a narrative response regarding just generally impacts on vegetation in the Part 3.

Chairman Hertz stated okay.

Jan Johannessen stated which is a really good thing.

Chairman Hertz stated all right and I think the largest concern here is impact on vegetation.

Jan Johannessen stated right.

Chairman Hertz stated are taking down most of the trees in the site. Impact on agricultural resources that's obviously a no, we're not growing anything on this land. Certainly not for human consumption. Impact on aesthetic resources, they've checked no. Anyone have any issues with this being a no?

Mr. Polese stated I don't have a, I think the properties sort of in disrepair. So, if you think about its idled this long, it's -- there's nothing. I think no is apt.

Chairman Hertz stated okay. Moving on to impact on historic and archaeological resources, unless you consider a disused wastewater treatment plant or historic resource, I think no is appropriate. Impact on open space and recreation, this is not open space or recreation. Impact on critical environmental areas, this is not a critical environmental areas to find so that appropriately no, impact on transportation except that we're adding a car collection. This doesn't, now, transportation, does that include during construction? Yeah, that's really just an impact during construction. Impact on energy. Or to serve a commercial or industrial use. We're not extending an energy transmission supply. Okay. I think that's appropriate. Impact on noise, odor and light. Why is this checked yes, Jan?

Jan Johannessen stated I think the noise was during construction. And the lot there is going to be some outdoor lighting, so. They checked it, the threshold questions yes but the subsequent questions, no.

Chairman Hertz stated okay.

Jan Johannessen stated there is no response in the Part 3 EAF on the side.

Chairman Hertz stated okay, impact on human health. So, we are within 1500 feet of a licensed daycare.

Jan Johannessen stated yeah, you have a net, you have daycare down the street and then Katonah Arts being a school adjacent.

Chairman Hertz stated may result in the unearthing of solid or hazardous waste, that's a yes. Okay, so I think this has been appropriately checked. All right, and then inconsistency with community plans, this is consistence with community plans, consistence with community character. So, I think we're good there. Did you want to review anything on Part 3 at this point, Jan?

Jan Johannessen stated I think my memo speaks for itself. We had a couple items, I did get an email from the applicants engineer today. I think some of, Mark, your response regarding the number of trucks and such, with regards to removing the export materials appropriate and that's kind of what we're looking for, I'm looking for in the response but I would just try to be as elaborate as you can in your responses because the Board will be using this in their SEQRA determination. So, more is better. Leave you with that.

Chairman Hertz stated okay, so, we have one small change in the part two. We're going to get those responses to Paul and to Anthony, so they can feel comfortable with what's going on here. Jan, what is our -- what's the next step here? We need to get these responses obviously.

Jan Johannessen stated if there could be a revised part two and part three EAF submitted by the applicant. The Board would be then in a position to entertain the SEQRA determination which then would allow the applicant to move forward it's permits of the outside agencies, particularly the DEP. As I mentioned in the work session, the goals has retained a land use attorney on this matter, special counsel and staff is going to have a conference call with her later this week to bring her up to speed. So, I'd also like counsel to review the record and the SEQRA documents to-date but I think that in fairly short order, you would be in a position to entertain a SEQRA determination if that's where you see this coming.

Chairman Hertz stated okay, so, you're going need some time to respond and get those back. Mark, when do you anticipate being ready to come back before the board?

Mr. Millsbaugh stated based on the nature of the comments, we could resubmit for consideration to be on the agenda for the next meeting. I think you're cut off for that is two weeks from today. I'll have to check the calendar.

Chairman Hertz stated that would be the first meeting in February.

Mr. Millsbaugh stated yes.

Chairman Hertz stated okay, so, we need to, what is the date of that meeting, Michelle?

The Secretary stated sorry, I'm just opening the calendar. February 9<sup>th</sup> is going to be the first meeting in February.

**Chairman Hertz stated so, I'd like to make a motion then that we adjourn this public hearing to the meeting on February 9<sup>th</sup>. I will make that motion. Do I have a second?**

**Mr. Bonforte stated second that, Chairman.**

Chairman Hertz stated thank you. Michelle, would you poll Board?

**UPON ROLL CALL VOTE:**

<b>Chairman Hertz</b>	-	<b>aye</b>
<b>Mr. Bonforte</b>	-	<b>aye</b>
<b>Mr. Vigliotti</b>	-	<b>aye</b>
<b>Mr. Polese</b>	-	<b>aye</b>
<b>Ms. Pickard</b>	-	<b>aye</b>
<b>Ms. McClary</b>	-	<b>aye</b>
<b>Vice Chair Bainlardi</b>	-	<b>aye</b>

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

Chairman Hertz stated thank you all. And Mark and Tyler, if you could prepare, revised drawing indicating what trees are going to be saved, or you know revise your tree removal plan based on the news and disturbance that you've discussed.

Mr. Sweet stated I actually just got that in today.

Chairman Hertz stated okay.

Mr. Sweet stated from the landscape architect. I could briefly share that with everybody here. We removed the tree removal, those trees particularly around that area have or no longer to be removed. The significant change though was in this back area. Here, the trees within the wetland buffer are to remain. There's a number of trees that are within the buffer and adjacent to the buffer that were actually damaged in the recent windstorm that we got a couple weeks ago. So, there are some trees that are already down and damaged in that area. And he's denoted those in the table here which has been updated, which trees are to remain and which trees were damaged by the storm.

Chairman Hertz stated okay, if you could just code those in so we don't have to go back and forth between a table and a -- can those be just shown graphically on the plan?

Mr. Sweet stated yeah, I can have them change the symbol on those trees so that they show up with a different demarcation on them.

Chairman Hertz stated okay, yeah, because I don't -- we see from this drawing exactly where that wetland buffered line is.

Mr. Sweet stated yeah, he -- I'll work with him to clean that up and make everything a little more clear on there as to what the presentation of this figure.

Chairman Hertz stated okay, yeah, if it could be indicated, what's damaged or what came down from the storm versus what you have to take down and what's to remain, so.

Mr. Sweet stated yup.

Chairman Hertz stated thank you.

Jan Johannessen stated Tyler are you still showing trees on Lot B to be removed.

Mr. Sweet stated there was one tree on Lot B. Actually, he has a couple here that are still shown right in this corner that I need to have him removed those four trees right there to not be removed.

Jan Johannessen stated so, I think would, just to echo the Chairman's comments. Not that you need to resubmit a full plan that to address off the technical comments at this point in time for purposes of SEQRA. I think it would be prudent to get the revised grading plan in with the new limits of disturbance line.

Mr. Sweet stated yup.

Jan Johannessen stated the tree removal plan, any update to the landscaping plan and that the steep slopes, you know, the plans on record right now, I believe have the old steep slope layer on there that has now been

revised. So, all those calculations and such that would be reflected in a SEQRA determination should go inside with your, the plan that you presented this evening, not what's on file with the Planning Board.

Mr. Sweet stated yeah, what I can do is with prior to the next submission which will be within two weeks for the next meeting, I can have the existing conditions plan. I'll cherry-pick out the plans that are absolutely necessary, the landscaping plan, tree removal, existing conditions, proposed grading plans that have the bulk tables on them and everything. I'll get all those revised with that submission knowing that this will not be a complete full drawing set because much to the storm water stuff, we don't want to go into revising that until we've had all of our full comments from the DEP.

Chairman Hertz stated very good.

Jan Johannessen stated sounds good to me.

Mr. Sweet stated perfect.

Chairman Hertz stated okay, is there anything else on this matter before we let them go? Anyone? All right. Fantastic. We will see you then, on February 9<sup>th</sup>. Thank you very much.

Mr. Millspaugh stated thank you.

Mr. Sweet stated thank you.

**C. The Park (ShopRite Expansion) – 333 North Bedford Road  
PB2018-0365, SBL 69.50-2-1  
Site Plan, Special Use Permit, Change of Use, Subdivision, Steep Slopes  
Continued Public Hearing**

Mr. Stephen Spina of JMC was present.

Chairman Hertz stated alright, the next item on the agenda is a continued Public Hearing for The Park (ShopRite Expansion), 333 North Bedford Road. There on for site plan, special use, permit change of use, subdivision and steep slopes, if that were not enough. We have tonight, before it's a draft resolution, we have the Zoning Board of Appeals Resolution, dated December 18<sup>th</sup>. We have some memoranda and additional drawing sets. And then, we have an absolutely and full and complete site plan set that's only 53 sheets short. So, let me, this is, again, a public hearing, if anyone wishes to speak on this, again, the number is 646-558-8656. You can also raise your hand on Zoom, you can hit us up in the chat on Facebook or you can call in additionally. And this has been, this public hearing has been open for quite some time, so there's been plenty of input from the public at this point. So, Jan, if you could just give us a brief introduction. I'll turn it over then to the applicant and then we will dig in.

Jan Johannessen stated the Board had asked that the Staff prepare a draft resolution for this evening which we have done. It encompasses both 333 North Bradford Road with the ShopRite and the Grand Prix special permit but also the redevelopment of 309 and 383 North Bradford Road. The only real changes that I can think of to the plan, we're regarding the parking and landscaping improvements to 383, it was discussed that the last two or three meetings have now been incorporated into the proposed action in the plan set in exactly the way that was discussed at the meeting, so. We prepared the resolution if you get to that this evening, I'm happy to walk you through it.

Chairman Hertz stated great, thank you very much. So, I will open it up to the applicant. I see Mr. Spina is here. If you just want to quickly, we're all quite familiar with the application. So, any final changes that you'd like to bring our attention to or is yours.

Mr. Spina stated good evening, Steve Spina from JMC, site engineer. No specific changes to bring up, Jan, was accurate, the only changes that have been made and were really reviewed in quite detail the last couple of meetings. And then implemented on the plans for the 383 regarding the parking and some slight landscaping modifications over there. I think we've successfully addressed those comments. And our hope tonight is to just have the resolution reviewed and passed and the public hearing closed.

Chairman Hertz stated just something small like that.

Mr. Spina stated right, right. Hopefully, it's that easy.

Chairman Hertz stated okay.

Anthony Oliveri stated Steve, is that your mic sticking up next to your ear? You may want to swivel it down.

Mr. Spina stated sorry, sorry about that. Is that better? I do that all the time.

Chairman Hertz stated well, we want to hear you, sit down and since we don't, you know, no, it's not that bad.

Mr. Spina stated it's late. I've been on hold for so long. I forgot it was out there. Sorry about that.

Chairman Hertz stated not a problem.

Mr. Spina stated yeah, I mean we're just hoping that the app, you know, the resolution can be passed. We read through it. It's obviously well written, covers a lot and seems straightforward. I mean, the projects been analyzed quite a bit, so. I don't think there was too much in there we weren't really expecting. And I didn't know, do we want to go through any little comments we might have or is that...

Chairman Hertz stated well, let me, let's wait on the resolution until we get to that point. We will get to that shortly. So, let me just ask of staff because we have to close, we certainly have to close the public hearing before we deal with any resolution. So, let me ask all staff. Are we comfortable that all substantive issues, can't even speak, have been addressed to everyone's satisfaction at this point? And I need everyone to give me an affirmative before we move forward.

Anthony Oliveri stated I'll just say two points. The final SWPPP will need to be submitted once they're through DEP as well so that's a conditional thing. And just one other minor thing which could be a conditional thing, the question with the driveway slope, I just don't think they showed it sufficiently to show that it met the minimum grade or the maximum grade I should say coming off of Route 117.

Chairman Hertz stated that's been the new driveway that...

Anthony Oliveri stated yeah, yeah, that was a question whether it met that right. There's a max of 2% coming off and it's just, I just think that it's just not showing it sufficiently it, but that could be something that could be edited for the final set that gets signed for site plan approval.

Jan Johannessen stated just to clarify that was the driveway serving three -- the individual driveway serving 383.

Anthony Oliveri stated 383, right.

Jan Johannessen stated yeah, not the larger driveway.

Anthony Oliveri stated no, they addressed those.

Chairman Hertz stated okay, all right. So that's Anthony, Peter?

Mr. Miley stated I'm good, Chairman.

Chairman Hertz stated thank you. Jan, anything on you?

Jan Johannessen stated no, my items were reflected in the resolution as conditions.

Chairman Hertz stated okay, thank you. Whitney, are you comfortable? I know all those title issues and all those easement issues are satisfactorily addressed.

Whitney Singleton stated neither confirmed nor do not know. I'm fine with everything.

Chairman Hertz stated okay, alright, so, if that's the case, let me ask if there is anyone from the public who is interested in speaking on this matter tonight?

The Secretary stated I have no hands raised in the Zoom, Chairman.

Chairman Hertz stated all right and Peter we have no one live or..?

Mr. Miley stated that's correct. Nobody here and I'm just scrolling through Facebook, I don't see any comments.

Chairman Hertz stated okay, Board Members, I prepared to close the public hearing on this matter unless anyone has questions or thinks that there are other issues that need to be more fully fleshed out, okay. Go ahead.

Mr. Vigliotti stated Doug?

Chairman Hertz stated yes?

Mr. Vigliotti stated I mentioned during the work session with regard to the resolution and if it's pretty well drawn up, I just want to, I guess ask Whitney and Staff, and they seem to be comfortable that the south entrance and the north entrance as proposed and as laid out with traffic lights and alignments to the Park Drive and to Foxwoods Circle will be in place prior to any CO. Is that as ironclad as we can get in the resolution? I don't want to get to a point where the applicant comes back and says I wasn't able to secure a low property to align the north or the south entrances and asking us to allow them to move forward. All of these works because of the site works, ShopRite works, because of the alignment. And I just want to ensure that everyone is truly feeling comfortable with this, and that it's on the record our concerns. Otherwise, I mean, I wish ShopRite and the applicant luck, lots of luck seriously.

Whitney Singleton stated Ralph, I'll address that. Jan and I had conversations over that and we took a little bit of, we took out a license with that anticipating what your Board might want to see and might want to avoid. And the way the resolution is drafted, there's a lot of moving parts not only on 333, but remember you also have the sites of 309 and 383 that are part of this approved site plan. These are modifications to each and every one of those site plans. So, the question then becomes what happens if the last drainage basin or the last screw or nail isn't done a 383, does that mean that we can't do, we can't issue CO's for interior renovations at Grand Prix? Well, we didn't think that your Board was going to want to police that is heavily or as draconian as requiring everything to be done on every site, every last screw turned and I dotted before somebody could get to CO. So, the way that Jan and I have redrafted, it says that existing tenants and existing uses are able to secure additional certificates of occupancy for their work, and individual sites are able to obtain, are able to obtain certificates of occupancy provided that they have done the improvements for their site. And the only caveat on that is pursued to what your Board directed and what the applicant represented was just a provision in there that says there won't be full-service grocery stores until the traffic intersections are fully approved. Now with that said, Anthony has raised something. It doesn't mean that there might not be field changes or tweaks or modification that come along but in which case, I'll have to come back to you and say we modified or something slightly, is this okay?

Chairman Hertz stated so, let me, I want to, Ralph, very important question, Whitney, very good answer. Let's get the public hearing closed and then let's dig into the resolution. The resolution is quite meaty.

**Mr. Bainlardi stated I'll make that motion that we close the public hearing.**

**Mr. Polese stated I second that motion.**

Chairman Hertz stated Michelle, would you poll the Board?

**UPON ROLL CALL VOTE:**

<b>Vice Chair Bainlardi</b>	-	<b>aye</b>
<b>Mr. Polese</b>	-	<b>aye</b>
<b>Mr. Vigliotti</b>	-	<b>aye</b>
<b>Mr. Bonforte</b>	-	<b>aye</b>
<b>Ms. Pickard</b>	-	<b>aye</b>
<b>Ms. Roppolo</b>	-	<b>aye</b>
<b>Chairman Hertz</b>	-	<b>aye</b>

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

Chairman Hertz stated alright, let us dig into the substance of the, well actually, let me do one thing before we dig into the substance of the resolution. Whitney, because many of us just got the, a copy of the Zoning Board resolution. Can you just quickly let us know if there were anything we need to be aware of in that resolution of approval?

Whitney Singleton stated if you want, I'll be happy to do it visually with your Board, if I can share my screen if you want me to share my screen.

Chairman Hertz stated I guess the question is, you know, they were a lot of things that were requested. Was there anything that was modified or were there any conditions or approval that we can be aware of?

Whitney Singleton stated all right, so the conditions of approval, what the applicant was able to do based upon working collaboratively with Staff, was to substantially reduce the number of variances as you can see in this list, there were previously 19 variances and they have been reduced to nine. So, that was a good thing. And by eliminating the subdivision, it's done away with it. There's very nominal conditions of approval which were all right here. And they're pretty standard, they're pretty standard provision for any zoning board. So basically, what they said that it's only for the plans that were presented to the Zoning Board if they changed, they got to come back. The variances are conditioned upon the granting of site plan approval, et cetera, Planning Board and from DOT. And this is pretty standard now too, failure to comply with any Planning Board conditions limitations requirements of pre-conception shall be deemed a violation of the Zoning Board's resolution. Any changes to the plans that would have to necessity of the variance of the degree of the relief shall constitute the change of plans validating them. And we, any conditions herein or incorporated by reference shall be deemed to be continuing obligations. That's it. There's nothing further.

Chairman Hertz stated okay, so, in short, they received the relief that was requested that would be required by these plans.

Whitney Singleton stated correct.

Chairman Hertz stated okay, alright. In that case, let's thank you to the [inaudible]. And then let's dig into the substance of the...

Mr. Bainlardi stated Chairman, there were two things I can point out quickly. There were two, at least two where it said that no variance was needed at this time because the Planning would, could waive that particular item. So, I'm assuming that those items that needed to be waived have been dressed in the Planning Board site plan approval resolution, but if not, they should be.

Jan Johannessen stated the two items are or there's a few items. One is the joint use of parking spaces. We're handling the shortfall on parking spaces, the joint use of parking spaces in lieu of a variance. So that is articulated in the resolution. There's some encroachments into the landscape buffer that are waiveable by the Planning Board that are included in the resolution for both 333 and the other parcels. There is the length of retaining wall which is applicable to 333 that's specifically addressed in the resolution. So, I believe that all of the potential, the waiver items where you needed to, that you needed to address or included specifically.

Mr. Bainlardi stated thank you.

Chairman Hertz stated alright. So, Jan, I assume as you are the primary drafter of this document, I'll ask you to sort of take us through it.

Jan Johannessen stated alright, so it's a resolution as I mentioned for both 333 North Bedford Road, the ShopRite expansion, the amendment to the Grand Prix special use permit, as well as the redevelopment of 383 North Bedford Road. The front end of the resolution is a series of whereas clause, which really kind of tell the history of the application, it goes through all the different parcels, who they're owned by, what zoning districts they're in and their acreages, there is a table provided on page one that identifies the applicant's bulk, Diamond Properties and Philar being the owner of 383. The proposed action is broken down by property, so on page 2, it starts out towards the end of the page with the improvements proposed at 333 North Bedford Road which are triggering site plan approval, steep slopes permit, a change of use permit, a special use permit for ShopRite and amended special use permit for Grand Prix NY and then there's a series of bullets below that that you [inaudible] particular all those on 333 and it's exhaustive. Item number two on Page 3, same thing for 309, the proposed action is described and the permits needed site plan and steep slopes permit. And again for 383 on Page 4, 383 just requires the site plan approval but the proposed action associated with that parcels described with a series of bullet points. Next page, page 5 is a table that's been provided that identifies all the agencies having jurisdiction. I don't recall, I know that since, well, since the last meeting, or maybe the applicant had mentioned this at the last meeting that they did receive approval from the Town of Bedford Planning Board, all the different the approvals here are listed in the table. The next page five and into page six is a pretty thorough description of the driveway realignment and improvements to the intersection, the study that was conducted and the mitigation measures that are applicable to traffic that were outlined in the traffic study, and then the negative declaration four or five items that were identified mitigation measures so they're articulated in the resolution. And going at the Page 7, there's a whereas clause that describes the steep slope disturbance at 1.44 acres of slope disturbance that's necessitating the steep slopes permit references, they put the bowl

code sections and talks about the retaining wall. Then goes on to a fairly complete list of the application materials, materials of the applicants submitted to support its application and that the Board is relying on to make the determination. So, on Page 9, goes into the SEQRA action being a type one action under SEQRA on identifies that the board issued a negative declarations significance on May 12, 2020. There's a whereas clause following, regarding articulating the consistency with the Village comprehensive plan. Then we get into the resolves causes the approvals and again it's broken out. There's heading for each property. So, for 383 specific to ShopRite there is a change of use permit, special use permit, site plan approval and steep slopes permit. And then where I talked earlier about certain waivers and the joint use of parking spaces, you know that's all outlined individually per site per use. So, halfway down the page, we're talking about the joint use of parking spaces and it said there's, on Page 11 goes into the actual number the shortfalls 254 parking spaces and the references the study that was conducted by the applicant reviewed by BFJ regarding...

Chairman Hertz stated and Jan, let me just interrupt you. If you go back to Page 10, one of things I want to bring, the second from last at the bottom is that the applicant will provide if occupancy, if parking lot document I can see 90% require that staff guide drivers to open spaces during peak hours.

Jan Johannessen stated yes, that was a recommendation of BFJ. It's provided here in the resolve clause, it's also reiterated as a condition of approval that particular item.

Chairman Hertz stated okay.

Jan Johannessen stated on Page 11 is the special permit amendment for Grand Prix NY. The Board had issued a special use permit, September 24, 2019 for Grand Prix when it expanded and modified its tracks and introduced the ninja course. The Grand Prix is identified in our Code as a family recreation facility and there is an increase of square footage being allocated Grand Prix under this application which is resulting in an amended special use permit. So that, that's handle Page 11. 309 North Bedford Road and 383 both handled on Page 12, and these sites, the site plan approval the steep slopes permit and provides any waivers that are required specifically to the landscape buffer. Page 13 as that the 14 is the list of drawings the site plan set, last revised December 21<sup>st</sup>. Just important to note Page 14 second resolve clause, there's a reference to the phasing plan, the overall phasing plan 401, which becomes important later on in the conditions of approval. There's a very detailed description of the applicant and also graphic representation of what aspects of the project are happening when, and there's certainly a number of conditions that deal with compliance with that phasing plan and that also goes to Ralph's, one of Ralph's concerns about the implementation of the driveway improvements, that's right up-front phase one, so I just wanted note that. There's a couple of blanks that we need to fill in and discuss, typically your resolutions require that the applicant satisfy the conditions of approval for those that are applicable, that need to be satisfied prior to signing of the site plan. They satisfy those within six months and then can commence construction within six months and complete construction within one year of the resolution, given the nature of the application and the complexities, I think that may not be achievable. So I'd like to discuss that and maybe get the opinion of the applicant and maybe fill in the blanks there on page 14.

Chairman Hertz stated why don't we just stop there, Steve, do you guys have recommendations for those blanks?

Mr. Spina stated yes, the first item I wanted to bring up on that page those, regarding the phasing plan. You know, as Jan was just saying, it's a very complex project and you know one of the things we were looking to make get a little bit of flexibility on the phasing, you know where any changes, minor changes, you know based on say logistics of, you know, when a construction management firm is hired to build the project, you know they may say, you know it would be better to you know, maybe build this little piece of driveway over here with this phase or that phase, so could there be some flexibility where we would have the ability to review those changes with Village Staff, you know, and have minor modifications or is, you know just kind of want to make sure we're not totally set in stone with...

Chairman Hertz stated yeah, I see no issues with having Staff, you know determine whether something is a minor modification or whether it's substantive and needs to come back to this Board. So yes, I think Staff already has the jurisdiction to make that determination and have that flexible but I would echo that that, on a project of this sort, we're not looking major changes to you know, that phasing plan but certainly minor shifts based on when you dig in more deeply, make absolute sense.

Jan Johannessen stated and I think that's covered under condition 19, regarding field changes.

Mr. Spina stated okay, so that would be under that, okay. I just wanted to make sure.

Mr. Bainlardi stated we're talking about sequencing of work, I believe and to the extent that sequencing needs to change because of stormwater issues or concerns or constructability issues. That's to me, that's not anything that this Board needs to micromanage that gets handled in the field. The bottom line is what needs to be completed before certificates of occupancy can be issued is what's really which really wrong?

Chairman Hertz stated yeah.

Mr. Spina stated right. Yeah, the intent is to stick to the plan as much as possible of course, but you just, okay.

Chairman Hertz stated you have that flexibility, Steve will make sure that that's...

Mr. Spina stated thank you.

Chairman Hertz stated so, the construction building permanent shall be issued and construction shall commenced within how many months the date of this resolution?

Mr. Spina stated we were thinking 10.

Chairman Hertz stated anyone have any issue with that? Okay, 10 it is. And how long do you think it's going to take to complete?

Mr. Spina stated two years.

Chairman Hertz stated okay, so why don't we put that from the start of construction?

Mr. Spina stated right.

Jan Johannessen stated then we have to modify that, it says two years from the date of the resolution.

Chairman Hertz stated yeah, well not if they don't start for 10 months.

Jan Johannessen stated I find it hard to determine exactly when construction commences, a lot of times you don't know that particular date. Do we keep it with the date of the resolution and then just add a year or three years from the date of the resolution?

Chairman Hertz stated and they're being given 10 months to start construction.

Mr. Polese stated that gives them 2 extra months.

Chairman Hertz stated so you have the 2 years, 3 years, you're going to be done and have your CO's.

Mr. Spina stated that seems definitely attainable.

Chairman Hertz stated okay, so, alright very good, so Jan, why don't you continue here with conditions and then if something pops up, Steve that you wanted to bring up, just bring it up as we get there.

Jan Johannessen stated okay, great. So on the bottom of page 14, I think this was an item that we discussed at the last meeting. It states unless otherwise specified, the following conditions shall apply universally to 333 North Bedford Road, 309 North Bedford Road and 383 North Bedford Road. There's a proposing in here and I thought it was immediately following that states in essence that once the COs are issued for those properties those site plans are independent. They're shown on a site plan package together, but once COs are issued they would be looked at individually for purposes of enforcement. Trying to put my finger on that particular statement, I thought it was going that paragraph but it's not what I know. I know it's here I'll put my finger on. So as always, the conditions of approval are categorize, there's a series that it could be accomplished before the signing of the site plan and then before the issuance of a building permit and the commencement of construction, then during construction and then prior the issuances of a CO. So, I'll hit the highlights here, the ones that are really boilerplate.

Whitney Singleton stated Jan?

Jan Johannessen stated yeah?

Whitney Singleton stated that provision you're looking for, is the first full be it further resolved clause on page 14. I'll just read it. While the proposed action includes the development and redevelopment of 333,

309 and 383, once certificates of occupancy issue for each individual parcel, the three side plans and other applicable permits and approvals shall be considered separate and distinct in terms of future amendments indoor enforcement actions. Is that what you're referring to?

Jan Johannessen stated yeah, I even had a highlighted. That was it, thanks, Whitney.

Whitney Singleton stated no problem.

Jan Johannessen stated so, condition one, again prior to the signing of the site plan lists all the different, requires the applicant to obtain all outside agency approvals and they're all listed there. That includes the DOT and the DEP SWPPP approval. The only thing that is not required prior to the signing of the plans, is the SPDES General permit, coverage under the SPDES General Permit, in parentheses you'll see to be obtained prior to the commencement of work, so that's typically the way that that lays out.

Chairman Hertz stated yeah, Jan, let's jump down to number eight.

Jan Johannessen stated okay. You got it.

Chairman Hertz stated so, the Tesla permit has expired and they need to make sure that that's in place before anything, right?

Jan Johannessen stated well yeah, they have to per that resolution vacate the former Cosentino Tile space. And also, part of that was the north, the northern parking lot...

Chairman Hertz stated yeah.

Jan Johannessen stated that gravel section, that was to be used by Tesla, those vehicles will need to be removed.

Mr. Spina stated so this condition is not just for the Cosentino Tile space which is labeled as warehouse C on the plans, kind of on the left side of the building...

Jan Johannessen stated when they came in for Cosentino Tile, they asked for outdoor parking at to north end of the lot. And the agreement was when ShopRite got approved that they would revert back and that's what's being restated.

Whitney Singleton stated can I just throw one other thing out there because there are a lot of moving pieces here and we don't want to put somebody in an awkward corner. When do you think that you would likely be forgetting paragraph eight, condition number eight? When do you think that you would likely be in a position to achieve all of those other things to the point where you'd be asking for Staff and the Planning Board Chairman to sign off on your plans?

Mr. Spina stated I mean, I hope within the next six months, I mean I think we just said, I think that's what's on the resolution was six months. I mean that's where, obviously want to get it done by then, hopefully sooner.

Whitney Singleton stated right and I'm just trying to think knowing that we're coming up on a year in excess of the expiration of the Tesla temporary approval and in light of the fact that evictions are almost impossible at this point in time with any court. Do we want that? And I don't mean to I haven't had a chance to discuss this with Jan in advance, do we want that to be a condition of the signing of the plans or the issuance of a permit?

Mr. Diamond stated well, if I could just elaborate a little bit on Tesla because they're not necessarily planning to leave. In fact, they would like to extend, their plan is to resubmit on [inaudible] permit. The permit covered two spaces, it was both a portion of the former Wine Enthusiast space and the Cosentino space. They've been out of the Cosentino space for probably a year now, maybe a little longer. They're only in the Wine Enthusiast space. The permit originally enabled them to do two things, they were always able without the Planning Board approval to store vehicles on the inside of the building, but they needed approval to store vehicles outside the building. And also at the time they had a thought that they would deliver vehicles to customers at 333 and so that's what they were approved for. But they determined, because of their licensing requirements in terms of where the dealership can deliver a vehicle that they could not do that. So, they never did that. So, the only thing they're currently doing is storing vehicles at 333 in the Wine Enthusiast space and outside. And they are planning to resubmit to the Planning Board to extend that, obviously they should have done it last year. It sort of slipped in February and then with COVID in March, everybody just sort of lost track of it for the next nine months. But I spoke to them

about it within the last couple of months and they're planning to submit probably within the next month or two.

Jan Johannessen stated so Jim, just to clarify they're out of Cosentino now?

Mr. Diamond stated Cosentino's been empty for over a year, we have a building permit already, a company Dandelion Energy is going in there, the space is under construction, It's a standard warehouse and office use with minimal renovations compared to what was there previously with Cosentino.

Jan Johannessen stated so to comply with condition eight, if they vacated Cosentino, do they still plan on having surface parking at the north end of the lot?

Mr. Diamond stated they do within, obviously shrunken down to just within the gravel lot area.

Whitney Singleton stated can I make a suggestion, so that we don't get hung up on this given the length of the agenda? It's kind of where I was going with it earlier, if we remove condition eight and renumber it as a condition to the issuance of a building permit and we take the entire language there that currently exists, and we predicate it on with the following language and saying absent further approval by this Board. It gives them -- let's just say a year to get further approval by the Planning Board. Otherwise, it's a condition that, otherwise it's a condition that that's just going to create problems.

Chairman Hertz stated I'm okay with that. Jim?

Mr. Diamond stated yeah, it's great with us.

Chairman Hertz stated okay, let's make that modification. All right. Jan, so let's continue and I think most importantly let's get to 12.

Jan Johannessen stated I think 11.

Chairman Hertz stated okay.

Jan Johannessen stated I wanted to speak on 11, just to address Ralph's concern. So that requires prior to issuance of a building permit that the applicant demonstrate to the satisfaction of the Village Attorney and Building Inspector that all permits and approvals are in place and that there no impediments the commencement of or completion of work as proposed to the north and south driveway and the intersection realignments including existing applicable leases. So, it's just Whitney and Peter getting comfortable that there's no potential impediments from that exists that would prevent that from happening.

Mr. Bainlardi stated and since the DOT permits or a condition of getting the plan signed anyway, it's going to be in place, and if there's going to be an issue will arise, then?

Jan Johannessen stated perhaps but you can get a DOT permit with the assumption that you don't have any lease issues.

Mr. Bainlardi stated yeah, no, putting aside then the private issues on the permitting side, it should be resolved.

Jan Johannessen stated yeah, I wasn't concerned about the permitting side.

Chairman Hertz stated okay, let's move forward. So, it sounds like 11 and 12 will give us a lot of the safety that we're looking for, Ralph.

Jan Johannessen stated yeah, also 17 and 23, I think also specifically addressed Ralph's concern, but not just Ralph's concern but that concern.

Chairman Hertz stated exactly. And the 19 will gives you non-substantive field changes that we discussed earlier, Steve.

Whitney Singleton stated can we go back to change something there though in 11, I would, I'm sorry I didn't do this earlier on. I'm just reading this, I must have scan this too quickly. Can we just change the word where it says there's no impediments, no foreseeable impediments and take out the word including existing applicable lease agreements? I don't want to be reviewing each and every lease agreement that private property owner has relative to, I mean if they take out a permit for property that they own to do certain work, I'm assuming that I would assume that the tenants have the, that they have the authority to do

that with their tenants. If they can't do the work, that's up to them. I'd rather that'd be a condition to the issuance of a certificate of occupancy. But I just don't want to be responsible for going through every lease at 333, 309 and 383.

Jan Johannessen stated that's fine by me.

Chairman Hertz stated okay. What else do we need to look at? So that takes us through Page 17, stormwater conditions recess by prior to the issuance of C of O.

Jan Johannessen stated twenty-six is kind of project specific. It requires that both traffic engineer and Building Inspector to confirm that the traffic mitigation measures that are listed earlier in the resolution have been completed. There's also some signal timing coordination that was proposed as mitigation and that's not really something you can just see that its done, I think we're going to need some confirmation from either the applicant's traffic engineer or ours or the DOT that that signal time has been completed.

Chairman Hertz stated the other thing that should be there in we don't mention the playing field and the completion of that.

Jan Johannessen stated the Field House is listed in the phasing plan as it being in phase one.

Chairman Hertz stated but that said...

Whitney Singleton stated is that Vigliotti Field?

Chairman Hertz stated let's additionally list that out under these conditions to be issued prior to the C of O, to be satisfied, rather.

Jan Johannessen stated okay.

Mr. Bainlardi stated page 19 of the resolution is missing from this scan.

Chairman Hertz stated yeah, mine too. It goes from item, condition 34 to condition 45.

Jan Johannessen stated I have it in front of me, I can, there's 12 conditions on that page but I can run through them for you.

Whitney Singleton stated do you want me to share them?

Chairman Hertz stated yes.

Mr. Bainlardi stated does that contain the condition that Stephen Spina has to remove that Devil's jersey from his wall?

Mr. Spina stated I should take it down for this meeting.

Mr. Bainlardi stated that would make me very happy.

Chairman Hertz stated [inaudible].

Mr. Alexander stated is that before BP or before CO?

Jan Johannessen stated it's before adjournment.

Whitney Singleton stated alright, now what I'm sharing is the draft version that Jan and I previously had. So, I apologize if it's not 100%. We started with what number?

Chairman Hertz stated we left off at 34.

Whitney Singleton stated okay.

Chairman Hertz stated let me just check something for a second. So, 34 was following the signing of the approved plans.

Whitney Singleton stated okay.

Chairman Hertz stated okay, so, your numbering is consistent. No interior illuminated signs shall be left on during nonbusiness hours which would be visible from the public street or interior turned off during the operating hours. Landscaping shall maintained for the life...

Whitney Singleton stated Jan, what do you have for condition number 42?

Jan Johannessen stated forty-two, my version says the Diamond applicant has stated his willingness on the record to provide future easements for future interconnection of 333 North Bedford Road to the Kohl's site to the north and to the Stop & Shop/Target site to the south, no immediate action is required of the applicant in this regard. So, it was just something that I think we stated that would be done if it arises.

Whitney Singleton stated I just didn't know if that one was still in. So, and you go to condition 45?

Chairman Hertz stated yeah, condition 45, we have on our thing which is says all conditions contained in the approvals shall be deemed incorporated.

Whitney Singleton stated okay, so, those are all the conditions right there. I don't know why they didn't...

Chairman Hertz stated we just didn't get a page, that's all. It just didn't scan for some reason. Okay does anyone, so first off...

Jan Johannessen stated sorry Doug, to interrupt you, you want to add the Fieldhouse to...

Chairman Hertz stated I do.

Jan Johannessen stated okay.

Chairman Hertz stated I do, that will be under the section prior to the issuance of a C of O. So Jim, Steve, we've gone through this. Were there any -- did you have any concerns?

Mr. Spina stated I think we've covered everything that we had on our list.

Mr. Diamond stated yup, I'm good with it as well.

Chairman Hertz stated great, okay. Board members, are you comfortable that after a very, very long process, that this resolution gives the, accurately can speak accurately reflects the work that we've done and properly states the conditions that we were expecting to see at the site?

Mr. Bainlardi stated yes.

Mr. Bonforte stated yes, chairman I will say that out loud, yes.

Mr. Polese stated yes.

Chairman Hertz stated okay, I never thought this day would come, but **I will make a motion to approve the site plan special use permit, change of use permit, steep slopes permit for The Park 333, the ShopRite Expansion as well as 309, 333 and 383 North Bedford Road.** Do I have a second?

**Ms. Pickard seconded the motion.**

Chairman Hertz stated there being no more input and many years having gone by and my hair gotten greyer in the interim. Michelle, would you poll the Board?

**UPON ROLL CALL VOTE:**

<b>Chairman Hertz</b>	-	<b>aye</b>
<b>Ms. Pickard</b>	-	<b>aye</b>
<b>Mr. Vigliotti</b>	-	<b>aye</b>
<b>Mr. Bonforte</b>	-	<b>aye</b>
<b>Mr. Polese</b>	-	<b>aye</b>
<b>Ms. McClary</b>	-	<b>aye</b>
<b>Vice Chair Bainlardi</b>	-	<b>aye</b>

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

Chairman Hertz stated and I would like to say as, at the end of this very long and arduous thing, Jim and Steve and your team, congratulations and Neil. I really think this is going to be a [inaudible] project for Mount Kisco. You've been a wonderful citizen of the Village and you're continuing to develop your businesses in Mount Kisco, I think is a testament to the fact that together we've created a Village that makes these things possible. I'm proud that this and I'm hopeful that this is going to be a superb development and you guys have done [inaudible] work to get us here. Thank you and congratulations.

Mr. Polese stated congratulations.

Mr. Diamond stated thank you very much, greatly appreciate it. And thank you to the whole Board for all of your extensive review over the last three years and you guys put a lot of work into this as well. And we're really excited about it, I think you guys will be proud of the project when its done, I think it's going to be a real positive for the property and for the whole Village, so thank you very much.

Chairman Hertz stated congratulations and can't wait to shop there.

Mr. Spina stated thank you everyone, have a good night.

Chairman Hertz stated the next two public hearings for SCS Sarles and Homeland Towers, both myself and Vice Chair Bainlardi are recused from. Acting Chair Mike Bonforte will be chairing these two matters and we will turn off our video and audio and we will see you back for formal application item F.

Mr. Bonforte stated thank you, Chairman Hertz. And Jan, were you going to, were you going to remove yourself also, Jan, just for the record?

Jan Johannessen stated yes, I'm recused on this application. I'll join you later.

Mr. Bonforte stated okay, guys, just give me a moment I want to just take a look at my notes. I see that Mr. Null is here from SCS Sarles Street, maybe others. And Homeland I think I saw Mr. Gaudio, I didn't look for the others. Just give me a moment, take down all these pages from the prior application. Actually, if everybody would like to take a two-minute break, just if that helps, we're okay with that? I see some said yeses we'll do that, get a drink of water which, just stand up. Sorry. And then we'll get going real quickly after that, okay? Thank you. I'll come back to you in two minutes.

*Break ensues.*

Mr. Bonforte stated so sorry. Hey, John Rhodes, John are you, are you still there on, John? John Rhodes, are you there? Hey Ralph, can you hear me? I see you there, Ralph. Can you hear me? You're on mute.

Mr. Vigliotti stated yes.

Mr. Bonforte stated yes, thank you. I just removed, I had some, your earphones and now I'm back to the computer. Okay, all right. I'll ask one more time. John Rhodes, are you participated in this meeting? I don't think he might have stepped out. Yes, I think we lost some folks here. Okay. Wait another moment for a couple of folks on the Board to come back. Here is Mr. John, John Rhodes, could you please open up your mic? John? I see he's there but, Michelle were there some folks, you said were ready to speak for the Homeland application?

The Secretary stated yes, I have multiple hands up in the waiting room. It looks like there is 5 five people waiting to speak.

Mr. Bonforte stated was Mr. Rhodes one of the people looking to speak.

The Secretary stated yes, yes he is, him and Mr. Campanelli were the first people who had their hands up earlier, followed by Mr. Stockbridge, a lady name Lori and gentleman named Roger are the ones that have their hands up currently.

Mr. Bonforte stated okay.

The Secretary stated would you like to start with public comment?

**D. SCS Sarles Street – 180 South Bedford Road  
PB2020-0395, SBL 80.44-1-1  
Site Plan  
Continued Public Hearing**

Mr. Bonforte stated in a moment, waiting for one or more people, I think Sandra and Barbara on the Board, I think they're coming back. Alright, I think we've got the Board back, thanks for your patience everybody. We're going to entertain SCS Sarles, it's a continued public hearing. There's not documentation on the agenda or in the Drop Box but if Mr. Null is here...

Mr. Null stated I'm here, can you, I'm not sure whether I'm visible...

Mr. Bonforte stated you are and I hear you loud and clear.

Mr. Null stated Mr. Chairman, members of the Board, good evening, my name is William Null, I'm a member of the firm Cuddy & Feder, on behalf of SCS Sarles Street. And I am here with Riche Williams from Insite Engineering. You're correct that we don't have anything, we did not submit anything timely for the Board's review. We are currently preparing documents that we expect to submit for your next meeting and they include an updated tree inventory and analysis as well as response to comments made during the public hearings and that a winter wildlife habitat assessment report, as well coordinated and annotated plans and documents referencing Homeland's relocation site. So we know that there's, it's actually a very large quantity of information to juggle and put in place, we wanted to make sure we had this information for you. We apologize for not having it sooner, we have not been able to put it together, we will have it, as I said for your next meeting. I thank you for that, if there are any questions that you want to ask us, we can attempt to answer them or we can defer to the next meeting when we'll have given you ample time to review the documents and information to which I was referring.

Mr. Bonforte stated no, no, not particularly, I was going to ask Michelle and Peter Miley if they had any public speakers on this particular application?

Mr. Miley stated I have nobody at Village Hall, Chairman. I'm just scrolling through Facebook as we speak, so differ right now to Michelle while I check Facebook to see if there's anything on there.

The Secretary stated I have five hands raised on the Zoom. If you'd like we can start with Mr. Rhodes, who had his hand up first.

Mr. Bonforte stated oh, so, Mr. Rhodes is there, all right. Bill, Mr. Null, just one, mention one item. I thought that we already received the winter habitat, animal habitat from yourselves. I remember reading about...

Mr. Null stated correct. You are correct. Sorry.

Mr. Bonforte stated and if you're going to interrupt, is there an update or...?

Mr. Null stated so, it was issued based upon a March examination. We figured that we're now deeply into winter, if we can do a January assessment that if there is anything different, we would be addressing that as well. And I'll leave the explanation of that to the consultant that we've retained. But we wanted to make sure that we've got an additional few months covered by that assessment.

Mr. Bonforte stated okay, thank you. And let's go to the public hearing. I'm going to try and move it along, but I don't intend to, you know hopefully cut it off anybody. I was going to ask Mr. Rhodes when, I'm going to ask him now, but for the Homeland application which is next. John, I just wanted everyone to be sure that we knew where the amphitheater is and where the caretaker's cottage is and where the Brookside Parking facility is and just landmarks like that. And whether there, you know, inside the Marsh Sanctuary or not, because I got the impression there was some kind of, there was some labels of the caretaker's cottage, and maybe there's two of them, you know, one down Sarles Street, et cetera. So, just clarify that first, John, please when we get to the next application and that's why I was trying to reach you today. I wanted that for the Board and everyone else's edification.

**Mr. Rhodes** stated I think actually, you know they're John or Anita Stockbridge or one of the other people would be better qualified to say that. But basically, since I did submit some photographs from those areas they are both the Brookside Cottage and the amphitheater are part of the Marsh Sanctuary, and both of them are very close to the proposed cell tower location. And I and some other people submitted photographs which we looked at last time where you could very clearly see the balloons and the location of the proposed cell towers, so, they're very close within. I don't have the map in front of me, but probably within a couple 100 feet.

Mr. Bonforte stated yes, and we have those dimensions. And in fact, the applicant has placed numbers on those dimensions too. So, I was just I wanted to make sure the amphitheater and the caretaker's cottage, and you're seeing the Brookside Parking along 172, right...

**Mr. Rhodes** stated they're close to 172. The amphitheater is a little bit further away. Again, John or Anita would be better to show this but they're both very close to both 172 and to the proposed cell tower location.

Mr. Bonforte stated and the amphitheater's just behind that structure on the way into the property. Then what is this structure back on Sarles Street that is labeled Marsh Sanctuary?

**Mr. Rhodes** stated well, Marsh Sanctuary actually is quite an extensive sanctuary which extends from parts of it on Sarles Street, parts of it on 172 and parts of it on other roads. Quite a large and important sanctuary.

Mr. Bonforte stated thank you John and I know you're next to speak about the solar application but I wanted everyone to know and I saw some references to cottages and other things, that I wanted to make sure we all knew. So thank you very much.

**Mr. Rhodes** stated thank you.

Mr. Bonforte stated why don't you go ahead, John.

**Mr. Rhodes** stated okay in terms of the, both applications my updated message is basically the same but I think [inaudible], I'll try to be very brief though. Which is just simply, we want to reiterate the CAC's call for a positive declaration on these non-segmented applications and I think its very clear to me and I believe to a lot of other people, that these are very complicated, high impact projects that both have undeniable impacts as listed in the SEQRA manual for positive declaration on this property which is environmentally sensitive property for many reasons. And one of the main reasons that we feel now it's more important than ever is to have this positive declaration is that there have been many delays, many variations, I mean just now the Mr. Gaudioso also said that they're going to submit a winter habitat study, we've been asking...

Mr. Gaudioso stated I didn't say, I'm sorry, I don't mean to interrupt but I did not say that.

**Mr. Rhodes** stated no, you said that there would be one submitted. And I think that the problem that we have is not specifically Mr. Gaudioso, or any of these specifics. It's just that there are so many impacts, you know if you talk about the habitat study, it's been recommended by the CAC, it's been recommended by an independent...

Mr. Gaudioso stated and I just have to correct the record. That has nothing to do with this application. Mr. Chairman, I think the concern we have right now is that there are comments being made about a different application that is being attributed, one, to myself. Number two, to my applicant my clients, my applicant and I think this isn't, from an administrator record standing point [inaudible] opine because there's clearly confusion about you know at the CAC and Mr. Rhodes.

Mr. Polese stated Mr. Gaudioso, I think he meant...

**Mr. Rhodes** stated and I would, please Mr. Chairman, and acting Chairman that we've been interrupted many times by the recused Chairman, by Mr. Gaudioso, so and so on, we would like to have just a couple of minutes to state our point, if you want to recognize him to rebut anything that we say that have been on.

Mr. Polese stated can I, Mike, can I just jump in? I think just Mr. Rhodes you are referring to Mr. Gaudioso, so I think you're referring to, when in fact Mr. Null was making the comments about the March, the updated report.

**Mr. Rhodes** stated I believe you're correct on that but that's not the...

Mr. Polese stated I know. But that was the point of contention Mr. Gaudioso, so.

**Mr. Rhodes** stated so, my point of contention there is that he's not running this proceeding interrupts, anybody who's making comments, and neither he nor the recused chairman or anybody else is free to interrupt and derail the comments of any member of the public, so.

Mr. Bonforte stated please continue, John. Thank you. Duly noted, please go on, thank you.

**Mr. Rhodes** stated okay. So, what, my key point here in terms of the positive declaration is that there's been a literal blizzard of information from both applicants and in many cases that that it appears to us and to a number of other people that this information is either incomplete or sometimes contradictory.

Mr. Bonforte stated John, I need to stop you there, before anyone else does, okay? Please contain your comments to SCS Sarles, if there's something incomplete or not forthcoming or something just speak to each application specifically.

Mr. Rhodes stated okay, I'm trying to do the correct thing. That since you have already decided that these SEQRA purposes that these two applications will have a non-segmented review. I'd like to be, and so what a lot of other people have said that they would like to be able to speak about the overall impact of these. And I think that that's comes to our key point which is that we're looking and advising and strongly recommending that you take the steps necessary to move towards a positive declaration because as long as these either two applications are fragmented and segmented and as long as anyone specific, sorry, one if want to talk specifically about the SCS Sarles, we've been asking since the beginning and so have a number of other interested parties and agencies for a positive declarations so that the Board can have, create a scope, create a series of very specific questions about impact and then have those answered in the specific format and to the extent that the Board requires. I know there have been a number of questions from the attorney, from CAC, from other people residents and so on about specific things, and then they basically declined to provide this information. One of the big advantages, they're two big advantages at this point, I think from the, in terms of a positive declaration whether it's on SCS Sarles for the other application. And that is that the Board will then be in a position after creating and creating a scope and completing the necessary documentation to require these applicants to provide information, not just the information that they'd like to provide it in particular time, but the information that's required by the Board in order for the Board as the finder of fact in this SEQRA process to make a clear determination. One example of that and that's why I mentioned it at first was this thing about the wildlife study, and, with the wildlife study, in both cases, we've gotten fragmented and partial information. In terms of the tree survey, we've got three or four different versions none of which were at all satisfactory to us, and I don't think through many other people. A positive declaration, the Board with its scoping could then say we need this information in this format. We need it. For example, if the Board decided that we need an up-to-date full property tree survey with these specifications and then the applicants would need to provide that. Then the Board could make a clear determination about the impact on, you know the tree environment, same thing with the habitat, same thing with the wetlands, same thing with, you know sewage treatment, all of these. It would simplify the Board's process, it would provide clearer answers for everyone who's concerned and quite frankly it would also restore to a large extent the dissatisfaction that a lot of people have felt with the process of, that the Board has, not under your leadership but previously, the way the Board has handled these applications up until now, we need a very clear message from the Planning Board that this will be done to the full extent of the law and that clear answers will be provided in a format that the Board needs to make its clear decisions about this. So for that reason, we very strongly urge you to move quickly to a positive declaration. Thank you.

Mr. Bonforte stated thank you John, very much appreciate those comments. And I won't respond and I don't think any of us will tonight because we want to take in some more information from the public and others, so thank you. So please, Michelle or Peter... Thanks for your help John, earlier. Michelle or Peter can we go to the next person.

The Secretary stated Andrew Campanelli is next.

**Mr. Campanelli** stated yes, good evening, thank you. Can you hear me?

Mr. Bonforte stated yes, and I'll say we received you communication. That was in reference to another application. Please go ahead.

**Mr. Campanelli** stated well my comments of course this evening will be limited to the Homeland Towers application, I can reserve them to a later time but I thought this was to be a hearing for both applications.

Mr. Bonforte stated no, this is for SCS Sarles. Michelle, can we go to the next person please.

**Mr. Campanelli** stated thank you.

Mr. Bonforte stated we'll try to get to you as soon as possible, Mr. Campanelli, thank you. In the interim, let's...

The Secretary stated the next person John Stockbridge.

Mr. Bonforte stated yeah, in the interest of time, yes, I'd like to just move forward as fast as possible. Go ahead Mr. Stockbridge, thank you.

The Secretary stated I've requested that he started his video, I'm not sure, here he is.

Mr. Bonforte stated he had a little difficulty last time. Just jump to the next person, Michelle and he'll come, oh.

The Secretary stated I'm sorry, no, he's there. He's just muted.

Mr. Bonforte stated okay, he'll get it.

The Secretary stated Mr. Stockbridge, you're muted. You have to unmute.

**Mr. Stockbridge** stated I'm trying to unmute. I'm trying to unmute. I'm pushing.

Mr. Bonforte stated you are. You're going too fast.

**Mr. Stockbridge** stated I can hear me, I don't know if you can.

Mr. Polese stated yes, we can hear you.

**Mr. Stockbridge** stated thank you very much. Many of my comments have to do with Homeland but the, as far projects together but as far as the Solar plan is concerned, I think one of the most interesting things I think you'll think about is the impact of the two projects together. These are two different leases, but each one is dependent on the other to realize what the future is going to be. And particularly things like the driveway going down, it has an impact both properties. If one is active and the other hasn't happened yet or if neither happened, the deal is you have to understand, in that case you have a driveway which hasn't been concentrated on or analyzed fully, based on one application or based on two, if they should ever happen, I mean you have two leases here and you don't know whether if one deal was approved and the other was not, if two years down the road something else happened. The potential impact of the two projects, I think, the Board is, I think is good to look at it that way and you know, the driveway in particular, the details on that and then water flowing down there, right into the tributary to the Kisco River, right at the Marsh Sanctuary, is a powerful thing that has not really been I think analyzed other than just to mention it. And Mr. Bonforte mentioned the, we thank goodness for the cottage and the amphitheater. This cottage is a residence and has been for over 100 years, 105, 1905, and the amphitheater as well has been there for that time frame, and they are very much a part of the Marsh Sanctuary property which has access to the other property on Sarles Street and with Mr. McCartney's help, I think on the Mount Kisco side of the green space idea of linking up to Leonard Park which is another interesting thing. And the Town clearly, you read the Town's views about the importance of green space and it really is, it really is something that I think the Village Board was conscious of and wants to see, maintained. And so, some of the comments I have are specific to the cell tower, if you will. But I think the study for a positive declaration for instance that really goes into the impact on the trees and on the wildlife, and on if there were another project, how that would work, the impact on the water flow, the steep slope going towards Sarles Street, the buffer questions. There's a lot of things there that need to be fully understood by the Planning Board, I think. And it's to your advantage, and to your interest to have that done. And to, again, we're dealing with one owner here of two leases, and you just think about that for a while, and you know that there are financial considerations that are going to be driving some decisions. I think that some of the other things that haven't been mentioned are applicable to both the properties together. So, Mr. Chairman, if you would rather with me wait for that I'm happy to do that. But I do think that it's important for the Planning Board to really understand that this is something that has a lot of impact and really goes in the face of what the Village has said they want to do which is on green space. And it's just beyond me to think that having an extra information could be something that the Planning Board would not do. So, I really think that the positive dec Mr. Rhodes mentions it is imperative. But I'll wait on the rest of it, it's talking with you on the cell tower.

Mr. Bonforte stated on the cell tower, yes. Thank you, John. Thank you very much.

**Mr. Stockbridge** okay.

Mr. Bonforte stated that will be good. Michelle, let's, please go to the next person.

The Secretary stated the next person is going to be Laurie.

Mr. Bonforte stated okay. Laurie, just state your full name, so we know who you are, please. Laurie, your volume is not, your audio is not very good.

The Secretary stated Laurie, we can't hear you at all.

Mr. Bonforte stated yes, Laurie, it's not working.

Mr. Polese stated maybe dial in telephone.

Mr. Bonforte stated yeah, Michelle, Laurie, Laurie, we can't Laurie, if you look at the screen, we can send, Laurie? We can send you a telephone number to call in on, we don't need to see you necessarily. Michelle, Michelle, please turn Laurie's volume off for whatever it's called, mute her please. And could you text her Michelle, with the telephone?

The Secretary stated I will send a message in a chat, sure.

Mr. Bonforte stated please. And I, hopefully she's not frustrated by not being heard right now. Here she goes. She's on the phone now. Just ask her to hold on. Could you go to the next person please, Michelle?

The Secretary stated I've got a gentleman name Roger.

Mr. Bonforte stated okay.

**Mr. Nadal** stated yes, can you hear me?

Michael Bonforte: Yes, very well.

Mr. Nadal stated yes, my name is, I appreciate, let me start my video, hold on one second. Guys, can you see me? Great.. I don't want to do sound redundant, I'm just going to try to breeze through this. Most of my comments were for the cell tower. But in regards to the solar farm. My name is Roger Nadal, I represent Mount Kisco Chase HOA, I'm on the Board of Directors. And my main concern is of course what Mr. Stockbridge had mentioned the tree removal and the water runoff that will result because of those tree removals. So, that's my main concern there. I'll reserve the rest of my comments for the cell tower. Thank you for your time.

Mr. Bonforte stated thank you, Mr. Nadal, thank you. Michelle, can you could go to the next person please, so we can, and if Laurie is ready, if that's something you can achieve technologically that would be great. Yes, now can on.

**Mr. Pietrobono** stated am I up?

Mr. Bonforte stated well, you might as well Mr. Pietrobono, and Michelle in regards to Laurie, just let her know there will be more opportunities, not just tonight to speak in a public forum, if she's got technical difficulties.

Mr. Pietrobono stated my name is Rex Pietrobono, 2 Sarles Street, Mount Kisco New York. Thank you Mr. Acting Chair and other members of the Planning Board for your time on this and I will be, I'll be no more than 5 minutes. You each have walked to the top of this mountain at 180 South Bedford Road, I was there with most or all of you, you drove or walked up the driveway with a bit of awe of the beautiful mix of large natural growth trees. At the top, we kind of walked by it because we were there for another purpose, another project but there is an enormous, older, healthy, amazing tree at the top which I must add would be a sin in any faith to cut it down but that is exactly what SCS intends to do, destroy that tree that a house could be designed around and about 700 other trees along with it. Homeland wants to cut down about 40 trees themselves and replace them with a single steel one it would appear. Combined it has to be one of the worst devised plans for destruction of the last remaining, undeveloped 25 acre parcel of land in Mount Kisco, which basically has been able to survive intact being hidden from the rest of the world all time by a single old, worn out, rather innocuous driveway. While many of us like the idea of renewable energy, we don't want to trade our limited greenspace to get it. These are intelligent people and instead should figure out a way to make use of the rooftops, the parking lots and commercial properties. We've seen pictures of these arrays with cars parked underneath it, it's fascinating looking. I mean, who's going to argue with that but this mountain should be embraced and not decimated, really it should be loved and enjoyed, not destroyed. But that's exactly what you're being challenged to do, we're still you're being asked to do so in a matter where you're Planning Board Chairman has a conflict of interest, with this known inherent conflict of interest this application should never been brought within this Town which should not be a challenge is for this Planning Board to issue a positive declaration for the joint environmental review of the two

applications. That will thoroughly vet the potential significant impact of these two startling adverse proposed projects that will forever mar that parcel of land. I still find it interesting, an interesting conundrum that both projects can't technically have, each have use of the 25 acres combined and yet that is a number that they each rely upon for their proposals. And although the solar applicant apparently has access to the bulk of the large parcel it still can't seem to constrain itself in its plans from staying out of the buffers on the east and the northeast portion of the area of destruction, so we have to ask you to do that for them. Their request are profit driven, ours are to preserve the enjoyment of our homes and their values. Those buffer zones were in place before the solar application and are intended to protect us. So, I respectfully and sincerely ask each of you to do so. Thank you.

Mr. Bonforte stated thank you, Rex. Appreciate the brevity and getting right to the point with this one, this application. I think somebody's trying to join.

The Secretary stated yes, Simon Skolnik is next.

**Mr. Skolnik** stated yes, good evening ladies and gentlemen. My name is Simon Skolnick and I am the Chairman of the town of Bedford Conservation Board. So, tonight I am speaking on behalf of the Town of Bedford regarding the solar farm proposal. We have sent you two letters, one from the Town of Bedford Planning Board, one from the Town of Bedford Conservation Board, both dated September 21, 2020, listing issues that would, in our opinion effect residents within our Town. And I just want to take a few minutes tonight to quickly make the argument that while Mount Kisco has had the luxury of deciding whether or not this particular parcel should be used for solar farm or not in their zoning Bedford has not had that luxury. We have a completely residential area facing opposite Sarles Street that this solar farm will be plopped down on and we raised issues that would affect that residential neighborhood including aesthetic issues in which we pointed out that studies made for site of line for houses in Bedford were incorrectly using a two-story house when in fact it was a three-story house. We pointed out that there are houses across 172 north of the project in Bedford that would probably, definitely see this project more so than I think anyone else in Mount Kisco. So, there's definitely aesthetic issues that need to be resolved and answered. We're also very much concerned about stormwater issues, the DEC classifies solar panels as an impervious surface. And while the applicant has provided schematic solutions to this, I think the detailed analysis has got to be done to make sure, especially on the Sarles Street side because of the fact that there is such a huge elevation drop from the Mount Kisco property into our Bedford, that water would be ending up on the Bedford side of the town line. So, based upon these really significant issues that would be affecting a residential district in Bedford that is, has been residential for many, many, many years, the Town of Bedford requests that the, that your Planning Board give this a positive declaration so that these issues can be sorted out in detail and provide our Town with information that we can review and hopefully come to an agreement that the applicant can mitigate our concerns. So, having basically said that I just would like to end it with our recommendation to go with a positive declaration. Thank you.

Mr. Bonforte stated thanks. We appreciate that suggestion coming from I think from two different groups that you represented there just now, the Bedford Conservation and the Bedford Town Board, you said that's fine. Michelle, if you can go.

**Mr. Skolnik** stated oh, I'm sorry, that was the Bedford Planning Board.

Mr. Bonforte stated okay, thank you Mr. Skolnik. That's fair enough.

The Secretary stated Mr. Nigel Sizer is next.

**Mr. Sizer** stated thank you. You can let -- there we go, stop the video, all right. Thank you. Very good to see everybody, I'm Nigel Size, I'm a resident of Stockbridge Road in Mount Kisco and I'm also in the process of purchasing a property that backs onto Sarles Street and is near to the area in question. I am extremely concerned with these proposals, I'm also a PhD forest ecologist and landscape ecologist. And I'll just talk briefly about some of the wider landscape implications on what's being proposed here and frankly, it's absolutely shocking to me that the Town would be considering allowing the clearing of six of seven hundred trees, one of the last larger greenspaces within the Village. And particularly ironic that this would be to install a solar farm, the greenhouse gas emissions from clearing that area would be equivalent to the emissions of several hundred average American citizens over the period of one year, so it would take many, many years potentially to recoup through the solar project, if you looked at the whole life cycle, the emissions that the solar program would be claiming to reduce. So it's really quite a travesty on the renewable energy side and abutting the Marsh Sanctuary and other key natural habitats there, close to Leonard Park and so on and the many contiguous areas of habitat on the private properties that are close to there, that go down and around Howlands Lake and out to other reserves in the area, the impact that this would have on the local wildlife is potentially very significant, that doesn't seem to be property studied or surveyed to date, either based on comments I heard earlier. So I would strongly support all of the

comments that others have made up to this point in the hearing and strongly recommend that the Board and the Village proceed with great caution on this matter. Thank you very much for taking the time.

Mr. Bonforte stated thank you Mr. Size of taking the time. Michelle or Peter, is there anyone else for SCS Sarles.

The Secretary stated Harry McCartney wanted to speak and I believe that Laurie dialed in.

Mr. Bonforte stated whoever is next.

**Mr. McCartney** stated hi, am I up? Can everyone hear me?

Mr. Bonforte stated we can hear you Harry, go ahead.

**Mr. McCartney** stated hi this is Harry McCartney, this Mount Kisco Village Historian and the Mount Kisco Trail Team lead. I'm going to address two specific topics and ask the Board and all the work that you folks have done in lieu of the Chairman recusing himself and the Vice Chair and also all of the professionals. First of all, I just want to thank you for all your work and just keep a real open mind based on what I'm going to say to you. Number one I'm going to talk ethics and then I'm also going to talk about green space. Mount Kisco community versus private entities. Mount Kisco, the work that a lot of community members have done in participating with respect to our historic/nature trails that we've been developing on our limited and I'll emphasize limited greenspace over 8 years, has included the seniors. We just had a recent, if you can believe this in recent senior guided tours obviously, all COVID protocols in place. We have done the Boys and Girls Clubs. We've done the high school. We've done community over the years and some of you have been around for years know what we've done. And that's for the greater community. That's, and especially in these days and times where COVID, the need to be in green space and outside is more critical than ever in terms of mental and physical health. So, this particular application, and I know, I'm not supposed to say powers but both of them, this is private interests, private.

Mr. Bonforte stated Harry, Harry, and its Michael.

**Mr. McCartney** stated yes, Michael, go ahead.

Mr. Bonforte stated Harry, can you hear me?

**Mr. McCartney** stated yes, I can hear you.

Mr. Bonforte stated Harry, I just want to caution to be very careful what you say about regarding ethics in any individuals, okay. I don't want this to be specific. I don't want that...

**Mr. McCartney** stated I was not going to be specific.

Mr. Bonforte stated okay, good. I'm just warning you because I don't want to cut you off because I don't want to see this. I want to be focused on the aspects that we're here to evaluate for this application

**Mr. McCartney** stated Michael, I agree with you 100% and I wasn't going there and thank you for the reminder. But key information, is, there's been a lawsuit against the Town that has to do directly that is directly related to this. [Inaudible] the Board, because you have to make some very important decisions here that how private interest versus public interest and community interest. So, I would ask you, all you have to do is go out to the state court website and the lawsuit, those any details specifically on this application. And in addition to that, there are two ethic complaints.

Mr. Null stated Mr. Chairman, well I have an opportunity to respond to this. This is out of line.

Mr. Bonforte stated Michelle, cut off Mr. Null right now, please. I'm not going to put up with this, all right. Harry, please contain your remarks to what we just talked about. Mr. Null, we just want to get through public comments, they're allowed to comment as you know. And we're not going to get into a back and forth and that's it, all right. I don't want to adjourn this and move it on to the next meeting where we'll have to control it again. Harry, please complete your comments. I have you started about 11:13. You've got a couple more minutes at the most. It's really late, you've got a lot of folks on the line and you do have a lot of valuable input. So, please go ahead.

**Mr. McCartney** stated and I appreciate those comments Mike, and I appreciate you allowing me to continue.

Mr. Bonforte: Thank you.

**Mr. McCartney** stated so, the bottom line here is community interests with respect to the industrialization of this 25 acres and private interest. And the way from an operational standpoint, this has been managed initially, not since you guys started, but since it's been managed from day one. So, I would challenge the Board and just ask them to do a little research based on what I said with respect to the lawsuit because the Town, and I'm going to wrap it up, Mike. The Town with regards to this particular, these particular applications in terms of how it will be looked at going forward is going to be definitely having effect on how the planning works, and how it operates. So, that's all I want to say. Thank you, Mike. And thank you all of the Board here and the Village employees who, really to me, sometimes get undercut based on certain things that happened, right? Your good work is undercurrent. But anyway, thanks again, and see you on the trials everybody.

Me. Bonforte stated is Laurie able to, is she here?

The Secretary stated yes, she was able to join. Let me see if I could get her unmuted.

**Ms. Evans** stated can you hear me? Did I unmute my?

The Secretary stated you did. You muted yourself.

Mr. Bonforte stated go ahead, Laurie. [Inaudible] Michelle, do you know what the issue is?

The Secretary stated she muted herself again. I just ask her to unmute.

**Ms. Evans** stated can you hear me now?

The Secretary stated yes, we can.

**Ms. Evans** stated I don't know why I have such troubles tonight, thank you. My name is Laurie Evans. I am a friend of Mars Sanctuary and our daughter has a plot in the community garden, so we spend a lot of time there. It is a treasured spot. This summer she grew a lot of the food that we ate and she froze food that we are using over the winter. Children come to visit this garden, in addition, I'm in Mount Kisco several times a week as I have friends who live there and I shop regularly in Mount Kisco. Regarding the proposed site for the cell tower, one I have no seen documentation proving that this cell tower is needed, apparently there are not dropped calls near this area. Two, this proposed site is 197 feet from the nearest residence and due to the intended height, this proximity is not permitted. Three...

Mr. Bonforte stated Laurie, Laurie, this is for the Solar Farm.

Ms. Evans stated I'm sorry?

Mr. Bonforte stated this public hearing and your comments, if you could please maintain them or direct them at this Solar Farm application.

Ms. Evans stated you mean this isn't the cell night now?

Mr. Bonforte stated no, okay...

Ms. Evans stated oh, then I missed...

Mr. Bonforte stated we're going to do that next but it may take a little bit of time.

Ms. Evans stated I apologize, I was told it was going to be the third hearing and then I was told the fourth. Okay, I'll wait. Thank you.

Mr. Bonforte stated yeah, there's an agenda that's published for the next time Laurie, you can always go to the website and the order is posted on the website, all right, and...

Ms. Evans stated okay. I went to the website but I didn't see it. Okay, I'll get off, I'll mute, thank you.

Mr. Bonforte stated thank you, Laurie. Just hold on, Michelle or Peter, anybody else for SCS Stall Street.

The Secretary stated the only hand I have raised still is Andrew Campanelli who wanted to speak for the cell tower, and I see on the video Mr. Null raising his hand. Are you...

Mr. Bonforte stated Mr. Null, I'm going to say I apologize for being short with you but there's really no need to go back and forth.

Mr. Null: I'm not going to com-.

Mr. Bonforte stated yes, okay.

Mr. Null stated I'm not proposing to go back. But I think I need to make a short statement about...

Mr. Bonforte stated okay, you can go, go ahead. Please go, short statement is wonderful.

Mr. Null stated the allegations about private versus public and whose, these conflicts of interests and reference to a lawsuit where there are all sorts of allegations that are in dispute. And I respectfully submit that none of those are the subject of material investigation by this Board. There's nothing that precludes any officer of a volunteer board from presenting, from submitting an application to a municipal board. And the chairman recused himself immediately. That issue is before the Ethics Board, it's not before the Planning Board. It really should not be something that's public discussion it. I think it compromises people's integrity in an unfair way and is inappropriate, not that this Board intended it to come up but it's really not appropriate to be developed before this Board. There are other boards that have that jurisdiction and I don't think that reference to the lawsuit and allegations and lawsuit as if it's truth or fair are appropriate either. The use of the site for a solar field is something that's permitted under the zoning ordinance, that's why you're reviewing it. It's a private use but it's a private property. And how it's done is something that this Board needs to consider. We've submitted extensive documentation, we're going to submit additional documentation. The documentation that's being requested is not greater if you adopt a positive declaration than it is if you ask us to deliver the information, which we're delivering anyway and much of which we've already delivered. And I also suggest that the confusion that many of the members of the public are having in separating the solar application from the cell application is one that's unfortunately detrimental to both applications. There should be independent findings as to each application, and that would be the best way to preserve the record here. That's all I have to say and I thank you for your time.

Mr. Bonforte stated and further to that point, your last point, I was going to make the comment for everyone especially for the public speakers who just spoke the majority of which brought up the cumulative effects. The Board has agreed with two different, with the two separate applicants to evaluate their individual impacts whether it's drainage, tree removal, steep slopes, et cetera, and then we're going to take that and look at that on a cumulative basis. That process is going on, that process has been taking place and it needs, there's more information to be received. And so, I appreciate the public comments in that manner and we are going in that direction, absolutely. It just and again, thank you for bringing it from the public perspective, we are doing that. Okay, so let's, enough said, let's move on...

Mr. Null stated and Mr. Chairman, will you continuing this hearing then to the next session.

Mr. Bonforte stated oh, I need to make a motion to adjourn the public hearing, absolutely because you're still...

Mr. Miley stated let's check to make sure there's no other speakers, let's look at Facebook.

Mr. Bonforte stated while you're doing that, I'll look at the dates here.

The Secretary stated January 26<sup>th</sup> is the next meeting and the meeting after that is February 9<sup>th</sup>, Chairman.

Mr. Null stated we'd be looking for the first meeting in February, if that...

The Secretary stated that's February 9<sup>th</sup>.

Mr. Bonforte stated anybody else to speak Peter on Facebook or...

Mr. Miley stated there's no additional comments on Facebook, I don't have anyone at Village Hall and I'll defer to Michelle on the...

The Secretary stated there's no one additional on the Zoom.

**Mr. Bonforte stated I think I can make the motion to, Whitney, to adjourn the meeting to February 9<sup>th</sup> for SCS Sarles Street.**

Whitney Singleton stated yes, you may.

**Mr. Polese stated I second that motion.**

Mr. Vigliotti stated on the question, please.

Mr. Bonforte stated please poll the Board, thank you Ralph.

Mr. Vigliotti stated yeah, I want staff to be mindful of how many items, how many public hearings we put on an agenda. This agenda as it stands now will bring us well past midnight, probably closer to 1 am. That being said, let's not, this will be the second time that we've done this, let's not create a situation at the next meeting or the meeting after where we have four or five public hearings and then a full agenda. So let's be mindful how we use the next two or three meetings how we can disperse several public hearings so they're not all within the same meeting.

Whitney Singleton stated Ralph, Ralph, just to address that and I want to clarify something. Staff does not establish the agendas by law, they're set by the Planning Board Chairman.

Mr. Vigliotti stated okay, then I would directly, in this case we have Michael is the acting for the Sarles project and for the Homeland Towers and of course Doug Hertz handles the rest of the agenda. I just want us to be mindful of that, to be here until 1 am in the morning is not productive for anyone. It's not good for the applicant, its certainly not good for us, we're making decisions on applications and giving opinions at 1 am in the morning and that could very well happened this morning, so I just want the Board and the chairs to be mindful of that.

Mr. Bonforte stated good point, Ralph. Thank you. Okay, so, do we want to pull the Board Michelle, please on the adjournment to February 9<sup>th</sup> for SCS Sarles.

**UPON ROLL CALL VOTE:**

<b>Mr. Bonforte</b>	-	<b>aye</b>
<b>Mr. Polese</b>	-	<b>aye</b>
<b>Mr. Vigliotti</b>	-	<b>aye</b>
<b>Ms. Pickard</b>	-	<b>aye</b>
<b>Ms. Roppolo</b>	-	<b>aye</b>
<b>Ms. McClary</b>	-	<b>aye</b>

**The motion carried by a vote of 6 to 0.**

The Secretary stated thank you.

**E. Homeland Towers – Mount Kisco Wireless Telecommunications Facility – 180 South Bedford Road  
PB2020-299, SBL 80.44-1-1  
Site Plan and Special Use Permit**

Mr. Robert Gaudioso of Snyder & Snyder was present.

Mr. Bonforte stated just one follow up for the public again that the Village has hired two excellent specialists, the BFJ Planning which is Simon Kates representing and also HDR engineering, that's Michael Musso and Stacy Calta. So for some of the public speakers, we have excellent support on staff along with Anthony Oliveri, who's our Town Engineer, so all of these folks are working together to support the Board. Regarding the process of the applications, both the solar and the Homeland applicants, application and all the facts and features and ins and outs. So, I just want to get that out there for anybody in the public who is listening tonight and hasn't kind of been aware of how this process is going. All right, so with that said let's move on to the Homeland Towers application, the telecommunications facility at 180 South Bedford Road. We know we have a site plan, a special use permit and a steep slope approval to make on this from the top down. We still have a public hearing open for this, Mr. Gaudioso, so you're here, hi. Hi, Robert.

Mr. Gaudioso stated good evening.

Mr. Bonforte stated I will say we received the package for the ZBA on the dateline date which you had CC'ed on the second page would be a letter, the Planning Board. We still have to admit it to the record for this meeting tonight. It has a several to maybe a dozen items in it, new information but we got it. I wanted to let you know. But in the future please, directly address it to the Planning Board because there was some

mix up there with the, you know, with the holidays and we were able to get it through, okay, so it's part of the record now. And the visual assessment, I think we've been waiting for the photo simulations, that's great. So, before we go ahead and neither, and either, you know, Simon Kates here, again you know BFJ Planning, and Mike Musso. Again, they're advising us and gathering and accumulating all this data for the Board, right, because we need that type of support along with legal support et cetera and Anthony in the engineering department for us, Anthony Oliveri. I was going to ask what you wanted to accomplish tonight, Mr. Gaudioso, so, given the time frame that we have and we still have a couple of other items on our agenda. And so, well I don't want to cut you short of time, I also don't want to have you monopolize the time so that when the Board gets the next applications, we're just out of gas physically. Again, we've gotten the information, there's a lot there to go over. So, I guess I'm asking you what you were planning to do tonight. And if it's fairly lengthy to just break it up into pieces, and maybe just to vote it's 11:30, 15/20 minutes to prefacing or at least diving into just a couple of pieces, I think you follow what I'm getting at.

Mr. Gaudioso stated I appreciate it.

Mr. Bonforte stated and then we can come back to it, yes, and then we can come back to it next meeting, which I assume you want to be on the agenda for the 26<sup>th</sup>, would that be fair?

Mr. Gaudioso stated I think, two things, Mr. Chairman. I appreciate it. I certainly don't want to indulge upon the Board. You've worked hard for the last five hours. We've also had our consultants on the phone for the last five hours as well so we can certainly try and expedite things. I'd like to run through the documents, just an overview of what we've submitted since December 1<sup>st</sup> which I believe was not on the last agenda, December 1<sup>st</sup>, December 7<sup>th</sup>, and December 29<sup>th</sup>, and then just focus on three items as quickly as we can. One, quick overview of the changes that Mr. Burns made regarding the comments in response to the fire department, it was very much in the interest of the Board. Secondly is Mr. Wimmer did prepare a report there's been a lot of discussion about the setbacks, so we did do a report to show how the Code in our opinion would prohibitive any place essentially in the Village based on the setbacks. And then third and finally, just ask Mr. Allen to run through the visual renderings that we did, both at the proposed site and at the hypothetical alternative up by the tennis court because I think that's very instructive, particularly given some of the debate about potentially relocating the site. We can certainly do that quickly and we'll try and do that, so if that's okay Mr. Chairman, we'd like to run through those items as quick as we can and I think its important because we do keep hearing the same comments from the same speakers and I think that the information that we have submitted has been extensive, I want to at least highlight that, if that's okay. So back on December 1<sup>st</sup>, we submitted...

Mr. Bonforte stated Robert, I'm just going to say this, I found the visual assessment, the visual resource assessment report to be really insightful and valuable, a lot of information in there. If it starts to get a bit long as we go through this because I know you don't want to miss anything, I'm just going to ask you to put it aside and so just bear with me in that regard if I interrupt you because I don't want to give it short shrift, is that the word, apologies, whatever that word is and I will make sure we come back to it and you will have plenty of time.

Mr. Gaudioso stated I appreciate that and I echo what Mr. Vigliotti said. We are a little bit unique, we have been discussing extending the shot clock because there is Federal Law, if there's opportunity for a special meeting, we'd certainly be in favor of that as well but again to run through the items we submitted because I know there's already some public comment on some of it. We did submit a property value report, it's the data, it's a report that the methodology has been upheld by many courts that cited them before, 16 separate studies over the past 6 years throughout four different counties and you have a copy of that I think, it's pretty self-explanatory. We submitted some additional RF information. Again, since August, we have submitted the proof of need for this site, there was a comment in earlier that I heard about that we haven't shown the need for the site. That's been clear unequivocal. We've submitted that, it's been on file since August. We submitted an affidavit, a sworn affidavit from the President of Homeland Towers that confirms again that the site on the property of the proposed facility is the only site that we have lease rights to. Also, previously, there's a Skull Island letter, I don't know if it's part of this record I will certainly submit it. But the property owner, the member of Skull Island Partners, they did also confirm the same fact. So that is a fact, we have submitted that in an affidavit format, this is the only part of the property we have rights to. We submitted confirmation by a letter [inaudible] Village properties, we had previously reviewed, are not available to us by way of the Village. We did submit that constraints map, and I'll ask Mr. Wimmer to discuss in a moment. We submitted a, I'll skip over some of the items that are really more relevant to the Zoning Board but we did show that the Code has been interpreted in a way consistent with our interpretation that a variance is not required. We submitted a steep slope, a revised steep slope letter clarifying the steep slope issues, revised drainage report. We submitted a removal agreement from Homeland Towers, there is no requirement in your Code but previously there were a number of questions about what if the facility was obsolete, Homeland Towers has confirmed that they're willing to remove the facility and they've even taken the remarkable additional step of also consenting and offering to post a

\$25,000 removal bond, again, not required by the Code but offered by Homeland Towers. We submitted a Master Plan compliance letter, we submitted a letter of support, there were comments about AT&T not having a service problem, AT&T is actually permitted to co-locate on this tower, just below Verizon Wireless, and we submitted a letter directly from AT&T confirming that. We did, although, we've previously shown the hospital does not work from our standpoint, it's also not in the overlay zone. We did nevertheless, attend the site visit with Mr. Musso and the Village Manager at the hospital, we did submit a letter confirming what we believe the understandings were at that site visit. Again, we did submit the visual resources evaluation both from the proposed site and the alternative site. We submitted a report from APT Engineering detailing the changes to the plans based on prior comments and the revised site plan. I'd like Mr. Burns to briefly and quickly go through the site plan changes, there were a lot of comments about the access, the access to the proposed wireless facility has been full designed for the wireless facility, it's independent 100% from the solar farm but nevertheless we did show the solar farm on the plans, potential cumulative impacts, we did show that we are saving the trees that Mr. Pietrobono was concerned about. If Mr. Burns could just share his screen and show the changes that were made in direct response to the fire department, I think that's helpful.

Mr. Bonforte stated go ahead Mr. Burns.

Mr. Burns stated working on it here. Thank you Mr. Chairman, for the record, Robert Burns, APT Engineering, I'll go through this quick because I appreciate Mr. Vigliotti's comments, I think we're all getting a little sleepy. The fire department comments, I'll go through one by one fairly quickly and address. Mr. Hughes' comment was in regard to the access to the site with the fire, with different fire equipment. So what we did is we ran a turning movement calculation which is a program that runs with Auto CAD that shows the direction of the vehicle along the outlined access way and whether it can make the turns, et cetera, et cetera. So what we did was we ran a turning movement over the existing driveway and the proposed driveway with what we considered was the worst case scenario, which was an aerial fire truck, a ladder truck, which is the biggest truck they probably have. The first concern, comment they had was that access to the site, the turning into the site from both directions, what we found was with the aerial truck, the worst case scenario, it was able to make the turn from the westbound direction, which is the Mount Kisco side. The eastbound direction, which is the Bedford side, the largest truck was unable to make the turn and in order for him to make it, it would have to be substantial removal of an area of the driveway which would require a very large curb cut on the State highway. All of the other fire department vehicles can make that turn but the largest vehicle would have to do a little bit of maneuvering to make that turn...

Mr. Bonforte stated you said eastbound but it's actually westbound.

Mr. Burns stated I'm sorry, westbound.

Mr. Bonforte stated so just reverse those, yeah and that's fine for the record.

Mr. Burns stated I apologize, it's past my bedtime.

Mr. Bonforte stated we've all visited the site, so we know how tough a turn it is and how dangerous it is too just for a car but go ahead.

Mr. Burns stated okay, so then, his comment was in regard to actually making the way up the site to the facility. So there is some minor widening that will have to take place but as shown here, the truck can make the turn. The two inside lines are the wheels and the grey is some of the overhang on the vehicle, it's not actually the wheels.

Mr. Bonforte stated Robert, can you blow that picture up.

Mr. Burns stated sure, I absolutely can.

Mr. Bonforte stated because this was some of my comments, I was just at the site with a couple of members and you state 12 feet for the driveway, you're going to expand it. I don't see how 12 feet is going to do that but I don't necessarily want you to go too deep, I'm going to leave that for our specialist.

Mr. Burns stated there are some certain areas, Mr. Chairman, of the existing driveway that will have to be widened to make the turn...

Mr. Bonforte stated more than 12 feet?

Mr. Burns stated yes.

Mr. Bonforte stated okay.

Mr. Burns stated now the proposed driveway is 12 feet, the driveway into the site. But we've enlarged the area of where it connects to the existing driveway, so he's able to make that turn.

Mr. Bonforte stated okay, you might as well keep going and short and sweet on this. As the truck would pull into the site the pad site, I'll call it, that car, right where your cursor is, to me, that's a steep slope, so that at ruck coming up to fight a fire, would it back into the site or would it pull straight in forward?

Mr. Burns stated the idea would be, we, originally if you remember Mr. Chairman, this access drive was 12 feet directly to the compound, since that time we've expanded it to a parking area so it will be substantially wider here. So there will be parking spaces for the fire equipment as well as the two 15 by 15 pool areas that he required...

Mr. Miley stated can I stop you there for a second?

Mr. Burns stated certainly.

Mr. Miley stated I don't mean to interrupt but the two pool areas, how is a pumper truck going to access them to fill them up?

Mr. Burns stated they would pull into the site and probably park here and fill them up.

Mr. Miley stated they have to park next to them to fill them up, just so you're aware. And they have to, the reason for two is while one is draining the other truck could simultaneously swap out and fill up the other pool, so there is a constant, essentially refilling of each pool.

Mr. Burns stated so that is something I'll have to look at. This second pool, he probably can't get next to, that's probably true. Although, well never mind. And, so that was the additional area of the development, in doing this, the limit of disturbance has been increased from 18,000 square feet to 30,000 square feet. The number of trees removed went from 38 to 50 and the steep slopes over 20% has increased by 4,000 square feet, to just over 7,400 square feet. The one thing that does help us is that we were bringing in a substantial amount of fill to build this site and now we're able to take the excavation and not as much fill will need to be imported onto the site.

Mr. Bonforte stated just to fully disclose or divulge what I was concerned about is that a truck is going to come up a hill, right, the driveway, it's going to back in or pull in and its going to be on a severe slope, possibly a severe slope, I'm not sure what build up or retaining wall or back filling you're going to do but I just see that as an awfully tough entry point for a fire truck and then on top of that, Mr. Miley's comment on you know, how they're going to get the water. So anyway, you can answer that another time Mr. Burns...

Mr. Gaudioso stated well I think it's an important, I wouldn't want to leave that you know, we can certainly reconfigure the pools, we can certainly [inaudible] the site or speak to the fire department but as far as the slope, we do have that detailed on the plans. Bob, can you show that?

Mr. Burns stated yeah. We did run, well Rob, we actually didn't, we ran this, this is through the compound and the slope into the, the driveway down is at 12%, it does flatten out when we get down here but it is at a steeper side coming down in there.

Anthony Oliveri stated probably a profile to the driveway would be a good idea. I just want to say, this hasn't been submitted yet, right? This is the first we're seeing it...

Mr. Gaudioso stated it was submitted about two weeks ago.

Mr. Burns stated it was submitted.

Anthony Oliveri stated this plan was submitted? Was this in our packet?

Mr. Miley stated it was submitted late.

Whitney Singleton stated so it's not in the packet?

Mr. Miley stated no.

Mr. Bonforte stated there are two, what happened Anthony, there were two PDF's, there was a part one and a part two. The part one and two are in the Drop Box.

Anthony Oliveri stated is this part of the ZBA item?

Mr. Bonforte stated yes.

Anthony Oliveri stated I see.

Mr. Bonforte stated it is the same submission as what was given to the ZBA. Anyway, good, I don't want to derail this after I just got done saying let's move forward as efficiently as possible. I'm sorry Mr. Burns, please go ahead.

Mr. Burns stated those, Mr. Chairman, were the, just want to go through this real quick. Those were the only changes to the site at this time, we are working with a geotech engineer to schedule a series of corings within the driveway to satisfy the question as to whether the existing driveway can handle the load of the fire vehicles. And that has not been scheduled as of yet.

Mr. Bonforte stated just pass, I saw borings, soil borings there in the past but that might have been for the soil farm, so just, if you're going to go do that, that's all we need to know, that's fine.

Mr. Gaudioso stated thank you. Mr. Chairman, just to speed it up and move it along, Mr. Wimmer did do a constraints map that I think is very important, a couple constraints map, actually constraints from the [inaudible], if Klaus could just share that.

Mr. Bonforte stated constraints, you said?

Mr. Wimmer stated yes, good evening Mr. Chairman, members of the Board, Klaus Wimmer, regional manager at Homeland Towers. I prepared this report hoping to show the constraints we face with citing the wireless facility and also complying to the Code. As you know, the Code provides for a maximum height of the tower of 80 feet or the minimum height necessary to provide service and the setbacks are 500 feet from a residence and then it is 100 feet for every 10 feet the tower exceeds the underlying minimum height restriction. So just to help show this in a PD district, the max height is 25 feet and will result in a setback of 1,050 for an 80 foot tower. The Conservation District the setback would be 950, Office District 900 and so on. So I just wanted to show what this actually looks like and restriction that we are facing here, [inaudible]. So what I did is, I took the closest residential properties in this area and I'm showing the, in this case this is a 1,050 setback and here we have 950 foot setback from these respective residential properties and what this shows is there's really no way to locate a facility in this corridor, where we need the coverage, that also meets the Zoning requirements. So the site, in order to the meet the Zoning Code, the site would have to be outside the green envelope here.

Mr. Gaudioso stated Klaus, isn't it correct that that's for the hypothetical 80 foot tower...

Mr. Wimmer stated hypothetical 80 foot tower, so far...

Mr. Gaudioso stated and you only showed certain hand selected residential areas, if you all included all the residential areas, you would have additional circles that would come [inaudible].

Mr. Wimmer stated yes, of course. I'm just showing 8 hypothetical locations just to help us visualize this.

Whitney Singleton stated can I comment on one or two items? First of all, this map showing the Bedford Corners, is clearly an erroneous map, there's no such place as Bedford Corners. So, I don't know why you're showing Mount Kisco being Bedford. There is no such place as Bedford Corners.

Mr. Gaudioso stated listen, if we're going to get rushed through this and its might night and the comment is that the map that we pulled up from the internet [inaudible]. There's no such place as Bedford Corners and therefore that's an erroneous map, I mean, come on, what are we talking about?

Whitney Singleton stated we can extend the meeting Robert, we can do it another day.

Mr. Gaudioso stated that's ridiculous, quite frankly Mr. Chairman, that's a ridiculous comment. The point of this map was to show from an aerial that we took from a publicly accessible website to show the setback from certain locations and to nitpick it that there's a comment on the map that calls it Bedford Corners. I just don't understand what we're doing.

Whitney Singleton stated well Rob, your map doesn't even show other homes that are within that area.

Mr. Wimmer stated it shows all the homes.

Whitney Singleton stated I can point out to you numerous homes that are within those areas that you don't even show.

Mr. Gaudioso stated that's what we just said. We just got done explaining that, we picked, we show all the areas, this is an aerial map, okay, this is a photograph from a satellite that we picked to show, to visualize, and as Mr. Wimmer just said, he picked 8 locations to show to sample homes throughout the corridor and even with just those 8 and with the setback, whether it's an 80 foot tower or 140 foot tower, it still shows that there's not place that it could meet the setback. That was the purpose of this map.

Mr. Bonforte stated understood. Alright, so Mr. Wimmer, please keep going...

Whitney Singleton stated Acting Chair, I would like to point, continue to point out my objection, I'll talk with Mr. Gaudioso [inaudible].

Mr. Bonforte stated thank you Whitney.

[Inaudible speaker].

Whitney Singleton stated Mr. Gaudioso has monopolized the Board's time quite a bit for something that supposed to be 5 minutes.

Mr. Gaudioso stated come on now, we've been here for five hours and we're trying to present the map and we're debating over whether the aerial map [inaudible – spoken over].

Whitney Singleton stated no Rob, you cut me off, I was going to go into several other items.

Mr. Gaudioso stated okay, we've been here for five hours and that's the comment we want to waste time on.

Mr. Wimmer stated the point here is 145 foot tower which is the height that's required to provide service, in the Preservation District, the setback would have to be 1,700 feet and in the Conservation District it would have to be 1,600 feet, office district 1,550 feet and so on. So this is, these are the red circles I'm showing here, this is the map showing 8 sample residential locations that are located in this corridor that we need to cover and the point we're looking to make is that there is no way one could locate facility in this area and also comply to Zoning.

Whitney Singleton stated and the point that I'm trying to make is that it's not just about being zoning compliant. When you go before the Zoning Board of Appeals, one of the statutory requirements, not in Mount Kisco, but the State of New York is for the Zoning Board to grant the minimum variance necessary. So it's not just a question of whether or not you can comply in this particular location but how can you proposed an application for a facility that minimizes the degree to which you're varying the zoning requirements. That was the point I was trying to make. And if you had, if you, well we can get into the other aspects of this with regard to the relocation of your application at another point.

Mr. Bonforte stated its certainly an intend and point that again Michael Musso with HDR and even Simon Kates are both working on those aspects for the Board along with yourself.

Whitney Singleton stated no, I meant their original relocation. If they had gone with their original proposed location that they submitted to the Planning Board, they would not need the steep slopes permits and they would not be violating the Village's Code requirement regarding no construction activities being permitted on very steep slopes, which is exactly what they're providing now. Their original application proposed to put it on an area that did not involve very steep slopes.

Mr. Gaudioso stated we never filed an application prior to that, okay. We asked for a pre-application meeting with a conceptual plan, number one. Number two...

Whitney Singleton stated does a pre-application meeting part of your submission for purposes of the Shot Clock?

Mr. Gaudioso stated no, it wasn't.

Whitney Singleton stated yes it is.

Mr. Gaudioso stated we did not count that. We did not count that.

Whitney Singleton stated you mentioned it in your last meeting that you did.

Mr. Gaudioso stated no, we did not count that. Our application was counted from August when we filed the full application, number one. Number two, as we have said multiple times, as we have documented with a signed and notarized affidavit as the owner of the property has confirmed in a letter. The only location on this property where the landlord will allow us to place the facility, is the location where its proposed.

Whitney Singleton stated and is that memorialized in your memorandum of lease that's precluded?

Mr. Gaudioso stated let me finish, as we've explained, the memorandum of lease is designed, as you should well know, to be recorded to give any purchaser of the property notice, that there is a lease on the property. So that way they know there's a prior lease on the property.

Whitney Singleton stated so did your lease change from the time you submitted the memorandum of lease? The lease location, did it change?

Mr. Gaudioso stated it doesn't make a difference. At this stage, what we have said repeatedly, is the only location we're permitted to be on the property...

Whitney Singleton stated Rob, I have a question, why is that Bedford requested that you submitted a copy of your lease, you submitted it without objection for the same applicant. For the very same applicant, Bedford has on their requirements, you submitted the entire lease unreadable...

Mr. Gaudioso stated [inaudible] be here all night, I'm happy to answer the question but I can't answer when I'm not given the opportunity to answer it. So if we're going to go all night long and I'm going to be cross examined, let's do that, let's put everyone under oath, let me answer the questions, I've answered them at multiple meetings before, I'll answer it again...

Whitney Singleton stated Rob, I'm asking you a simple question and you go on lengthy response.

Mr. Gaudioso stated again, I can continue with this...

Mr. Bonforte stated guys, enough. Let me just try to put a cap on this because I want going to ask a question in regards to the lease where I read in your submission Mr. Gaudioso, the words ground space and having learned a bit from Mr. Campanelli, who spoke in a public manner and also represents one of the residents locally, and again I'm just being forthright here. He said that that ground space means that you're allowed to put this facility anywhere on the 25 acres or whatever the size of the property is. And I just want to know because it is eventually is following in tandem with what Whitney Singleton is asking for. That word ground space in the lease, is that what we're looking at and therefore you can move it or am I mis...

Mr. Gaudioso stated you're misreading it and Mr. Campanelli doesn't know what he's talking about. When you look at the lease, when you look at the lease, that has nothing to do with this property, okay. Let's start with that, the lease that Mr. Campanelli submitted, the lease that Mr. Singleton is referring to and the lease that you're talking about has nothing to do with this property. Let's just talk about that lease for a second...

Mr. Bonforte stated no, no, can we...

Mr. Gaudioso stated it defines in section 2 A, the lease premises and that's the location on the property, the section cited too by Mr. Campanelli, talks about the facility within the leased premises. As a matter of fundamental law, okay, law and leasing 101 that you learn in law school the first day, you have illusory lease and you do not have a meeting of the minds, if you don't have a leased premises. And if you look at the least carefully from Bedford, that has no bearing on this case, the leased premises is a specific location on the property and that's very clearly stated in the lease and if you had the opportunity as the lessee to put the facility any place on the property at any time you wanted, that lease wouldn't hold water, okay. Now, let's talk about this site because that's all [inaudible], we have submitted a sworn affidavit that confirms and I have represented as counsel on the record, multiple times that the only place the landlord will allow

us on this property is the proposed location. The landlord, if I may share screen, has also submitted a letter. So Klaus, if you can allow me to share my screen.

Mr. Bonforte stated yes, please do, let's try to put this, but I can't find it right now, there's so many documents its difficult.

Mr. Gaudioso stated Klaus, are you going to allow me to share the screen?

Mr. Wimmer stated yes, one second. Here we go...

Mr. Bonforte stated I don't see 2 A. Whitney, thanks for bearing with me, I know where you stand on this. Can you get it on the screen?

Mr. Vicente stated Chairman, while we're waiting for that, this is Manny Vicente, president of Homeland Towers. We have limited time here and I have to say Mr. Singleton keeps bringing this issue up, I'd like to get to the point where we can actually look at more of the substance of the application, this issue has been beaten to death and it's irrelevant.

Whitney Singleton stated it's not irrelevant.

Mr. Vicente stated yeah, it is irrelevant as far as this application goes, it's irrelevant and with the time that we have, it's a late night, for us to be talking about this instead of going through the VRE, instead of talking about real issues, as I've stated before to you Mr. Singleton and the VRE and the work that we'll demonstrate, is putting the site at the top of the hill is going to make it extremely visible to everybody in the community, everybody in the community. We're trying to do our best to hide this facility and limit the visibility and you keep asking us to go to the top of the hill that's not available to us, and we've beat this to death and that's worse for the entire community, worse for the Marsh, worse for everyone at The Chase, worse for everyone in the community and the [inaudible] demonstrates that if we can get to it. If we can get to that, you will see that.

Whitney Singleton stated since you've determined that Mr. Vicente, I guess that's all that matters.

Mr. Vicente stated no, I haven't determined that. Let me speak because I haven't determined that.

Too many speakers – inaudible.

Whitney Singleton stated one of you interrupts me, the vest second that I start speaking, one of you interrupts me. Did you at any point in time, have the right to go to the top of the hill.

Mr. Vicente stated you keep interrupting the process.

Whitney Singleton stated answer the question.

Mr. Gaudioso stated we are...

Mr. Vicente stated as far as the VRE, we have an expert consultant, you have an expert consultant, they're going to make that determination, this is my opinion and you have to stop with this Mr. Singleton, it's ridiculous.

Whitney Singleton stated Mr. Vicente, why won't you answer the question.

Mr. Gaudioso stated because it's not relevant. It's not relevant.

Whitney Singleton stated you're going to determine what's in the best interest of the community, you're going to determine what the relevant questions are and you're going to determine what the least intrusive area to provide coverages.

Mr. Vicente stated I'm trying to determine what your job is here, is if you're advocate? Do you have a special interest? Or are you advising the Board? That's what I'm trying to determine.

Whitney Singleton stated are you questioning my integrity, Mr. Vicente?

Mr. Bonforte stated Michelle, can you please mute everybody.

Whitney Singleton stated are you questioning my integrity?

Mr. Vicente stated I'm questioning your question that you keep, that's been asked over and over again, you're keeping us from getting to substance.

Whitney Singleton stated it has never...

The Secretary stated Chairman, as per your request, everybody has been muted.

Mr. Bonforte stated sorry and I was muted myself, Whitney, apologies, you're muted, sorry. Let's table this and we'll bring this substantive issue up in a separate time and place or somewhere we all have the time to sort it out because...

Whitney Singleton stated I'd like to know who muted me...

Mr. Bonforte stated I did, Whitney. I just wanted to move on, you made the point, you've made it before and I think it's a valid point.

Whitney Singleton stated but they won't answer the questions.

Mr. Gaudioso stated Mr. Chairman, we've submitted a case, we've submitted an affidavit, here you have a letter from the property owner that clearly says this is the only portion of the site to which Homeland Towers has rights. Homeland Tower has no right to relocate or choose to another area of the property. So quite frankly the case that we submitted is right on point. We have answered the relevant question about whether we can relocate the facility, we cannot. We are not going to answer any more questions on that, [inaudible].

Mr. Bonforte stated just please stop bringing this issue up. Alright, here's what I'm going to do because there's so much information here, we're never going to get through this. I'm going to adjourn the meeting, to the next date, this Homeland Towers will be adjourned. I make the motion, will anyone second it? Yes, Whitney, is that something you...

Whitney Singleton stated I would like to know on the record whether Mr. Gaudioso will be executing the tolling letter for this 150 day shot clock.

Mr. Gaudioso stated I have one more client to speak with based on the final draft of the letter that I received this evening.

Mr. Bonforte stated do you have an idea about what timing that would take? Is it days?

Mr. Gaudioso stated it should be a matter of days and its also contingent upon all the parties signing the letter.

Mr. Bonforte stated okay. Thank you, this would be helpful in the larger scheme of things, given the solar farm that's you know coming back to us now after several meetings or so. I think we need to adjourn this because we've given and apologies again, we don't make the agenda or at least I'm told, I didn't make the agenda or what you know, time period your speaking or not speaking. We have to do a better job of that so we have enough time for the applicant, whether it's this applicant or others to speak and to go through the issues.

Whitney Singleton stated Chairman, one or two other things, We don't have any updates from the applicant since the last meeting where we identified shortcomings in their application and I would just like to point out that those shortcomings are still outstanding.

Mr. Gaudioso stated can we go over those then Mr. Chairman because I don't know what shortcomings Mr. Singleton is referring to. We've submitted...

Mr. Vigliotti stated I believe there's a motion on the floor by the Chair...

Mr. Bonforte stated Whitney, again I think they're valid points, I just think we're going to need the time and I just don't want...

Whitney Singleton stated that's not the issue, we identified at the last meeting and if you go back and look at the minutes, shortcomings in their application are not provided.

Mr. Gaudioso stated I'd like to know what those are Mr. Chairman.

Mr. Bonforte stated and Whitney, this is in direct regard to the tolling to the issue of the shot clock, correct?

Whitney Singleton stated no, the point is we don't want to delay their application, acting on their application, so we'd like to have the material provided.

Mr. Gaudioso stated and which material exactly are we talking about? Because I believe we've submitted everything that we could possibly submit at this point.

Whitney Singleton stated you have not, when it came to the steep slopes application to discuss, you have not submitted an engineering report from somebody licensed in the State of New York.

Mr. Gaudioso stated we did submit a full report from Mr. Burns.

Whitney Singleton stated [inaudible] licensed in the State of New York.

Mr. Gaudioso stated well that's the first I've heard that comment, that Mr. Burns...

Whitney Singleton stated we also discussed, we went through the application list and set forth all the things that were required to be submitted and you said that you would take care of them. If you want to go through the last video, I'll be happy to go through it with you.

Mr. Gaudioso stated that's the first time I've ever heard the comment since we submitted the initial report in August and we submitted the supplement because we changed the compound to accommodate fire department comments, that there was a question about whether Mr. Burns signed and sealed it, Mr. Burns is a professional engineer. So, that's the first I've heard that comment, if there are other new comments, again we're happy to continue to provide documentation but I certainly don't want to be sandbagged with a statement at the last minute while there's a motion on the floor that there's outstanding information [inaudible].

Whitney Singleton stated Rob, I went through them at the last meeting, if you want to go back and look at the video, you're welcome to.

Mr. Bonforte stated Whitney, Whitney and Mr. Gaudioso, these items are just not reaching, you know any kind of conclusion right now, it's again, it's late. I'm going to return to making the motion that we adjourn this meeting so that we can figure out how we can allow the right amount of time to one, identify what these issues are upfront and then resolve them in a public forum and also, you know to let you know that again, we received your package on the 29<sup>th</sup> of January when the Planning Board is deadline was the 22<sup>nd</sup> of December, not the 29<sup>th</sup>, if I said January I meant December. The 29<sup>th</sup> was the deadline for the ZBA, we've admitted it into the record and we've talking about it and it's just, actually not efficient because between what Mr. Wimmer is presenting, we haven't had a chance to comment on it or...

Mr. Gaudioso stated with all due respect, what Mr. Wimme submitted and with what we were discussing with Mr. Vicente were filed on December 7<sup>th</sup> and December 1<sup>st</sup> respectively.

Mr. Bonforte stated understood.

Mr. Gaudioso stated so with all due respect, we have submitted items as quickly as we get them, we've met the deadline, they weren't put on in the December meeting. We were discussing them this evening when quite frankly, our presentation was hijacked. We provided the visuals because we knew everybody was looking forward to them, we submitted everything to the Zoning Board, we did a courtesy copy to the Planning Board, we submitted the 14 additional sets, we e-mailed them to your consultant, we dropped them off by hand, we e-mailed them to the Secretary. So you know, I appreciate the fact that December 29<sup>th</sup> was not the deadline, I appreciate the fact that we're not discussing those items tonight but the other items that we've been discussing were submitted in early January.

Mr. Bonforte stated fair enough, thank you. I'm going to go back to the motion, to the Board, I'd like to make the motion to adjourn this meeting right because we're not just being a productive as we can be and we're going to take it up at the next meeting or we'll create a special meeting if needed and we'll determine that after this meeting tonight. **So does anyone want to second my motion to adjourn to January 26<sup>th</sup>, Homeland Towers and also the public hearing?**

Whitney Singleton stated Chair?

Mr. Bonforte stated anybody?

**Mr. Polese stated I will second that motion.**

Mr. Bonforte stated thank you Mr. Polese. Michelle, will you poll the Board please?

**UPON ROLL CALL VOTE:**

<b>Mr. Bonforte</b>	-	<b>aye</b>
<b>Mr. Polese</b>	-	<b>aye</b>
<b>Mr. Vigliotti</b>	-	<b>aye</b>
<b>Ms. Pickard</b>	-	<b>aye</b>
<b>Ms. Roppolo</b>	-	<b>aye</b>
<b>Ms. McClary</b>	-	<b>aye</b>

**The motion carried by a vote of 6 to 0.**

Whitney Singleton stated Mr. Bonforte, may I make one comment for everyone's benefit?

Mr. Bonforte stated yes, sure.

Whitney Singleton stated there's a number of people who are chatting on this Zoom, that have come to speak at the public hearing and it's now after midnight and we have two or three more applications left. Might I suggest since a lot of people stayed up to comment on this application, that it be schedule at the beginning of your agenda at the next meeting.

Mr. Bonforte stated if I have the power to do that, absolutely. I will set the agenda, Michelle, make a note of that, please.

The Secretary stated will do Chairman.

Mr. Bonforte stated and my apologies to all of the public individuals who have been waiting tonight, this was not intended to happen but this is a complicated application, it's a cell tower, it's something that we need to take the time, the right amount of time, the right amount of thought to go through. You know, we're got a couple of hundred pages and we're still looking at information that was submitted in early December, as Mr. Gaudioso said. So we're going to do that as the Board and that's our responsibility and we will fulfill our responsibility but we've got to mindful of the time. Thanks for seconding that, apologies to the applicant too. Let's move on... oh hold on, Mr. Kates, Simon, did you want to speak, Simon Kates, did you have some input, please go ahead, you can unmute yourself.

Mr. Kates stated I don't want to take a lot of time Mr. Chairman but I think that just in the interest of very briefly and the topic of SEQRA coordination or rather my analysis of the two applications. We spoke about this evening, I'm working through that and providing guidance to the Board on how to go through that part two EAF and making the determination. So all of the information that Mr. Gaudioso talked about tonight, the visual assessment that they submitted in late-December is very helpful, going back to the SCS Sarles project that we spoke about earlier, the applicant talked about the package of materials that they're working on for the first meeting in February, it's all going to feed into that and I'll do my best to provide some guidance to the Board on how to evaluate these two applications collectively.

Mr. Bonforte stated thank you, Simon. And Michael Musso is also preparing a comprehensive document, what he's calling his tech memo. Again, he's bringing all, oh here's Mr. Musso, Mike, you want to give a quick update, even though we've adjourned, just give a quick update to everybody that's still on the call.

Mr. Miley stated Chairman, I have to interrupt, we're offline and he's having technical difficulty with the broadcast. I think we ran out of tape for this evening.

Mr. Bonforte stated alright, well then what do we do with the subsequent applications, do we just, we have to let them know...

Mr. Miley stated I was just kidding about the tape, he's going to re-start us back the television broadcast. Just give him a couple minutes.

Unknown Speaker stated and we're still on Facebook.

Mr. Miley stated we are, we're still on Facebook, we're off the broadcast.

Chairman Hertz stated for legal purposes, we should...

Mr. Polese stated take a break?

Chairman Hertz stated it's the video that, yeah I know, it's the video that becomes the record, let's wait until we just, so we can get it all on the record. Let's wait until they get the video started.

Mr. Bonforte stated thank you Doug. Mike Musso, you heard that, if you could just wait a moment.

Mr. Musso stated can you hear me okay Acting Chair?

Mr. Bonforte stated yes, we can.

Mr. Miley stated you're back on, Chairman.

Chairman Hertz stated we're back on video, Mike, I'll get off and you can continue.

Mr. Bonforte stated Michael Musso, can you just give us brief update and then we're going to turn it over to the...

Mr. Musso stated yes, thank you Acting Chair and members of the Board and members of the public. I will keep this short as an update. Mike Musso, working on behalf of the Village. A couple things since I, since we probably last spoke or the last time we convened on the Homeland matter. A couple things that went on, we did have a site visit to Northwell Health, the hospital, looking at that as a potential alternate site, you heard from the applicant, they provided information on coverage and service in their November 4<sup>th</sup> filing and some addendum information in late-December. We're still definitely looking at that site, next time we meet which maybe will be in a special meeting or in a slightly different format or organization...

Mr. Bonforte stated you froze Michael, you're frozen. It's just not a good night. Michael, you're still frozen...

Anthony Oliveri stated Mr. Chairman, while Mike is frozen, I just maybe have one thing. I thought we were still waiting and Simon mentioned it, the SEQRA coordinated submission from both SCS and Homeland. That is something we have to discuss and make sure everyone is clear on what is expected coming out of that meeting we had with both parties a few weeks ago.

Mr. Gaudioso stated we received Simon's memorandum following up on that, we've submitted everything we could possibly submit at this point. We noted in Mr. Burns' response letter that he was expecting additional information from the solar farm, they had indicated by yesterday, we still have not received that. Once we do receive it, we will addendum it to our application as we had previously discussed. We've revised our materials cumulatively to the greatest extent we can based on what the solar farm has already provided. They indicated earlier tonight and they indicated to us previously that they will be submitting additional information, we haven't received that yet.

Mr. Bonforte stated understood, thanks.

Anthony Oliveri stated I'll have to go back and look because maybe I'm missing something here. For instance, the fire access driveway changes weren't submitted, they were part of a copy from a ZBA submission...

Mr. Gaudioso stated so we did submit everything to the Planning Board, so that's not correct. We submitted a package including that to, directly to the Planning Board, it was not a separate cover letter, it was copied to the Planning Board on the Zoning Board letter but we submitted 14 additional copies specifically for the Planning Board.

Anthony Oliveri stated maybe it was just the late submission or something, I'll take another look at that and I'll leave it at that.

Mr. Bonforte stated there was a timing issue Anthony, not only paper but also digitally, okay? So we now we have part one...

Anthony Oliveri stated I think it was the staff that needs to get together and figure out what we expected to get from Homeland in terms of coordinated materials and just make sure we've got what we asked for.

Mr. Bonforte stated alright, at this, don't bring anything up substantive of course, I don't think we're being taped. So, Doug, if you're, I think we lost Michael Musso, anyway, I spoke for Michael, he's working on his comprehensive tech memo, incorporating all the latest information from the applicant and we look forward to getting that, alright. And we go back and forth on many issues, legal and practical. I'm just waiting for Doug to come back on...

Chairman Hertz stated I'm here anytime you're done.

Mr. Bonforte stated oh, we're done.

Chairman Hertz stated I didn't want to step on...

Mr. Bonforte stated no, we're done, we're having connection issues, Doug.

The Secretary stated Mike Musso just re-joined the meeting.

Mr. Bonforte stated Michael Musso, please hold on to your powder, we'll come back to you next meeting. Doug, Mr. Chairman, would you please take over and let's do what's right for everybody.

Chairman Hertz stated alright, thank you Acting Chair. So we're, we have 4 more items on our agenda, none of them of simple and quick. I am, in the interest of preserving everyone's sanity and being able to give proper time to these applications, I'm going to do what we've almost have never done which is I am going to unfortunately bump CJ Developments for 461 Lexington, Timber Ridge on a formal application and 19 North Moger over to our agenda on January 26<sup>th</sup>. Before that and just as per Whitney's comment on the agendas, technically the Chairman approves the agendas, we've been having staff been putting them together for the last year or two because I concur based on what's happened in the late hour and people have been up, I think its reasonable to start the next meeting with the public hearing continuation for Homeland that you requested Mr. Bonforte and then we'll get into our formal applications to then people can dispose of those and not have to wait until midnight to be able to give their comment. So I am fine with that and the one item I do want to discuss because it is unfortunately time sensitive is the Oakwood Garage request for extension, Michelle says their time has already run out, it seems like they were here a week or two ago but apparently it's already been 6 months. That said, we all know what the project it, they've had their various delays because of the reasons that everyone has had their delays in the last six or 10 months. **So I would like to make a motion to allow the Building Department to extend the Oakwood Garage approval for an additional six months.** Do I have a second on that?

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

Chairman Hertz stated thank you, Mr. Bonforte. Are there any questions? Michelle, would you poll the Board?

**UPON ROLL CALL VOTE:**

<b>Chairman Hertz</b>	-	<b>aye</b>
<b>Mr. Bonforte</b>	-	<b>aye</b>
<b>Mr. Vigliotti</b>	-	<b>aye</b>
<b>Mr. Polese</b>	-	<b>aye</b>
<b>Ms. Pickard</b>	-	<b>aye</b>
<b>Ms. Roppolo</b>	-	<b>aye</b>
<b>Vice Chair Bainlardi</b>	-	<b>aye</b>

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

Chairman Hertz stated alright, I thank you all very much. It won't be this bad again, I'll see you all in two weeks, everyone stay safe and thank you all for your hard work.

The meeting adjourned at 12:54 pm.