

1 Minutes of the **Regular Meeting** of the Planning Board of the Village/Town of Mount Kisco held on
2 **Tuesday, September 8, 2020 at 7:46 pm** via Zoom Teleconference
3

4 Members Present: Douglas Hertz, Chairman
5 Ralph Vigliotti
6 Michael Bonforte
7 John Hochstein
8

9 Members Absent: John Bainlardi, Vice Chair
10 Crystal Pickard
11 William Polese
12

13 Staff Present: Jan K. Johannessen, Village Planner
14 Anthony Oliveri, Village Engineer
15 Peter J. Miley, Building Inspector
16 Whitney Singleton, Village Attorney
17

18 Chairman Hertz stated alright, welcome everyone, this is the Mount Kisco Planning Board for Tuesday,
19 September 8, 2020. We've just concluded our work session and this begins our regular meeting. Before I
20 begin the meeting, I would just like to speak a moment about Dave Matsil, longtime Mount Kisco resident
21 who passed away very suddenly last week. Dave served on the Energy Advisor Panel for the Town, he
22 gave a lot of time and energy to Mount Kisco, he was a great guy and he will be sorely missed, he was friend
23 so. Thank you for that. The first item on the agenda are the minutes of August 11, 2020, we do have a
24 quorum for those minutes tonight, if, are there any comments on the minutes before we vote on those?
25 Okay, I'll make a motion that we approve the minutes for August 11, 2020. Do I have a second?
26

27 Mr. Vigliotti stated I'll second that.
28

29 Chairman Hertz stated thank you. Michelle, would you poll the Board?
30

31 **UPON ROLL CALL VOTE:**
32

33	Chairman Hertz	-	aye
34	Mr. Vigliotti	-	aye
35	Mr. Bonforte	-	aye
36	Mr. Polese	-	abstain
37	Ms. Pickard	-	abstain
38	Mr. Hochstein	-	aye
39	Vice Chair Bainlardi	-	aye

40

41 **The motion carried by a vote of 5 to 0.**
42

43 The Secretary stated thank you.
44

45 Chairman Hertz stated alright, the first, the next item on the agenda is a public hearing for NY Luxury
46 Motors of Mount Kisco which is the Jaguar/Land Rover dealership for both 299 Kisco Avenue and 41
47 Kensico Drive. This is a continued public hearing for site plan and wetland permit. Jan, would you
48 introduce this? I know there have been some significant changes, so would you give us an introduction.
49

50 **A. NY Luxury Motors of Mount Kisco, Inc. (Jaguar Land Rover Dealership) –**
51 **299 Kisco Avenue**
52 **PB2017-0350 SBL 69.49-2-1**
53 **Site Plan, Wetland Permit**
54 **Continued Public Hearing**
55

56 **NY Luxury Motors of Mount Kisco, Inc. (Jaguar Land Rover Service) –**
57 **41 Kensico Drive**
58 **PB2017-0351, SBL 69.50-1-2**
59 **Site Plan, Wetland Permit**
60 **Continued Public Hearing**
61

62 Mr. David Steinmetz of Zarin & Steinmetz; Mr. Paul Sysak of JMC; Mr. David Serra and Mr. Alexander
63 Shporer of AutoNation; and Ms. Sarah Butler of Stuart Romm Architects were present.
64

65 Jan Johannessen stated sure. The Planning Board for time has been reviewing an application that involved
66 two properties, one at 299 Kisco Avenue and the other 41 Kensico [Drive]. Two properties that were being
67 reviewed simultaneously because 299 Kisco has been proposed to be the sales facility and the service

1 facility and there was some storage or cars and a detailing facility at 41 Kensico. The applicant has
2 modified its application so that 41 Kensico is no longer a part of that application. 299 Kisco Avenue, that
3 project has been reduced in scale so that only sales will occur at that site, service will be occurring out of
4 Town on Norm Avenue in the Town of Bedford. So it is my understanding that folks wishing to get their
5 cars serviced will drop off their vehicle at 299 Kisco and then that vehicle will be transported or jockeyed
6 up to the Bedford site where it will be serviced and then returned to Mount Kisco. So there is no service
7 occurring at 299 [Kisco Avenue], it's a single store building, sales building, there's no parking on the roof,
8 they have code compliant parking on site, the curb cuts are kind of where they had been, one on Kisco
9 Avenue, one on Holiday Inn Drive, the sidewalk that linked the two properties has been eliminated, they're
10 very, very close to being Zoning compliant in almost all regards, there is a variance currently required for
11 development coverage. Although, it seems that they could be potentially, could be designed to be
12 compliant, it's a very small variance proposed on development coverage at this point. So the plan before
13 you tonight is like a conceptual site plan, all the construction details aren't be provided at this point, the
14 applicant is, this is the first presentation of the plan to the Planning Board but it's you know, a scaled down
15 version. I think it's a good layout, I think it's a good, we await some construction details and maybe
16 there's going to be some improvements on, further reduction of development coverage but other than I
17 thought it was a good plan for that site.

18
19 Chairman Hertz stated sorry, I muted myself. David, I think you're here for the applicant?

20
21 Mr. Steinmetz stated yes, good evening Mr. Chairman, members of the Planning Board, good to see all of
22 you. David Steinmetz from Zarin & Steinmetz here on behalf of AutoNation. We actually have,
23 essentially, our entire team here, I'm joined just so you know by both David Serra and Alexander Shporer
24 from AutoNation, my colleague Matt Acocella is on, Paul Sysak from JMC is with us this evening, Diego has
25 a conflict and had to be at another meeting, but Paul is here on the engineer front and Sarah Butler, our
26 project architect is on screen as well. I think Jan did a terrific job of essentially summarizing why we're
27 here and the changes, taking one step back as a result of some economic conditions, Covid and the
28 challenges that is presented, some demands and requests both by JLR, Jaguar/Land Rover, as well as by
29 AutoNation. We've spent the last several months reexamining the applications that we had been
30 processing before your Board, AutoNation determined for a variety of functional and economic reasons, as
31 Jan said, kind of simplify the plan at 299 Kisco Avenue. AutoNation is fortunate enough to have another
32 site just across the border on Norm Avenue in the Town of Bedford, rather proximate to Kisco Avenue and
33 decided in light of that building, its location, it's Zoning, that it could be a perfect location for service. So
34 AutoNation decided that Mount Kisco, Kisco Avenue are ideal for what it refers to as the complete
35 customer experience, so [inaudible] sales, the leasing and as Jan said the drop-off and pickup of vehicles all
36 occurs at Kisco Avenue, so the customer interfaces at 299 [Kisco Avenue], as a result of that we are able to
37 scale down the building but still keeping its merits and its attractive features, we were able to eliminate the
38 service bays and I know you discussed briefly in your work session and Jan touched on it in his opening
39 comments. 41 Kenisco is no longer part of the application, I fully understand, we all fully understand that
40 your Board, Mr. Chairman, wants to understand what is going to occur at that site, we're not in a position
41 tonight to roll our precisely what will happen. We've examined a few different things and we've discussed
42 that with both Peter and with Jan, the possibility of just having some back office accounting type functions
43 associated with AutoNation occurring inside that building. I do know that we have to reexamine the issue
44 of vehicular storage which has been there on a temporary consensual basis, I would ask you tonight, if at all
45 possible to try to focus on 299 [Kisco Avenue]. I know that Paul wants to walk us through some of the
46 changes that we have laid out on site and to explain in a little bit more detail, why we've attempted to
47 reduce if not eliminate the need for any variances. So we're excited about this application, the good news
48 is that for the first couple of months of the pandemic, we were discussing with AutoNation whether we
49 were going full speed ahead with this revised application and as two of our clients on screen tonight, can
50 assure you, we're here because they have now committed and the manufacturers have committed for us to
51 proceed in this fashion. We can make, Mr. Chairman, a fairly brief presentation, I know Paul is ready to do
52 so and share screen as necessary and answer any questions that you may have but we are looking forward
53 to a revised, simplified application. And Ralph, still not parking of vehicles on the roof.

54
55 Mr. Vigliotti stated thank you, thank you.

56
57 Chairman Hertz stated alright, yes, please present.

58
59 Mr. Sysak stated thank you David. Chairman and members of the Board, Paul Sysak, it's good to see
60 everyone again by the way, I'll share my screen here for a minute. You should be able to see it. This is a,
61 this is just a conceptual rendering we prepared, we have a more detailed site layout plan if we need to get
62 into some other in depth detail but basically as David had explained, our last plan before you had about a
63 30,000 square foot footprint that expanded pretty much the whole left and right, east to west on this plan
64 and now we have significantly reduced that footprint to be about a 10,000 square foot footprint or so with
65 that. And we've made an effort to keep it to the south of the property while also staying out of the required

1 site triangle that is, that we had previously had a variance required for, there will be a one way in egress or
2 ingress from Kisco Avenue, there are two existing curb cuts, one will be closed as similar to the previous
3 application, that is closer to the northbound ramp. There will be stacking for about seven vehicles outside
4 of the building and for inside the building where there will be drop-off as well as a thru lane right here for
5 traffic to go around in that event. The north side of the property has an outdoor vehicle storage area that
6 we've accounted for in our parking requirement and the remainder of the parking lot on the east will be off-
7 street parking with landscaped islands that will be for employee parking and customer parking as well.
8 There will be a similar location of our proposed curb cut on Holiday Inn Drive which will have a full
9 movement in and out which will better meter the traffic coming out of the site for which they will go down
10 Holiday Inn Drive and go to the signalized intersection. The other entrance that's existing will be closed,
11 the same way it was in our previous applications. We reworked the location of the trash enclosure, Peter, I
12 believe that we do need another variance other than maximum development coverage for a structure being
13 located closer to a side property line than the principal buildings. We required that variance the last
14 reiteration of the this plan as well and then our maximum development coverage which at 75% is
15 permitted, we have 76.7% maximum building coverage right now. I think that's, up here in the north we
16 have some of the landscaping that we will continue to get approved for the DOT property to help screen the
17 property from the northbound ramps of the Sawmill Parkway. Basically that's the summary.

18
19 Chairman Hertz stated thank you. There's a section, oh, we're getting a lot of feedback, I may need
20 someone to close a mic. There's a section up on the top that is proposed outdoor automotive sales storage
21 or display area which is cross hatched, can you discuss how that's going to be used?

22
23 Mr. Steinmetz stated Paul, you want to take that?

24
25 Mr. Sysak stated sure, yes, it will just be, you know, tandem parked stored vehicles that will be parked in a
26 configuration where the on-site facility would maintain vehicle inventory in that area. So it doesn't count
27 toward our required off-street parking but it counts towards the required off-street parking. It will just be
28 inventory or people or customers to look at.

29
30 Chairman Hertz stated and is the cross hatch just indicated the area, there's no different treatment of the
31 surface?

32
33 Mr. Sysak stated yeah, well, its designed so there would be two tandem vehicles running north and south.

34
35 Mr. Steinmetz stated I think the Chairman is asking whether we have a different treatment on the ground
36 whether we have the ability to do something other than the same macadam...

37
38 Mr. Sysak stated it might end up being a porous pavement but it most likely will be delineated, it depends
39 on what our stormwater management system is going to comprise of...

40
41 Mr. Steinmetz stated I assume that's what you were asking for but I'm not sure...

42
43 Chairman Hertz stated I'm just looking at, I was just looking at the different areas and wondering if there
44 was an indication of a different surface treatment. The same thing in the area in the center where you have
45 striped parking, I see a...

46
47 Mr. Sysak stated yes, those areas are different, there is a stamped colored concrete which is visual that
48 Jaguar/Land Rover likes to have in the main entrance of the building for the customers.

49
50 Chairman Hertz stated understood. Okay, can you talk a little bit about, our understanding of we were
51 discussing in our work session, vehicle delivery, what's happening on-site, what's happening off-site?

52
53 Mr. Steinmetz stated so no vehicle delivery, no car carrier delivery would occur on-site, all vehicles would
54 be able to be delivered to another location and then brought here as necessary.

55
56 Chairman Hertz stated and you'll have delivery, this is where someone would take possession of their new
57 car, or drop-off for service?

58
59 Mr. Steinmetz stated all customer interface will occur here, the client's and the manufacturers are very
60 pleased with the location with Mount Kisco, with the proximity to the Sawmill [Parkway], so the concept
61 was to invite the customer to this site, make it as attractive and functional as possible and then take the
62 more challenging aspects of the application and use that elsewhere.

63
64 Chairman Hertz stated okay...

1 Mr. Steinmetz stated and I should not, because I don't think, I didn't say it, I don't know if Jan actually, he
2 didn't state it at the beginning of this meeting, I don't know if it came up in the work session. We have not,
3 Mr. Chairman and members of the Board, appeared yet formally in Bedford. We felt compelled to return,
4 obviously, to your Board, we spent a lot of time with you on this, on the various iterations and evolutions of
5 this application and thought it was most appropriate to first return to Mount Kisco, announce our clients
6 proposed intentions and revisions and then begin the process in Bedford as well. We have reached out,
7 Diego has spoken with Jeff Osterman, but we have no appeared in front of a Board or filed a formal
8 application.

9
10 Chairman Hertz stated understood, okay, thank you.

11
12 Jan Johannessen stated David, would you mind just elaborating on the extent of approvals and
13 improvements in Bedford?

14
15 Mr. Steinmetz stated so the good news is and Paul you can certainly help me here, as I guess Sarah can as
16 well. There happens to be, what I'll, my characterization, a light industrial type building on Norm Avenue,
17 it has been used by utility companies, I think it's ConEd, Paul, and I correct about that?

18
19 Mr. Sysak stated originally Verizon, but yeah...

20
21 Mr. Steinmetz stated and then ConEd after that? Or was it just Verizon.

22
23 Mr. Sysak stated just Verizon, I believe.

24
25 Mr. Steinmetz stated Verizon for small service van, vehicle, storage and servicing. So it was actually quite
26 perfect for this kind of re-use and it is in a zone that would allow it with the issuance of site plan and
27 special permit and I think in light of the surrounding uses, it fits in quite well.

28
29 Chairman Hertz stated okay. Questions from Board members? Thoughts?

30
31 Mr. Bonforte stated yes, Chairman, it's Michael. Yeah, I would just like to go over one item, I really
32 appreciate the detailed business plan that you provided along with this package, the revised package and the
33 detail focused on the stacking of the cars in the service area. I think you might recall David, I don't recall
34 Paul being part of my original comment but Paul, the graphic that you showed, when you stacked four,
35 what did you say seven cars outside and four inside. You really can't get access to that through lane on the
36 right hand side to go around the property if there's a bit of a, you know human nature being what it is, not
37 everyone is going to stick to their appointments et cetera and the whole point of my comment here is that
38 we don't have, I don't want to say intermittently and once in a while but a consistent buildup of cars lined
39 up for service on Kisco Avenue, especially now when you're entrance is closer to Holiday Inn Drive and it
40 could obstruct traffic, thru traffic at that traffic light and so on and so forth. So look, I appreciate and I'm
41 just going to run on a little bit, I appreciate how you talked about how your appointments will be staggered,
42 you have attendants that will be shepherding the cars through this service procedure, et cetera and you're
43 very careful and you were very detailed about saying you have additional safeguards to train the employees
44 but I do want to point out that you don't have a whole lot of, and to the public, to the Board and the public,
45 that you really don't have a whole lot of stacking capability at this site and again, I saw your numbers, I
46 looked at the numbers, I'm not sure how I feel about it except I'm looking forward to really beautiful
47 facility because I know you're going to do that but again I want to make known the stacking or the ability
48 to only stack a few vehicles.

49
50 Mr. Steinmetz stated you've, as you know, you've made that point clear to us throughout this process. One
51 of the reasons we went into as much detail and the business plan and David and Alexander and their team
52 spent a lot of time looking at the numbers. We were all surprised at how few vehicles actually do get
53 serviced and dropped off on a daily basis and that's why we shared that, I think with these two brands the
54 way they function there is not as much activity as you might otherwise suspect and that's why we tried to
55 share empirical data about that. Having said that, above and beyond, you have concerns without question,
56 there is an amazing amount of pressure brought to bear on AutoNation by the manufacturers. The
57 manufacturers don't want customers spending any time at all waiting in line to get their vehicle dropped
58 off, they want this seamless. So, sorry, I somehow lost video for a second. So the issue for them is to
59 make sure that we can effectuate this as quickly and painlessly as possible. They believe there is adequate
60 queuing and capability to get people in and out of there and the porters are able to move the vehicles out of
61 the drop-off area rather rapidly. So we're happy to let our clients explain it in greater detail as we go
62 forward but your comment, we're very well aware of your comment as we went through this.

63
64 Mr. Bonforte stated thank you David.

1 Chairman Hertz stated other Board members?
2

3 Mr. Vigliotti stated yeah, I have a question for David. If you can share the route the porters will use to get
4 up to Norm Avenue and the route that they will take to bring the cars back.
5

6 Mr. Steinmetz stated I'm going to defer Paul either to you to Alexander, I don't think there's been an
7 absolutely finalization of that, I think it's pretty clear that the route to take the vehicles, Ralph, from the
8 facility to Norm Ave, obviously is up the Sawmill and get off at Green Lane and drop south on 117. There
9 has been no final decision about how to get vehicles from Norm Avenue back to the site, though I think it's
10 more likely than not that vehicles would travel south on 117 and make the right and come back the
11 shopping center at the signalized intersection. Theoretically, they could go north on 117 and jump on the
12 Sawmill and come southbound to Kisco Avenue, I don't think we have any preconceived or pre-bagged
13 notion of how it has to happen.
14

15 Mr. Vigliotti stated okay.
16

17 Mr. Steinmetz stated and I'll just drop a footnote, while I anticipated that question and we talked about it. I
18 actually anticipate that question arising more so from Bedford who will probably want to understand which
19 way the vehicles are moving, since most of the movement occurs in the Town of Bedford.
20

21 Mr. Vigliotti stated sure, okay, thank you David.
22

23 Chairman Hertz stated other Board members, questions? Thoughts?
24

25 Mr. Bonforte stated I'll bring up, excuse me Chairman...
26

27 Chairman Hertz stated yes.
28

29 Mr. Bonforte stated I'll just bring up one other, I think I recall David and/or Paul, they were projected in
30 the same business plan, a number of employees. 30 to 35, somewhere in that nature, in that area. Where's
31 the parking? When I just looked visually, is it on site on 299 Kisco Avenue and you know, if you start to
32 add up the loaner cars which you only specified as eight total, at you know any one time. Employees' cars,
33 can you just maybe clarify or delineate or elaborate a little bit more on that?
34

35 Mr. Sysak stated yeah, sure, can you see the other site, the black and white plan?
36

37 Mr. Steinmetz stated it's up now Paul.
38

39 Mr. Sysak stated so we provide 45 off-street parking spaces, so if you look at the parking spaces that are
40 labeled with the E, those are the ones that are for employees. So these 21 here and these five, these three,
41 these two and these four right here are going to be for employees which add up to the 35 that were talked
42 about in the business plan. There is eight spaces and then also two accessible spaces for a total of ten
43 additional spaces which will be provided for customers on the property. So employees and customers will
44 be all on this one site.
45

46 Mr. Bonforte stated and the loaner cars...?
47

48 Mr. Sysak stated those I believe are on the 17 Norm Avenue site and they'll bring those over as necessary
49 and include them in maybe these off-street vehicle storage areas.
50

51 Mr. Bonforte stated yeah, you have room on site, on this site 299, you have room for some extra case just in
52 case you have a bit of an overflow. Again, a bit of an overflow, right?
53

54 Mr. Sysak stated yes.
55

56 Mr. Steinmetz stated and the 35 is probably a fairly conservative number whether all 35 would actually be
57 on site at the same time but we did ask the client to try to be conservative so that our numbers would
58 address that as best as possible.
59

60 Mr. Bonforte stated okay.
61

62 Chairman Hertz stated alright, let's talk a little bit about procedure here. So we, right now, are in a public
63 hearing for both sites, so Jan and Whitney, I'm going to need a little bit of help here. How do we move...
64 so it sounds to me like you still have to formulate some plans David, or the client has to formulate some

1 plans as to what precisely they're going to be doing with the Kensico Drive site. Do you imagine that these
2 are still tied together from a functional point of view?

3
4 Mr. Steinmetz stated so very important question and it goes I think to procedure and substance. They're
5 not tied together from a functional point of view, I don't think they should be and we want to work with
6 your Board and Whitney and Jan and Staff to essentially bifurcate the two. As I said in my opening
7 comments, we fully understand that you would ask about 41 Kensico, you have every right to ask about it.
8 Peter, Jan and Whitney made sure that we remembered that we had successfully received an
9 accommodation from the Village about temporary parking at 41 Kensico when we thought the sites were
10 working with one another, so we know we've got to deal with that, we've brought that to the attention of
11 our client. So I would ask Staff to bifurcate the applications, we have nothing pending on 41, whatever has
12 to be cleaned up literally and figuratively, we will deal with but we're asking you to process 299. We
13 didn't submit something in writing saying we hereby formally withdraw because we wanted to come back
14 in front of you, walk you through all of this and figure out how best to handle it. I did hear quickly after
15 your work session that there was some discussion about possibly treating this as an unlisted action, as
16 opposed to a Type I action, if I heard that correctly, Jan, I don't want to put words in your mouth...

17
18 Jan Johannessen stated okay.

19
20 Mr. Steinmetz stated but we do think, Mr. Chairman, that we need to kind of re-tool this application now
21 that we have, from a procedural standpoint now that we have simplified it.

22
23 Chairman Hertz stated alright, so I'm going to ask this of Jan and Whitney, how are we, if we are taking the
24 41 Kensico site off and we're in a public hearing for both of these, do you know now or do you want to
25 take some time after this, you know, tomorrow or in the next few days to figure out how we're going to
26 break this up, does there need to be a reapplication of some sort? Can we continue on with some
27 modifications? How do you think this should go? I've never seen this before.

28
29 Whitney Singleton stated Chairman, I'll weigh-in first and I don't know if Jan's going to disagree but I
30 would like the benefit of conferring with both Jan and Peter as to administratively the best way to proceed.
31 I think that ultimately that will grease the skids for the applicant more so than forcing us to make a
32 comment on the spot.

33
34 Chairman Hertz stated I wasn't suggesting that that, unless you happen to have a very firm opinion as what
35 direction go. Okay, so we'll...

36
37 Whitney Singleton stated Jan, do you...

38
39 Vice Chair Bainlardi stated if I could just weigh-in for a moment, it's John. Two things, one, I'm not sure
40 that, putting the legalities aside and Whitney will address those. We have applications that change in
41 nature all the time and often times we have alternates that are considered, so you know if its not going to be
42 detrimental to the applicant or the Village and we can save some time without having to put the genie back
43 in the bottle, so to speak. I see no reason why we couldn't continue and finish because to me the current
44 proposal as indicated for the 299 site is not dramatically different from what we've already reviewed, in
45 fact a lot of this is pretty comparable to what was there, what was proposed before and I do like what
46 they've done with, they've continued to limit the access to the site. When you're coming off the site,
47 you're only having the one means of egress which takes you back onto the Holiday Inn Drive and back to
48 the traffic light. They've tied things up and hopefully eliminated most, if not all of the variances so I don't
49 see why, as a practical matter, you couldn't finish but I leave it to them, ultimately to counsel for both the
50 applicant and for the Village to make their suggestion as to what's most efficient.

51
52 Chairman Hertz stated thank you John and I wasn't suggesting by any means, I don't want anyone to go
53 back to square one. We'd like this Board to be as straight forward and efficient as possible but also legal.
54 So I just want to make sure that there's a proper way to bifurcate removing the 41 Kensico while still
55 keeping process going. So Whitney, Peter and Jan will discuss this tomorrow and then I guess they'll
56 contact you David to discuss how best to move this forward and continue the process. So this, in a sense
57 feels a little bit like a conceptual because while we know a great deal about the site, it's a new plan but I
58 think from what you've generally heard from Board members tonight, we are, obviously things that tend to
59 be more in conformity with Zoning and development coverages and all those pieces, we generally like. I
60 think this a good use of the site, I think it's a great start on a redesign, there are obviously going to be a ton
61 of questions, we're going to have questions about security, there was lots of discussion about how you dealt
62 with that you know, on the past site with barriers and removable gates and all of that, so we're going to sort
63 of, you're going to flush this out obviously you know, to that same level of detail but I think from a
64 conceptual point of view, I sensed from what we're heard from the Board and the quiet on the Board is that
65 no one's got, no one is voicing any large objections to anything, we'll obviously love to see, if we can help

1 you get this to the end, to fruition. So what do you think your timeline and process is with Bedford and
2 what's the interplay with that and us?
3

4 Mr. Steinmetz stated so, where, we wanted to do this meeting, while we didn't anticipate quiet from the
5 Board, we were certainly hoping that there would be a pleasant reacceptance of the revised application, so
6 in light of that, I think the client's observing are now going to tell us to proceed full speed ahead with the
7 service component with Bedford. Paul, I think we're position to file that, materials from you and Sarah,
8 most likely at the end of this month or the beginning of October formally.
9

10 Mr. Sysak stated yes and we'll move on in getting the detailed full set of site plans back, revised reports
11 back to Mount Kisco as well.
12

13 Mr. Steinmetz stated and the initial reaction that we had from Mr. Osterman in Bedford was positive. So in
14 some ways its really an adaptive reuse of the building on Norm Avenue without an awful lot of change, it
15 probably gets dressed up nicely by Sarah, more so than what it looks like right now but we don't think it's a
16 tremendous lift over there, there are some technical issues in terms of utilities that Paul and his team have
17 to look at. But we want to really push hard as we move through the rest of the year to move these
18 applications through. As I said, we were able to take the benefit of the early months of the pandemic for
19 AutoNation and the manufacturers to regroup, they've been green lighted to get this done, so I have a
20 feeling that the positive reaction from your Board is going to result in us getting phone calls tomorrow
21 morning to move rather aggressively.
22

23 Chairman Hertz stated let me just ask one question of the group, you know the direction you know I've
24 been seeing in general in the automotive space is one towards electrification, which has been tending
25 toward a lower amount of maintenance and service, at least from what I've seen of it. How does that effect
26 the planning for site and for the Norm Avenue site? What, are there other accommodations, other changes
27 that are going to be made based on that sort of short and mid-term change in how we're viewing cars?
28

29 Mr. Steinmetz stated that's beyond my capability, I'll defer to somebody else on our team, how electrified
30 are with JLR and how does that change over the next ten to 20 years?
31

32 Mr. Serra stated yup, good evening, this is David Serra with AutoNation. So yeah, so Jaguar/Land Rover is
33 making the leap into electrification, what we're noticing from all of the brands is really kind of just
34 preliminary step into electrifying vehicles, so there is requirements on charging, on different types of
35 charging stations within the facility. However, when it comes to service, I think all the manufacturers are
36 kind of taking their own take on it, there's you know, since there's not enough of the vehicles out in the
37 market, they are reluctant to put together a standard for all dealers. So for now, you know, we've been
38 given kind of these loose requirements as far as there will be a dedicated service bay for an electric car.
39 There will be a bay next to it which is flat bay which is used to kind to take the battery out of the car. Now
40 whether it really effects the volume of service, we're not there yet, I don't think as an industry we're there
41 yet, I don't think we've seen enough of the business to really understand how that's going to effect the
42 future. So far what we've gotten from Jaguar/Land Rover is that they see a steady growth in service, even
43 with the introduction of electric vehicles.
44

45 Chairman Hertz stated okay, thank you.
46

47 Mr. Polese stated hey David Serra, Bill Polese on the Board. I was curious, just saying, the way people
48 purchase, does the e-commerce play an accelerated role or a more apparent role over the last six months
49 with Covid? And did that have any impact in thinking on what the ultimate experience is for your buyers?
50

51 Mr. Serra stated sure, so yeah, I think the last couple months have been quite a learning experiment in retail
52 automotive, we've been seeing the move towards e-commerce for several years, kind of Amazon effect.
53 Customers know what they want and typically customers have come into our facilities knowing more about
54 the vehicle they're interested in than the actual salesperson. You know, everyone kind of does their
55 homework, they get on their phone, they get on their laptop, they kind of know what it is that they're
56 looking for. However, you know, even with the changes in business that we've seen due to Covid-19, a
57 vehicle purchase is still one of those purchases that at the end of the day, the customer is going to want to
58 touch and feel it. We have seen more, a greater percentage of our customers doing everything online and
59 just saying bring the car to my house but you know, even with the state of the business that we're in today,
60 we're still seeing a decent amount of traffic in our facilities and I just think it's because most customers are
61 still wanting to touch and feel and kick the tires and take it out for a test drive just because next to a home,
62 a vehicle really is the next biggest purchase most people do. So I think, we're still in for a lot of change in
63 the next five to ten years on how the industry addresses customer needs and how the customer wants to
64 interact with the facility and with the product. But I think at the end of the day, you know a majority of our

1 customers are going to want to come in and really have that last look before they put their signature on that
2 dotted line.

3
4 Mr. Polese stated thank you.

5
6 Jan Johannessen stated Doug, I wanted to ask the applicant whether they thought there was an possibility of
7 modifying the plan after receiving the comments to comply with the development coverage? I think you're
8 very close to being Zoning compliant in that regard and I just wanted to see what the applicant thought and
9 the Board's feelings on that particular aspect.

10
11 Mr. Sysak stated I think we can look at some of your suggestions Jan and make an effort to get closer,
12 absolutely. We'll talk with the team this week and come up with some of the ideas and modify the plan.

13
14 Mr. Steinmetz stated Jan, we obviously would love to eliminate the need for an unnecessary variance if we
15 could avoid it and obviously s you well know one of the factors in front of the Zoning Board is are there
16 any other feasible alternatives that the applicant can pursue. We're aware we don't want to compromise
17 the functionality of the parking area which is really driving that impermeable parking area and we'll look at
18 it and see if there are places that we can trim it to avoid the variance but if we can't, we're not afraid to go
19 get, what, just so everybody is clear, the site is already significantly out of compliance and it would be a
20 very slight change, if I recall? Do I have that correct?

21
22 Mr. Sysak stated yeah, we have existing is 89.4% coverage and we would be requesting for 76.7%, which
23 is 1...

24
25 Mr. Steinmetz stated so we're still reducing it, Paul, significantly...

26
27 Mr. Sysak stated yes.

28
29 Mr. Steinmetz stated we're just a slight amount over the permitted, the maximum permitted number but
30 under any circumstance we're improving the condition.

31
32 Chairman Hertz stated absolutely and we acknowledge that and appreciate the effort that you've made but I
33 think Jan's suggestion is a good one, you're so close, you know if there's any way you can get over the
34 goal line with that, one thing...

35
36 Jan Johannessen stated sorry, one more question. The resin sidewalk or walkway in the front of the
37 building, what is the resin sidewalk? What is that material? And what does it look like?

38
39 Mr. Sysak stated it's basically like a ¾ inch like rice krispy treat small stone set in, think of rice krispy
40 treats, it's kind of a decorative finish on a concrete slab. That is a Jaguar/Land Rover requirement as far as
41 the building specification goes.

42
43 Jan Johannessen stated is that something new? Did we have that in the prior proposal?

44
45 Mr. Sysak stated that was part of the, yeah, all the proposals...

46
47 Mr. Steinmetz stated Sarah is nodding, so I gather that was part of the original application as well.

48
49 Jan Johannessen stated okay, thanks.

50
51 Chairman Hertz stated alright, Board members, last chance, think of this as a conceptual, if you want to see
52 any changes or nudge them in any one direction, this is your moment... alright then...

53
54 Mr. Miley stated Chairman, before you proceed, there's two people here, I'm not sure if they're here to
55 speak on this application, it is still an open public hearing. We have no comments on Facebook and we
56 have nobody with their hand up in the Zoom meeting. And if you don't mind I'll provide the phone
57 number if there are any comments, 914-420-0383 and while people digest that, I will just see if these two
58 gentlemen here are here to speak on this application, if you can just give me a moment, Doug.

59
60 Chairman Hertz stated sure.

61
62 Mr. Miley stated are any of you guys here for the Land Rover application?

63
64 Mr. Pietrobono stated actually I'm here to object to the lack of public comment on the solar farm...

65

1 Mr. Miley stated this is just Land Rover.

2

3 Mr. Pietrobono stated okay, alright, so nobody that's currently present is here for the Land Rover
4 application.

5

6 Chairman Hertz stated thank you Peter, this is a public hearing, so thank you for checking with the public.
7 Alright, and just so members of the public, this public hearing will be continued, so you will, even though
8 the application has changed significantly, the applicant will be flushing this out further and there will be
9 more opportunity to comment if you so desire and you can do that view e-mail, via snail mail, on
10 Facebook, you can also appear at Village Hall at the next scheduled public hearing for this matter and
11 speak directly and there is always a call in number as well. Okay, so it sounds like next steps for this are,
12 include Staff having a meeting as to proper way to separate out the 41 Kensico section, then conferring
13 back with Mr. Steinmetz and then the applicant moving forward both with Bedford and with flushing out
14 the details one this. As this is a public hearing, we do need to adjourn you to a date certain, it doesn't
15 sound like you'll be ready for us on he next meeting which is September 22nd, the meeting after that
16 Michelle, is October? Sorry, I didn't hear you...

17

18 Mr. Miley stated October 13th, Doug.

19

20 Chairman Hertz stated October 13th, do you think you'll be ready at that time?

21

22 Mr. Steinmetz stated I think we'd like to stay on, we'd like to have that date if we need to push it, we'll
23 notify Michelle and Peter sufficiently in advance but I think it will help us track forward and we had some
24 questions and issues that you raised tonight and there will be some procedural discussion with your staff, so
25 let's take October 13th for the timing being, that'd be great.

26

27 Chairman Hertz stated very good, so this application, this public hearing is adjourned to October 13th at our
28 regular scheduled meeting.

29

30 Mr. Steinmetz stated great.

31

32 Chairman Hertz stated thank you much and we'll see you then.

33

34 Mr. Steinmetz stated be well, we'll see you next month.

35

36 Mr. Sysak stated thank you.

37

38 Chairman Hertz stated thank you very much. Alright the next item on the agenda was PL Property
39 Management for both 18 Britton and 20 Stewart, they've asked to be adjourned. And Peter or Michelle, are
40 they being adjourned to the 22nd...

41

42 Mr. Miley stated they are also to the 13th, October 13th, Doug.

43

44 Chairman Hertz stated okay, so we will adjourn 18 Britton Lane and 20 Stewart Place to October 13th.
45 That concludes the public hearings for tonight, we now go into Formal Applications. The first formal
46 application is Timber Ridge. They're here for site plan and steep slopes permit. Pete, if you would just
47 quickly take us through what's going there and then we'll have the applicant...

48

49 **B. Timber Ridge – Timber Ridge Road**
50 **PB2020-400, SBL 80.73-1-8**
51 **Site Plan and Steep Slopes Permit**
52

53 Mr. Ralph Alfonzetti of Alfonzetti Engineering and Mr. Stefan Vasilescu, President of Timber Ridge HOA
54 were present.

55

56 Mr. Miley stated yeah, I'll give you a brief introduction. If you guys recall, this is Timber Ridge
57 Condominium complex, they've been before your Board several times. This is a new application to amend
58 their current site plan approval which will require also a steep slopes permit for a new project which would
59 incorporate a couple of, which would actually include some new retaining walls that are being built into
60 some areas that are steep slopes by removing some of their wood, currently wood retaining walls that look
61 like their dilapidated and starting to fall apart. In addition, if you recall some time ago when they were
62 before us, you asked them to come up with a wish list of items, this incorporates, this site plan incorporates
63 those items that were done previously without a permit or without approval and some new items which
64 would include some gravel landscape behind some of the patios. There are some patios that currently have,
65 with the deck project, if you guys recall, that already include some gravel, it is considered development

1 coverage, it was incorporated into the development and the development coverage calculation. So before
2 you today is five work areas, each work area and I think the applicant or the engineer can go into it more in
3 depth, includes so, you have some new gravel beds to be located in the rear of some units, we have some
4 access areas, stone access areas, I'm assuming and again the architect engineer can specify what those
5 aprons are going to be used for. And the last thing is some retaining walls, some fill and some updates on
6 the drainage on how to take care of those areas where the new retaining walls are going to be placed. And
7 that pretty much sums up the application again, just to reiterate, they're going to also incorporate some of
8 those items like landscape stairs located, it's the southern area of the property, just immediately in the front
9 entryway and some other minor modifications that were made in the past. It's my understanding and Mr.
10 Alfonzetti will indicate if I'm right or not, this is everything all in, multi-phase project that they would like
11 to complete in the next year or two.

12
13 Chairman Hertz stated alright, Mr. Alfonzetti, the floor is yours.

14
15 Mr. Alfonzetti stated yes, hello Ralph Alfonzetti, engineer for the project. As Peter said, can I share my
16 screen here?

17
18 Chairman Hertz stated you may.

19
20 Mr. Alfonzetti stated and everyone see that?

21
22 Chairman Hertz stated now we do.

23
24 Mr. Alfonzetti stated so there are basically four areas that we are doing some work in, one of them is here
25 at the entranceway, this is the entrance here where my cursor is and on the right hand side in this area there
26 are four small retaining walls, they're made out of wood timbers, they're kind of falling down, rotting. So
27 we want to replace those with some stonewalls that kind of match the aesthetics of the area. And this is the
28 second area that we're looking to do some work in, there are again wood retaining walls, they're small,
29 they're only about two feet high coming out between the units and we want to replace them with a Unilock
30 type wall and then put a return on them and put some stairs, we have detailed plans down below. And then
31 this is a third area that we want to do work in, this is a real shady area on the site and they've tried to grow
32 grass and plantings in this area and it just doesn't work and it becomes a little bit muddy, there's a little bit
33 of erosion back here. So the plan is to spread out a gravel bed and kind of stabilize that area. And this is
34 our fourth area of work and there is some Unilock retaining walls that are extending out between the units
35 and we just want to extend those further and put some stairs on them and kind of reduce the erosion that's
36 happening at the edge of the walls and reduce the slope in this area. And we do have detailed plans down
37 below if you want to go through that...

38
39 Chairman Hertz stated yeah, if you could take us through with a little more detail, we would appreciate it.

40
41 Mr. Alfonzetti stated this area here, this is the first area that I spoke about, it's on the right hand side as you
42 come up, we would be taking down those wood retaining walls, I actually have a picture of that, if you
43 want to see that, let me see if I can do that. So these are walls, I don't know if you can see them yet, can
44 you guys see those walls?

45
46 Chairman Hertz stated yes.

47
48 Mr. Alfonzetti stated so those are the walls that we'd be taking out, we'd basically be replacing them in the
49 same location, instead of these four separate walls, we would have three, one would be a little longer to
50 kind of incorporate this one in this area and one of these. They would all be four feet or less in height and
51 they'd be stone, kind of matching the stone that's on the staircase and the walls that are at the entrance.
52 Back to the plan and this here is the area behind units 8 to 12, where I talk about putting the gravel from the
53 back of the units all the way back to a stockade fence that we have or a spilt-rail fence, just to stabilize that
54 area and then the other area that Peter had mentioned was this stone pad but this is just a temporary
55 construction entrance just to get in and out for erosion control. And then these are the extended walls that
56 we'd be replacing with the steps behind units 1 through 5. This area here is behind units 13 to 17 and there
57 are already Unilock walls that are extended between the units and we're just going to be extending those
58 further to reduce, there's a little bit of erosion as the end of each wall, we figure we extend them a little bit
59 further and reduce the slope on this whole, on the back of each unit and put a staircase in between to go
60 from one level down to the next. So I mean that's pretty much it in a nutshell.

61
62 Chairman Hertz stated okay, so one of the questions that we had, is there no, we don't see dimensions on
63 the drawings, the steep slopes ordinance does have some stipulations about trying to maintain individual
64 retaining walls that aren't above a certain length. So we do need to see those, I understand you have a scale
65 on it but if you could dimension the plans so that we understood what the lengths of these walls are, also

1 provide some heights at various points, I think that would be useful to understand where they're meeting
2 grade and where they're retaining, where they're at their highest points et cetera.

3
4 Mr. Alfonzetti stated okay, yeah, that's no problem, I believe the ordinance is 60 feet, it can't be more than
5 60 feet.

6
7 Chairman Hertz stated I believe that is the case, I defer to Whitney or to Pete on that.

8
9 Mr. Alfonzetti stated I believe we're just under that on all of them but I'll double check and put it on the
10 plan.

11
12 Mr. Miley stated that's correct and Doug, just before Mr. Alfonzetti leaves us, there's a couple of questions
13 that were raised by owners of the complex, I'm not sure if you want me to present them tonight or for a
14 later date. They are with regard to design...

15
16 Chairman Hertz stated why don't we get the questions out of the way so we can be efficient on answering
17 everything.

18
19 Mr. Miley stated this first one, everybody is from Timber Ridge. I'm going to read verbatim. "The sketch
20 looks like the gravel goes from the in ground patios to the fence but there is a garden with trees in front of
21 the fence. Do they intend to remove the trees and bushes?" That the first one, hold on to that. And then
22 the second question is, just bear with me, the question is again: "The question is are they gravel in between
23 the patios and the flower beds or just taking out the flower beds and shrubs." So those are the two
24 questions.

25
26 Mr. Alfonzetti stated I can answer those right now. That's correct, it was brought to my attention today
27 that the area behind units 8 to 12, where we are adding the gravel, at the edge of the split rail fence, there is
28 a planting bed with some trees and some bushes, we are not going to be removing that. So I had an older
29 survey that did not show that but we are going to be keeping that planting bed intact and same with the
30 flower beds, we're not going to be removing any of those, we're going to be going around them and
31 keeping them as they are.

32
33 Chairman Hertz stated alright and if that's the case, if you could show that on the plan.

34
35 Mr. Alfonzetti stated yup, absolutely.

36
37 Chairman Hertz stated because this does become a site plan of record, so we want to make sure that it
38 matches the actual as built to the best possible. Were there any other comments that you had gotten Peter?
39

40 Mr. Miley stated no, that was actually an e-mail, it's not an open public hearing, there's no comments on
41 Facebook, no hands raised to that fact right now.

42
43 Chairman Hertz stated okay, Board members questions? Thoughts? Okay, this seems like a pretty straight
44 forward kind of maintenance and upkeep and beautification project which we obviously would encourage.
45 We just want to make sure that Anthony looks at this carefully, we don't want to, when we're changing
46 grading right at the edge of the property, I also get concerned that we're going to create a drainage issue
47 that is unintended, so I just want to make sure that Anthony is taking a hard look at what's going to be
48 happening there, any regrading retaining walls that we're not moving a problem on-site to off-site.

49
50 Anthony Oliveri stated we'll take a close look at that. One this I was just thinking of in terms of the steep
51 slope ordinance, they do make the statement that they're staying I believe, under the 60 feet on each wall
52 but we just had to be sure that we had that accurately stated. Just looking at area one, some of these walls
53 run into each other, so how do we define, let's just make sure, so let's put dimensions on these walls and
54 just have an accurate statement here. You know, if something ends up being more than 60 feet because it's
55 a run of consecutive walls, maybe it might go over the 60 feet, not to say you can't go over 60 feet, it's not
56 prohibited, it's just a goal, if you state it correctly in the criteria.

57
58 Mr. Alfonzetti stated I'm sorry, if they run together, is that all length of wall?

59
60 Anthony Oliveri stated well maybe that's something we need to discuss with Peter Miley, just how we
61 would look at like for in particular that set of walls there, you know, is that over 60 feet or is that under?

62
63 Mr. Miley stated yeah, Anthony, once we get dimensions we'll look at the definitions...

64
65 Anthony Oliveri stated right.

1
2 Mr. Miley stated of a wall and once we have those actual dimensions...

3
4 Anthony Oliveri stated the only other thing I would just bring up is just one comment we had was about
5 disturbance area and I think you should define a disturbance area here, and I don't know if you have an area
6 stated on the plans but if you go over the 5,000 square feet, you'd have to apply for coverage under the
7 DEC general permits, so just something to note on the plans.

8
9 Chairman Hertz stated and just further, it looks like you know, based on the photo you showed, you're
10 going to be do some construction work right at the base of some you know, trees that are there. So we want
11 to make sure that you know best practices get used, I see one existing pine tree to be removed but where
12 there are trees to be retained that we detail out tree protection plans that are appropriate.

13
14 Mr. Vigliotti stated Doug, I have a comment...

15
16 Chairman Hertz stated yes, please.

17
18 Mr. Vigliotti stated the gravel landscape areas in the rear of units 8 through 12, are the unit owners fully
19 aware of the proposed plans, Ralph?

20
21 Mr. Alfonzetti stated I cannot speak for every unit owner but the, one of the Board members directed me to
22 do that and he has been in discussions with them but I can verify that.

23
24 Mr. Vigliotti stated yeah, I mean the concern I have is we have a couple of unit owners calling into Village
25 Hall to the Building Inspector with regard to their unit and the gravel landscape, so it sounds like they're
26 really not aware of what fully, what the intention is of the condominium association. So I'm a little curious
27 on that and additionally, do the unit owners own the flat surface or do they just own the patio and the deck
28 system? Do they own that surface where you're putting the gravel?

29
30 Mr. Alfonzetti stated where we're putting the gravel...

31
32 Mr. Vigliotti stated yes.

33
34 Mr. Vasilescu stated I can answer those two questions, Ralph, if I may...

35
36 Mr. Vigliotti stated oh okay.

37
38 Mr. Vasilescu stated good evening, I am Stefanita Vasilescu, President of the Board, I was listening quiet
39 here. One, the unit owners are aware of this, actually if I'm correct, I did have direct conversation with the
40 unit owner 9 but I understand she had some concerns or reservations, we can go back and visit that.
41 Another inaccurate statement on this plan, unit 8 has gravel as part of the previous plans, so it shouldn't be
42 part of this proposal. As we clear earlier, the reason for the two foot strip behind units 9 through 12 with
43 planting, that we'll actually keep and encourage the unit owners to plan and help us maintain. The gravel
44 its at minimum, the most area with gravel its in the back of unit 11 which the unit owner was very adamant
45 about having this after personal expenses on planting grass and other tries of keeping that area clear and
46 useable. Unit 12 has a very small strip of gravel, in reality, I would like to say that the whole gravel, the
47 way its depicted here in the picture, it's more, it's half in reality.

48
49 Mr. Vigliotti stated well if you don't mind me saying, we need to see half of the reality in a more formal
50 presentation.

51
52 Mr. Vasilescu stated yes, it will be correct.

53
54 Mr. Vigliotti stated Stefan, it just feels like or sounds like the unit owners are not all in agreement to what's
55 happening and yet, this plan is before the Board.

56
57 Mr. Vasilescu stated the unit, this was added to the you know, as a request from the unit owners and to
58 answer your second question, the unit owners do not own the back area or the path or the deck. We own
59 the interior of the units, the rest is common property and the decks and the patios are what we call limited
60 common areas.

61
62 Mr. Vigliotti stated okay, that's very helpful to know.

63
64 Mr. Vasilescu stated yes.

65

1 Whitney Singleton stated Ralph, which means it's the obligation of the HOA, not the individual unit
2 owners to maintain it.
3
4 Mr. Vigliotti stated right, I just want to keep the lines of communication open and to make sure of that as
5 we approve and go through the approval process that the residents that live in those units are full aware of
6 what's going on before we approve it.
7
8 Anthony Oliveri stated so just a clarification so based on what Stefan said, the gravel areas, was that under
9 the previous application and that was done or is that a proposed thing?
10
11 Mr. Vasilescu stated no, it wasn't. We had on the previous application, actually an area behind building 6
12 and 5 which was done without the approval...
13
14 Anthony Oliveri stated maybe that's what I'm thinking of.
15
16 Mr. Vasilescu stated and at that point in time, those unit owners wanted to have the same thing, we didn't
17 have it on the application and they asked for the next opportunity.
18
19 Anthony Oliveri stated okay, when you're saying this gravel area is half, that's just what you intend it to be
20 half, that's just something you need to get together with your engineer on...
21
22 Mr. Vasilescu stated yes, absolutely.
23
24 Anthony Oliveri stated to get accurate picture and show the planted area along the edge.
25
26 Whitney Singleton stated so what you've done in the field without approvals is in violation of the variance
27 that was granted to you back in 2015, correct?
28
29 Mr. Vasilescu stated no, at this point in time we are not in violation or we do not have work that is done
30 without approval. All that was cleared on the previous meeting with the Board and application.
31
32 Whitney Singleton stated okay, right but when you're Board got approved, the Zoning Board resolution of
33 approval said it was specifically for the plans and limited to the plans which were approved by them which
34 did not include any gravel and it specifically stated that you're not to alter any of the slopes or any of the
35 conditions on the property. Fencing, drainage, or other improvements or site alterations.
36
37 Mr. Vasilescu stated I'm not sure or I do not understand exactly. We did not alter anything. You're talking
38 about the deck project?
39
40 Whitney Singleton stated you're telling me that on the common area there's gravel presently, on the
41 common area there are retaining walls, on the common area there are steps or other improvements beyond
42 which was approved by the Zoning Board.
43
44 Mr. Vasilescu stated no, I wouldn't say that, no.
45
46 Whitney Singleton stated no? Okay, so there's no gravel on the site.
47
48 Mr. Vasilescu stated no, this is what we're proposing.
49
50 Whitney Singleton stated I thought you just said that some of the unit owners put it out there.
51
52 Mr. Vasilescu stated I thought that the question was if this is part of existing gravel that was not
53 permitted...
54
55 Whitney stated no gravel was permitted.
56
57 Mr. Miley stated Whitney, in their previous approval, there was some gravel behind, so perhaps Ralph
58 could identify it on the plan and show existing approved and proposed, just so they have an understanding
59 what additional new gravel is being proposed.
60
61 Jan Johannessen stated there was gravel proposed and approved behind some of the units.
62
63 Mr. Vasilescu stated yes, unit 30 to 37.
64
65 Jan Johannessen stated yeah, that was...

1
2 Mr. Vasilescu stated Ralph, if you can show that.
3
4 Mr. Alfonzetti stated there was gravel here, this was approved...
5
6 Whitney Singleton stated okay.
7
8 Mr. Vasilescu stated and note this type of gravel, the pea gravel, ground to mask the mud behind 30 to 37.
9
10 Jan Johannessen stated yeah, that was in the last approval.
11
12 Mr. Vasilescu stated yes and was approved. And what I was saying was that those unit owners at 12, 11,
13 they wanted to the same thing and that's why we include it in our application this time, they want the same
14 type of solution gravel with the garden, the two foot garden along the fence and a few square feet of gravel.
15
16 Mr. Vigliotti stated okay.
17
18 Anthony Oliveri stated one other thing that was brought up in the work session was Peter you were
19 mentioning the stairs, the steep stairs, I'm still not clear where the stairs are. If they're shown in this plan
20 now, I guess up by the front entrance there?
21
22 Mr. Miley stated yeah, when you come into the property, I would say maybe 50 to 75 feet into the property
23 to the right, there's a steep set of stairs that goes to another elevation, those were some new stairs that were
24 constructed.
25
26 Anthony Oliveri stated so those should be included as...
27
28 Mr. Vasilescu stated those are old one, those are old ones with permits and everything, they are existing.
29
30 Mr. Alfonzetti stated you're talking about these here, Peter?
31
32 Mr. Miley stated let me see, yeah...
33
34 Mr. Vasilescu stated yes...
35
36 Anthony Oliveri stated were they rebuilt or something like that recently?
37
38 Mr. Vasilescu stated no.
39
40 Mr. Miley stated I have a completely different layout of those stairs and there's no hand rails, it doesn't
41 look like it's complete, Stefan. But I can verify, I won't shoot from the hip.
42
43 Mr. Vasilescu stated yeah and I can look over my, you know, documents, if I say to provide for the permit
44 for that and indeed there are no rails, this is how it was designed and this is how it was executed.
45
46 Mr. Miley stated if there are no rails, it certainly needs them because it's about 30 to 40 steps, it would be a
47 long fall.
48
49 Anthony Oliveri stated so if anything has to be approved with that, we should certainly you know, include
50 it on this submission.
51
52 Whitney Singleton stated let me just go back, I don't recall an approval with the gravel in that area but
53 anything within 80 feet of a property line is going to require a variance from the Zoning Board. That's
54 what the minimum setback is for all improvements and that's what you were granted a variance, you were
55 granted a limited variance from the Zoning Board of Appeals for the decks as they were proposed back in
56 2015 and they cited the plans that were approved because the variances varied depending upon which unit
57 it was from the property line and it was very clear that there was to be no further disturbance in that area in
58 any regard.
59
60 Anthony Oliveri stated the variances were for the deck and you're saying there was a condition that no
61 other disturbance should happen...
62
63 Whitney Singleton stated correct and that the applicant...
64

1 Anthony Oliveri stated so all those walls that are proposed now, within the vicinity of the property lines
2 then would need the variance revisited, you're saying?

3
4 Whitney Singleton stated yeah, to the extent they need a building permit, yes.

5
6 Jan Johannessen stated just a question maybe for Michelle, just to verify the prior approvals and the site
7 plans that run with those approvals, have they all been signed? All the past resolutions, the conditions of
8 those resolution satisfied? I just want to verify that before we...

9
10 Mr. Miley stated yeah, Jan, Michelle just indicated that all the plans and resolutions are signed.

11
12 Jan Johannessen stated okay, thank you. I hadn't reviewed the application because it seemed to be in the
13 engineering but there are trees to be removed and work within the steep slopes, there needs to be
14 compliance with the tree preservation code, Chapter 99. So Ralph, you might just want to take a peek at
15 that.

16
17 Mr. Alfonzetti stated okay.

18
19 Mr. Miley stated yeah, Chairman, I'll take another look at the variance in '15, that was just prior to me
20 becoming an employee here. I was here for the approval but I wasn't here for the decks initially.

21
22 Chairman Hertz stated right.

23
24 Anthony Oliveri stated would it make sense to have them do a Staff meeting with applicant and engineer
25 and go over all these items.

26
27 Jan Johannessen stated yup.

28
29 Mr. Miley stated that's a good idea Anthony.

30
31 Chairman Hertz stated that's what I was going to suggest.

32
33 Mr. Alfonzetti stated I think that's a good idea.

34
35 Chairman Hertz stated I think that's the proper next step here, review, make sure what permits are going to
36 be needed and then modify any plans and you've certainly got the notes from us on what things we'd like
37 changed or at least put into the plans and looked at more carefully. Okay, it sounds like that's the best
38 course of action so Staff will review, there will be Staff meeting with applicant and when you're ready and
39 complete, come on back before us.

40
41 Mr. Alfonzetti stated okay, no problem.

42
43 Mr. Vasilescu stated okay, thank you.

44
45 Mr. Alfonzetti stated thank you.

46
47 **C. The Crecco Companies (Bagnato) – 215 (205) Lexington Avenue**
48 **PB2016-0328, SBL 80-32-4-6**
49 **Site Plan**

50
51 Mr. Ralph Alfonzetti of Alfonzetti Engineer and Mr. Anthony Crecco, property owner, were present.

52
53 Chairman Hertz stated alright, next item of business is The Crecco Companies, Bagnato, 215/205
54 Lexington Avenue, here for site plan. We have memoranda from the Building Inspector, from the Planner
55 and from our Engineer and a full set of plans. Jan, do you want to just quickly introduce this?

56
57 Jan Johannessen stated sure, this is 215 Lexington Avenue, the applicant is before the Board for a site plan
58 approval and a change of use permit. The property developed with a single-family, I'm sorry, multi-family,
59 four family apartment building. There was a residence that was destroyed by fire that's since been
60 demolished, there is an existing garage that is also proposed to be removed. There was some discussion at
61 the work session about the status of that garage. The applicant is proposing to maintain and renovate the
62 multi-family apartment building and then construct three new townhomes detached from that apartment
63 building along Lexington Avenue that would remove the long common curb cut that provides some
64 perpendicular parking spaces on site, the parking would then be located to the rear of the townhomes with
65 access off of Maplewood Drive. The applicant was before the Planning Board on a conceptual basis a

1 couple months ago, received what I thought was fairly positive feedback, this is the formal application.
2 Procedurally, upon submission of the EAF, the Board should declare its intent to be Lead Agency under
3 SEQRA, I believe it's an unlisted action. The conceptual, the site plan really hasn't changed much in terms
4 of building location and layout from the conceptual, there's been some improvements to the rear parking
5 area, there's not some proposed land banking of parking spaces in the rear, however there still needs to be
6 provided some additional details, construction details, lighting plan, landscaping plan, et cetera but we had
7 a comment memo with a number of comments, I'm happy to go over any of those items, if the Board had
8 any comments or questions.

9
10 Chairman Hertz stated alright, would the applicant like to present?

11
12 Mr. Alfonzetti stated sure, I'm here again. So the last time we were in front of the Board, one of the major
13 concerns was maneuvering, vehicle maneuvering in and out of the spaces, so we did have a maneuvering
14 plan that we did submit showing a couple of different scenarios, as far as coming in and out of probably the
15 toughest spots. As you can see, they all do work, we gave you a couple extra maneuvers to get out of some
16 of them but they all generally work. We have limited space behind the first three spaces on the left and
17 between the back of the car and curb on the opposite end, our aisle width is only, its less than the 24 feet
18 but we've compensated for that by making those spots wider, they're 11 feet wide. So I think our parking
19 maneuvering works and Jan is correct, we did not change the location of our buildings or the layout at all.
20 We did submit a landscaping plan and we did submit a lighting plan for review. Though we also did do
21 testing out at the site with the Town's consultant engineer staff and we also had the DEP there witnessing
22 the testing for our infiltration system located in the front of the building, I'm sorry, in front of the entrance
23 to the parking area. So, I mean that's everything, if there's any questions?

24
25 Chairman Hertz stated yeah, sorry.

26
27 Jan Johannessen stated just to, there was a landscaping and lighting plan prepared and submitted, the
28 lighting plan didn't provide any, a lot of information in it, it certainly did provide or demonstrate
29 compliance with the Village's lighting regulations. So if, and I think it was prepared by someone, it wasn't
30 on Ralph's sheets, so it would be helpful to have that shown on the site plan to really better understand
31 what's going on out there, the different lighting summary charts and the mins and maxes and average foot
32 candle measurements weren't really adequate to demonstrate compliance with the Code. The landscaping
33 plan would be, in a case like this, beneficial to work with the landscape architect, I think there were a lot of
34 existing trees that are on site that weren't necessarily shown to be removed on your existing conditions and
35 removals plan but likely need to be as a result of installing these retaining walls and I think there just needs
36 to be a little bit more information provided, in those two regards. Right there Ralph, that series of
37 evergreens along the property line there, on that side and then going along the southerly property line. Isn't
38 there a retaining wall going right up pretty much to the back of that property?

39
40 Mr. Alfonzetti stated yes.

41
42 Jan Johannessen stated and then the trees that are long the southerly property line, those are pretty old, I
43 think Hemlocks, you may want to consider the, not that they're on the adjacent neighbor's property but
44 there may be an opportunity to improve some of the landscaping along that property line.

45
46 Mr. Vigliotti stated Jan?

47
48 Jan Johannessen stated yeah?

49
50 Mr. Vigliotti stated what's the building coverage for the site?

51
52 Jan Johannessen stated I know Ralph [Alfonzetti] included it, I don't know it off the top of my head.
53 Ralph, can you go to the Zoning Table?

54
55 Mr. Alfonzetti stated yes.

56
57 Mr. Miley stated yeah, I could answer that Ralph, Jan let me take a quick peek at this thing. They're
58 looking for, I have it in my memo, just give ma second to pull it up. It's 84.19% being proposed,
59 maximum development coverage permitted for townhomes is 65%, 70% under the CN regulation.

60
61 Mr. Vigliotti stated so the question I have is, is what is the applicant going to do to bring down the 84.9%
62 and make it closer to compliance with the Code?

63

1 Mr. Crecco stated well there's not much we can do except cut parking spaces, I'm not sure, we're limited,
2 we need the variance. I'm not sure what else we can do unless Jan or some other staff member has some
3 good suggestions or Ralph. But I don't have answer for that because that's the only suggestion.
4

5 Mr. Vigliotti stated you have two proposed buildings, or three I guess, on Lexington Avenue, am I correct
6 on that?
7

8 Mr. Crecco stated that's correct.
9

10 Mr. Alfonzetti stated yes.
11

12 Mr. Vigliotti stated well, it's proposed so they're not there yet.
13

14 *Inaudible*
15

16 Mr. Vigliotti stated perhaps the buildings need to shrink, I mean 84.9%, it's all macadam, its all building,
17 there's very little, 15% landscaping for the site, you're over building the site and I think the Board needs to
18 take a much, much closer to work. We've done this with every single applicant that has come before us,
19 interesting very early on this evening, we have NY Luxury Motors comes before us, AutoNation and
20 they're 3% above what is building coverage and we're trying to get them to shrink it down and you're 15 to
21 20% above, it's not like this is, you're looking to build even greater on the site, I think you need to shrink
22 the buildings down so you can create less building coverage. I leave you with that thought. A question I
23 had for Anthony, at some point, when you get a chance, if you haven't already, if you can really zero in on
24 the engineering of the queueing of the cars to make sure the parking lot works. I know that its been
25 presented to us that it works, I want to make sure that indeed it does work.
26

27 Anthony Oliveri stated I did look at the turning movements that were provided, it seemed, as Ralph
28 Alfonzetti mentioned, you know, all of the maneuvers are possible, they work. They might not be ideal but
29 you know my thought was it was a better plan than previously submitted and he basically did what we
30 asked in making those work to the best extent possible, they work.
31

32 Mr. Vigliotti stated I appreciate that. I just want to leave the rest of the members with the thought that the
33 applicant is before us to add three buildings that are attached to one another but at the same time he's not
34 willing to comply he's going for a variance on 84.9% coverage of the site. I think it's just way too much
35 and I kind of leave you with that.
36

37 Anthony Oliveri stated one suggestion there, just I'm not sure, it's between the existing building and new
38 townhouses, and correct me if I'm wrong Ralph Alfonzetti, is that all impervious sidewalk area that maybe
39 can be...
40

41 Mr. Alfonzetti stated you're talking about this area here?
42

43 Anthony Oliveri stated in there and as it wraps around the back of that building, is that all needed to be
44 paved sidewalk?
45

46 Mr. Alfonzetti stated there's some stairs coming up here, maybe we can put a planting there underneath...
47

48 Anthony Oliveri stated it's not going to get you down to the 70% but it's something.
49

50 Mr. Alfonzetti stated it's something.
51

52 Jan Johannessen stated you had the land banked parking spaces, I'm sure that you included those as
53 impervious because you would need to if they ended up being constructed at some point...
54

55 Mr. Alfonzetti stated right.
56

57 Jan Johannessen stated but you know it's, those will be land caped or could be landscaped. The area
58 between the building, the apartment building and Maplewood, that triangle might be able to be further
59 landscaped. There's, I mean there's subtle changes that could be made but I think the Board is desirous of
60 having the townhouse development on this property, then there's, I don't think there's a way for it to really
61 comply with the development coverage, just given the existing condition. Can it get better? I think it
62 absolutely can but I'm not sure that you're going to make it to compliance and still get the intent of the
63 plan.
64

65 Anthony Oliveri stated does the 84%, Ralph, include the land banked or not?

1
2 Mr. Alfonzetti stated it does include it.
3
4 Anthony Oliveri stated it includes it as impervious surface?
5
6 Mr. Alfonzetti stated as impervious, yes.
7
8 Anthony Oliveri stated so maybe just a note with the land banked what it would be, you know while, as
9 long as it remains as land banked spaces and it remains with plantings, what the coverage would be in that
10 condition.
11
12 Mr. Alfonzetti stated we can do that and...
13
14 Anthony Oliveri stated just as an asterisk.
15
16 Mr. Alfonzetti stated and just to note, there's a large concrete apron that was installed on Lexington that
17 goes into the existing parking area, we are going to be removing that and planning some street trees along
18 Lexington as shown on the landscape plan, right in this area here. So that is some area that we, that was
19 impervious, that we're creating planting that's not counted because it's off our site.
20
21 Jan Johannessen stated Ralph, is this an area that has a grass strip next to the sidewalk?
22
23 Mr. Alfonzetti stated it does further down towards Maplewood but in this area here, it's all paved from the
24 curb right into the existing parking area.
25
26 Jan Johannessen stated I know its offsite but maybe there's, it looks, it kind of looks like a pretty wide area
27 between the edge of pavement and the property line and buildings there, maybe there's an opportunity to
28 you know, increase the green spaces on the streetscape.
29
30 Mr. Alfonzetti stated absolutely and we are doing it to an extent but I don't count it as you know, as part of
31 my 15% [inaudible].
32
33 Anthony Oliveri stated yeah but I think enhancing that would just help with the variance that's needed, I
34 think.
35
36 Chairman Hertz stated let me ask a question, parking counts, you've by removing the drive or that large
37 curb from Lexington and where you're currently driving, where the buildings are proposed. You get some
38 additional parking, right?
39
40 Mr. Crecco stated three spaces, yes.
41
42 Mr. Alfonzetti stated right.
43
44 Chairman Hertz stated three spaces...
45
46 Mr. Crecco stated three spaces...
47
48 Chairman Hertz stated okay, so your counting those towards...?
49
50 Mr. Crecco stated no.
51
52 Mr. Alfonzetti stated I am not, no.
53
54 Chairman Hertz stated you have not?
55
56 Mr. Alfonzetti stated I have not, I just noted it but we are not counting them as our spaces.
57
58 Vice Chair Bainlardi stated Chairman, can I make a comment?
59
60 Chairman Hertz stated yeah, please.
61
62 Vice Chair Bainlardi stated just in an effort to not take too many steps backwards, if we can remember a
63 little bit about where we were with this application and how we arrived at where we are right now. One of
64 the, there were several things that we, that I think we all commented on and appreciated in the application,
65 one of which was the elimination of the large curb cut on Lexington Avenue, the parking that's utilizing

1 that parking lot and that curb cut on Lexington Avenue and trying to achieve a better appearance at an
2 improved site. Accepting Ralph's comment and appreciating Ralph's comment, and trying to get as much
3 green area as we can, we just have to weigh it and continue to weigh it and balance it with all of the other
4 objectives that are being achieved here including a better circulation in and out of the property and the
5 improved appearance on Lexington Avenue. So there's going to be some money invested here to improve
6 the site and its unlikely we would be able to get that achieved and at the same time achieve complete
7 zoning compliant but I think the direction that we gave to the applicants on at least one meeting and I think
8 it was at more than one meeting, that this was an application that was laid out in a way that we thought was
9 an improvement, some of the buildings are going to come that we'd like to see come down and there was
10 going to be improvements to the existing building on the corner. So we have to just keep in mind all of
11 those, all of those other benefits that are going to improve to this site and not just focus on the one in a
12 vacuum. We should definitely heed Ralph's comment and make it as good as we can but understand that
13 there is a trade-off.

14
15 Chairman Hertz stated thank you John for your perspective. Other Board members, comments? Thoughts?

16
17 Ms. Pickard stated I agree with John. I am familiar with this area, I walk up there quite a bit actually and
18 this is a significant improvement to the site. Of course we want as much green space as possible, water is
19 always an issue over there, [inaudible] is everywhere so you know any where we can squeeze impervious
20 coverage, absolutely I am for that. All in all, this is definitely an overall improvement to the site.

21
22 Chairman Hertz stated yeah, so I would agree with both those statements but obviously Ralph has a very
23 important point which is we're always trying to make things conform to the best of our ability because that
24 represents a good Planning for the future as well. So with that said, I have a couple of thoughts, one, the
25 land banking of this space, if we're not using those spaces and we have create offsite spaces that admittedly
26 can't be used, can I variance be sought for that?

27
28 Mr. Miley stated sure, they're required 18 spaces, they're proposing 14. So it will be a 4 car variance, 4
29 space variances.

30
31 Chairman Hertz stated and three new spaces are being created on the front of the site.

32
33 Mr. Miley stated yeah but it's on Village property.

34
35 Chairman Hertz stated I understand but nevertheless three spaces are going to existing on existing
36 pavement, pervious surface where they didn't exist before. Additionally, we'll be getting back some green
37 space in the sidewalk area and I'd look very carefully as to how we can design that to create a, to enhance
38 that streetscape across there. But I would be very interested in understanding if we did not have the land
39 banked space or those two spaces taken into building development coverage, not building coverage but site
40 development coverage where the site falls out with regards to overall...

41
42 Mr. Miley stated coverage.

43
44 Chairman Hertz stated what our coverage number is, so I think you should really do everything you can to
45 look at every corner of this property for how it can be improved from a green space perspective. But
46 knowing that cars are going to be what they are, I think you know, until you start stacking cars, I think this
47 is where you're going to be. So, that's my, those are my comments. Anyone else on the Board? Mike?

48
49 Mr. Bonforte stated I'm not muted, okay. I'll just say that I agree with Ralph's comment as one member of
50 the Board, I'd like the applicant to know that I think it's too crowded in the back, car wise. And knowing
51 the street and I could go on and on, I just don't think its ideal with the number of units and the number of
52 spaces required that I would in favor of a variance, on either the parking spaces or the development
53 coverage.

54
55 Chairman Hertz stated okay. Procedurally Jan, what do we have to do here to move this forward?

56
57 Jan Johannessen stated well this is the formal application, the applicant had been before the Board
58 conceptually during the midst of formal review. I mentioned that they should submit the EAF, so you can
59 declare your intent to be lead agency and get the SEQRA process going and hopefully the applicant can
60 make some improvements on the development coverage, maybe they'll answer the Board's comments. But
61 yeah, there's not much to do procedurally other than get SEQRA in motion and then at some point when
62 the plans progress a little a further, scheduling a hearing.

63
64 Chairman Hertz stated alright, Ralph and Anthony, do you have questions of us?

65

1 Mr. Alfonzetti stated Jan, wasn't there an EAF submitted with the initial submission?
2
3 Jan Johannessen stated if there was Ralph, I missed it.
4
5 Mr. Crecco stated yeah, there was.
6
7 Jan Johannessen stated is it consistent with this plan?
8
9 Mr. Alfonzetti stated yeah, it hasn't changed much, so yeah it would be consistent.
10
11 Jan Johannessen stated okay, so if there's an EAF on file and I take your word for it, the Board could act to
12 declare its intent to be Lead Agency this evening and we can get that ball rolling.
13
14 Chairman Hertz stated well let's do that...
15
16 Mr. Crecco stated I just have two comments and a question. Can you see my cursor? I don't know if you
17 can see my cursor but the house that was on the property in the rear, that's been long gone, I'm not sure if
18 you're aware of that. As the garage has been demolished about three weeks ago, so those two structures are
19 now gone. The only thing that remains is [inaudible] foundations that were part of the house, just to retain
20 the dirt just until we start construction.
21
22 Mr. Miley stated Anthony, I wanted to just follow up...
23
24 Mr. Crecco stated yes.
25
26 Mr. Miley stated you're saying that that garage where they were storing mattresses is gone?
27
28 Mr. Crecco stated it's gone, yeah.
29
30 Mr. Miley stated wow, okay, I'll swing by there and check.
31
32 Mr. Crecco stated I took it down, there's just one corner that I needed a hammer to break it but its gone, it's
33 98.9% gone.
34
35 Mr. Miley stated okay.
36
37 Jan Johannessen stated question for the applicant. Do you feel that, how many parking spaces are proposed
38 less the on-street parking?
39
40 Mr. Crecco stated fourteen, plus to the two land banks and the three on the street.
41
42 Jan Johannessen stated do you feel that that's the right number in terms of the number of parking spaces
43 you require? Are you maxing out the parking area because you have to from a Zoning perspective?
44
45 Mr. Crecco stated we're maxing it out from the Zoning perspective, yeah.
46
47 Jan Johannessen stated I'm just wondering, maybe, is there an opportunity to address some of the Board's
48 comment by maybe seeking a greater variance or land banking a greater number of parking spaces and
49 reducing the number spaces...
50
51 Mr. Crecco stated so shrinking the size of the parking lot...
52
53 Jan Johannessen stated right.
54
55 Mr. Crecco stated and adding more land banking back here?
56
57 Jan Johannessen stated yeah, I mean you should have a pretty good idea of the number of spaces you need
58 because that building exists today, modified [inaudible] really just...
59
60 Mr. Crecco stated right.
61
62 Jan Johannessen stated proposing three new townhouse units.
63
64 Mr. Crecco stated yeah, the parking lot of designed with the Zoning Code in mind.
65

1 Anthony Oliveri stated I think the problem is though as long as they remain, if they're listed as land
2 banked, it has to be included in the calculation. It would be more showing a need for less parking and
3 getting a variance on the parking...
4
5 Mr. Polese stated is that what Jan...
6
7 Anthony Oliveri stated Jan is saying to land bank...
8
9 Jan Johannessen stated I was saying either or...
10
11 Anthony Oliveri stated right.
12
13 Jan Johannessen stated the land banking, at least if you need them they're there, a variance is forever. So
14 it's...
15
16 Chairman Hertz stated so Anthony, I think we're trying to get to is Code does require a specific number of
17 spaces but if you through the experience with the existing building plus what you believe to be the case on
18 the three new townhouses, think that you're going to have more parking spaces than you need. Maybe
19 that's what we should be designing for and convincing the Zoning Board that that would be appropriate and
20 you know, not that we control the Zoning Board but if we can concur with your understanding and use of
21 the site, we can always make a recommendation to the Zoning Board that we think this is a good idea, that
22 sometimes carries some weight.
23
24 Mr. Crecco stated okay, so Jan, are you suggesting that so that we can try to meet that site development
25 coverage and reduce that variance?
26
27 Jan Johannessen stated yeah, maybe also you know, it is a tight parking area because there's so many
28 parking spaces, maybe you can make the parking spaces that you do proposed more functional, create some
29 green space, it was a suggestion. If it works, it has to work too, you have to have parking spaces...
30
31 Mr. Vigliotti stated I would think the, only advantage to that is if Doug had spoke on it, is to create a
32 streetscape, right now there is no streetscape, right now it's al sidewalk, there's not one ounce of landscape
33 in front of those three townhouses. So while we may bank in the back and create more greenspace in the
34 back, the passerby sees three townhouses right on the sidewalk with absolutely no greenspace. So my
35 thought is, how do you take two or three feet off of the length of these townhouses, maybe make them a
36 little wider so you can create some streetscape. We really haven't talked about the size of the townhouses
37 whether there's basements, full attics, whether its three bedrooms or four bedrooms, we should talk a little
38 bit more about that.
39
40 Mr. Crecco stated yeah, okay, I can do that right now, let me, can I share my screen?
41
42 Mr. Miley stated yeah, Chairman can I just touch one thing before we move forward because we were
43 talking about parking.
44
45 Chairman Hertz stated sure.
46
47 Mr. Miley stated I just wanted to bring to the Board's attention, they have a 1,200 square foot retail space,
48 under the Code it requires six parking spaces. I go around the area a lot, I don't think it requires six
49 parking spaces, not from a Code perspective but I see most people talking to the store. Perhaps Anthony
50 could you know, talk to the owner of business and see what their actual needs are and maybe we can reduce
51 parking in that manner as well.
52
53 Mr. Crecco stated okay.
54
55 Mr. Miley stated yeah because I don't think you need six spaces for that small retail space.
56
57 Mr. Crecco stated yeah, I agree, I think its 95% walking but I just, I can't share my screen, it says while
58 other participant is sharing.
59
60 Mr. Alfonzetti stated there you go, Anthony.
61
62 Mr. Crecco stated okay, so I just wanted to address the actual question on the units. I thought we did that
63 the last time but maybe not. Okay, so alright, so obviously this is what we've got now, this is what we're,
64 what we're proposing. So these are the three townhouses, this is the existing building, these are the three
65 townhomes, they're about 18, 17'8" by 31', I'd have to check with the architect to see if they can be

1 reshaped, I'm not sure. There is a basement, you know so there's an entrance, the entrance is in the front,
2 so there's a basement and then you come up to the main living area, you have a living room, a dining room,
3 a kitchen, you have a powder room and then you go up to your second floor and you have two bedrooms.
4 You have a bedroom in the front with its own bath and you have another bedroom here with its own bath
5 and let's see, I think the washer and dryer is on the...

6
7 Ms. Pickard stated its in the kitchen.

8
9 Mr. Crecco stated I thought it was on the, the washer and dryer is yeah, right there. Let's get back upstairs,
10 and that's it. There is an attic but it's just you know, storage. So there's two bedrooms, living room,
11 dining room, kitchen and basement.

12
13 Mr. Bonforte stated quantify that again Anthony, Mr. Crecco. I read five units, two bedrooms and two one-
14 bedrooms, so total of seven units.

15
16 Mr. Crecco stated yeah, well you have three here and you have four in the existing building. So three plus
17 the existing four, is seven.

18
19 Mr. Bonforte stated okay.

20
21 Mr. Crecco stated right. So the existing building, this is your store area on the ground level to the basement
22 here where the furnace is, then you have one apartment, two apartments on the main floor, this apartment is
23 a kitchen, a living room and a bedroom, so this is a one bedroom, the apartment on the other side is a two-
24 bedroom and then on the third floor of the existing building you have two apartments, this apartment is a
25 one-bedroom and this apartment is a two-bedroom. So that's how we get the counts of the bedrooms, three
26 new units plus four existing.

27
28 Mr. Bonforte stated yeah, so I look at it as seven households and then I look at it, what would be the typical
29 average car ownership, you know a need for parking spaces, I look at the required, et cetera and maybe the
30 retail space, I think it was Peter that just suggested maybe there's some room there to improve that
31 differential.

32
33 Mr. Crecco stated right, so just to tell you how it's been from experience, this parking lot has six spaces,
34 these tenants have been in this building since before I took ownership, I took ownership in 2008. If you
35 drive here when these people are home at night after work, you'll see most of these spaces are empty. So
36 only two tenants have cars and the other people either walk or take public transportation, that's how it's
37 been.

38
39 Mr. Bonforte stated I'd like to disagree with you, I know the area quite well, I used to know the tenants,
40 there was long term tenants there in the back, a well-known family. The parking Anthony on Maplewood
41 Drive has always been a problem, parking on the curb and the parking in the front tends to be full at night.
42 So I'm concerned, again, as they said as one Board member.

43
44 Mr. Crecco stated I understand, I'm just telling you what the existing conditions are.

45
46 Mr. Bonforte stated during the day there's plenty of spaces, I understand but again I'm concerned about
47 turning out of the parking lot and how do you get through the street at some times at night, I mean, it's not
48 an easy task.

49
50 Mr. Crecco stated it's not but you know, I also kind of want to get a feel here because I don't want to start
51 designing things and then get denied and then I may have to reconsider the whole thing and just building a
52 parking lot in the front to satisfy this existing building. You know, as one Board member mentioned, I'm
53 going to be putting some financial, a decent amount of money into this project to create what we believe is
54 a beautiful looking site to match this site here. So I would like to get a little direction for me from either
55 the Chairman or somebody here, so that I don't kind of spin my wheels and spend money on designing
56 plans that are is going to even have a chance. And then if that's being the case, then I'll just extend parking
57 lot and you know, so I would like to hear some feedback on that.

58
59 Mr. Bonforte stated well before anyone else answers, I'd like to say, what I'll do as one member of the
60 Board and one vote, I'll spend time with Peter Miley and just address some of my more specific questions,
61 you know offline, in his office, just to get to know the property and your proposal better. Okay? Because I
62 do want to see it succeed, I think it's beautiful...

63
64 Mr. Crecco stated yeah.

65

1 Mr. Bonforte stated I just think it's right and I've always been, again because I have a personal connection
2 to the property and in the past I used to have to drive there, et cetera, et cetera, so, I will do that for you.
3

4 Mr. Crecco stated I understand and I want to see this project built too but at the same time I hope you can
5 appreciate where I'm coming from.
6

7 Mr. Bonforte stated certainly do, certainly do.
8

9 Chairman Hertz stated the, you know this is, you know the Board doesn't vote as a block, no one gets their
10 arms twisted so you have seven members and seven opinions and we often come to a consensus after you
11 know working on a project that we've made it the best it can be and we generally, and we'll approve it and
12 I think you've heard, you know we went through a conceptual on this, so I think you heard very positive
13 feedback from Board members at that point. What you're hearing now as we start to get into them more
14 details are the legitimate concerns that we're trying to see if we can improve. So one of the things that may
15 work in your favor is doing this parking analysis and its very possible that you'll have to build, maybe the
16 answer that we get behind you building a little bit less parking back there so that we can have a little bit
17 more greenspace.
18

19 Mr. Crecco stated right.
20

21 Chairman Hertz stated so I think, that's what I'm hearing but you know your ears as good as mine. So I
22 think we would encourage you to move forward with this but you have heard Ralph's concerns, you've
23 certainly heard Mike's concerns, I think you've heard some very positive stuff from other members of the
24 Board.
25

26 Mr. Crecco stated yup.
27

28 Chairman Hertz stated you know at the end of the day, you need four yes votes, that's all it takes to get
29 approved but you obviously do have some stuff in front of the Zoning Board as well. So we would like to,
30 as a Board, agree that we made the, work with you to make the project as good as it can be and that we can
31 make a recommendation to the Zoning Board that the variances you need are variances that you actually
32 need and that we couldn't find a better way to achieve that result.
33

34 Mr. Crecco stated okay.
35

36 Mr. Vigliotti stated one last thought. You have on the screen the existing streetscape and in front of the
37 commercial, the retail store, you have a greenspace there with a tree. Would you be continuing that up
38 Lexington Avenue.
39

40 Mr. Crecco stated we would, yes, we would.
41

42 Mr. Vigliotti stated you would be continuing that up...
43

44 Mr. Crecco stated it will be continuing and Ralph Alfonzetti, are we adding two trees or three, two yeah.
45

46 Mr. Alfonzetti stated it's two.
47

48 Mr. Vigliotti stated that's very positive, adding the trees and adding bringing up that landscaping. That
49 kind of settles a few things in my head. I kind of agree with Mike and Peter that six cars for the
50 commercial retail is probably too many, most people would love to just drive into one of those three
51 parking spaces if they needed to park to go into the retail, so I originally thought that you were trying to use
52 those three spaces for the townhouses...
53

54 Mr. Crecco stated no.
55

56 Mr. Vigliotti stated but I think its more in line with the retail building that you can those retail spaces and
57 maybe give up three out of the six spaces in the rear.
58

59 Mr. Crecco stated yeah, that's what I, that's what we envisioned, keep these extra three and the two that are
60 here, now these five spaces people will pull up and go into...
61

62 Mr. Vigliotti stated so some positive things, I like the streetscape that you're continuing that all the way up
63 through the property, as I said, that settles a few thoughts in my head, thank you for that.
64

65 Mr. Crecco stated you're welcome.

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Chairman Hertz stated that's obviously going to require an agreement with the Village because that's Village property but I'm sure that the Village would be happy for those kinds of improvements.

Mr. Crecco stated just so you're aware, this curb cut, this drop curb here, this was done by the Village five or six years ago, this was greenspace, I don't know why they did this.

Anthony Oliveri stated it's actually Westchester County.

Mr. Crecco stated oh Westchester, because I didn't do this because this was, this part here was just the way you see it. So I didn't know it was the County, I thought it was the Village.

Anthony Oliveri stated yeah, I don't think the County would object to putting a full line curb and a planting area back.

Mr. Crecco stated okay.

Chairman Hertz stated alright, so...

Vice Chair Bainlardi stated one other thing Doug because along the lines of what Ralph is saying because Ralph is right, you've been getting that band of green in front and some trees, that helps on the streetscape and then depending upon what the applicant, what conclusion they can come to on their parking requirements or needs. If they were to step back, they don't even have to step back all three of the townhouses but even if they step back each one, so they get a little bit of space between the front property line and the townhouses, they could create some planters, they could create some planting in front, right in front of the buildings to help with some greenspace, or some planting other than the architecture itself. I mean just the architecture and having some articulation in the front façades of these buildings, helps a lot in any streetscape. One of the things that it doesn't have to be green per se but there are ways in which you can get some additional planting by maybe pushing the front of this, even back a couple feet where you can get some planters in there, where you could get, you could do things, so just use your imagination, you know what we're trying to achieve and you understand what we're trying to balance, we don't want to lie to one another on what the needs are but I do think that this is close to Town, it's supposed to be transit orientated development, the hope is that you're not going to have people coming here who have three cars a piece and they're going to be some people who use the train and walk. And you did pick up a couple of extra spaces, public spaces in the street, that don't exist now. So that's...

Whitney Singleton stated John, let me just clarify something, there is no parking allowed there now. So there's not parking allowed anywhere to the south of this building, there's no parking signs to the south of this building.

Vice Chair Bainlardi stated so picking up the additional, picking up the parking spaces in the street, is that going to be permitted there?

Whitney Singleton stated right now it's prohibited and they've been eliminating because of the traffic on the Lexington corridor, they have eliminated on-street parking on Lexington Avenue in certain areas and it's not presently permitted here. If you look to the south, there's a sign that says no parking and below that is says no parking here to curb. So presently, it's not allowed and that drop curb has been like that since at least 2000, if you look at the historical aerial photographs.

Vice Chair Bainlardi stated so who has to approve the parking spaces in the street? Is that Westchester County and the Village?

Whitney Singleton stated Anthony is right that the County did the repaving and curbing and what they did was they maintained what was there or they tried to get rid of as much drop curbing as possible and this would obviously be able to get rid of some more drop curbing but it's always been that way be the County will not approve, generally speaking, they will not approve anything that involves backing out onto a County highway.

Anthony Oliveri stated does the County control the signage and the parking there or is that Village Board?

Whitney Singleton stated no, the Village has removed parking from Lexington Avenue, not the County.

Anthony Oliveri stated right.

1 Jan Johannessen stated but the likelihood of them restricting parking is probably that huge curb cut, I mean
2 obviously you can't park there right, so...

3
4 Whitney Singleton stated but if you look at the other end, Jan, as you get closer to the Village, like in front
5 of the old Armonk North building, they've eliminated all the parking that used to be there as well.

6
7 Jan Johannessen stated a lot of that had to do with the school hill and making turns out of the school hill.

8
9 Whitney Singleton stated yeah, that's true.

10
11 Jan Johannessen stated but this is uphill of that.

12
13 Whitney Singleton stated but they've also eliminated parking in front, I don't know exactly where it is, on
14 Gregory Avenue down to Gregory Avenue. But I'm just saying the trend on Lexington Avenue, they've
15 eliminated the parking in front of the dry cleaners across the street from the mutual building. They've
16 eliminated all the way up and down Lexington Avenue.

17
18 Chairman Hertz stated alright, so rather than digging into that right now, I think its worth having that
19 conversation with the Village to understand if we would or would not be picking up additional spaces there
20 that's not for tonight's...

21
22 Vice Chair Bainlardi stated it may require a County permit too because Lexington there is a County road?

23
24 Whitney Singleton stated yes.

25
26 Vice Chair Bainlardi stated the County 239-F, you're going to need some County approvals to deal with
27 that curb cut and any improvements on the street there.

28
29 Chairman Hertz stated alright, so back to an earlier discussion, the EAF, so Jan, assuming that we do have
30 the EAF submitted, what do we need to do tonight?

31
32 Jan Johannessen stated declare intent to be lead agency.

33
34 Chairman Hertz stated does that require a vote?

35
36 Jan Johannessen stated it does.

37
38 Vice Chair Bainlardi stated make a motion...

39
40 Chairman Hertz stated I make a motion that declare ourselves lead agency for this application.

41
42 Mr. Polese seconded the motion.

43
44 Vice Chair Bainlardi stated that's declaring our intent to be lead agent, correct?

45
46 Jan Johannessen stated yes.

47
48 Chairman Hertz stated that's hopefully what I said but it's late, so I probably didn't say that but thank you.
49 Alright, enough on the discussion, Michelle would you poll the Board?

50
51 **UPON ROLL CALL VOTE:**

52
53 **Chairman Hertz** - **aye**
54 **Vice Chair Bainlardi** - **aye**
55 **Mr. Vigliotti** - **aye**
56 **Mr. Bonforte** - **aye**
57 **Mr. Polese** - **aye**
58 **Ms. Pickard** - **aye**
59 **Mr. Hochstein** - **aye**

60
61 **The motion carried by a vote of 7 to 0.**

62
63 Chairman Hertz stated alright, so, it sounds like you have a little bit of homework to do on the site, there's
64 going to be a discussion, I think you need to have a discussion with the Village and possibly with County

1 with regard to the streets and what can be accomplished there and then let's see you back here as soon as
2 you're ready. Mr. Crecco, do you have any other questions of us? Because I want to give you...

3
4 Mr. Crecco stated yeah, I'm going to ask but I think you already answered it. So we're not far enough on
5 the plan to go to a public hearing, right?

6
7 Chairman Hertz stated I think we need to think the plan flushed out just a little bit further, I think there
8 were comment memos from Staff that needed to be addressed and I think you heard a few more comments
9 tonight but I think we can, I think we're going to be close but let's go those questions answered about
10 parking so that we can have the, a plan that includes all the proper parking, and that are in agreement on
11 and then we'll go to public hearing.

12
13 Mr. Crecco stated okay. Thank you.

14
15 Mr. Miley stated Chairman, Chairman, if I could interject for a second...

16
17 Chairman Hertz stated yes.

18
19 Mr. Miley stated I think it warrants one more Staff meeting with Village Counsel, myself, Anthony and
20 Jan, there's a number of items that are still, not significant but some things that still need to be addressed in
21 order to get this as compliant as possible with regard to Zoning, not just parking.

22
23 Chairman Hertz stated meeting with the applicant.

24
25 Mr. Miley stated yeah, correct.

26
27 Chairman Hertz stated so Ralph and Anthony, if you can schedule a meeting at your earliest convenience.

28
29 Mr. Crecco stated I will.

30
31 Mr. Miley stated at that time, we'll also make some recommendations, how they can reduce the
32 impervious.

33
34 Mr. Alfonzetti stated okay.

35
36 Mr. Crecco stated you got it, thanks Peter.

37
38 Mr. Miley stated you're welcome.

39
40 Chairman Hertz stated thank you very much gentlemen.

41
42 Mr. Crecco stated thanks very much guys.

43
44 Mr. Alfonzetti stated thank you.

45
46 **D. Homeland Towers – Mount Kisco Wireless Telecommunications Facility – 180 South Bedford**
47 **Road**
48 **PB2020-299, SBL 80.44-1-1**
49 **Site Plan and Special Use Permit**
50

51 Mr. Robert Gaudio of Snyder & Snyder and Mr. Klaus Wimmer of Homeland Towers were present.

52
53 Chairman Hertz stated the next application is Homeland Towers, Mount Kisco wireless
54 telecommunications facility at 180 South Bedford Road. As my firm, does have an application on the same
55 site, I am recusing myself from this and Vice Chair Bainlardi will be hearing this application.

56
57 Jan Johannessen stated I'd just like to indicate that I am recusing myself on the application, I had sent a
58 letter to the Planning Board and Village Board this afternoon, so I am going to leave the meeting.

59
60 Vice Chair Bainlardi stated thank you. Okay, so this is the formal application Homeland Towers, Mount
61 Kisco Wireless telecommunications Facility at 180 South Bedford Road. This is a site plan and special use
62 permit application, we do have a number of submission items, including a letter from Robert Gaudio for
63 Snyder & Snyder, it is a cover letter dated 8/18/20. We have a letter from Klaus Wimmer, Regional
64 Manager for Homeland Towers which is a submission letter dated 8/18, there is a visual assessment done
65 by Saratoga and Associates on behalf of the applicant dated 8/29. We have an FCC compliance report,

1 prepared by Pinnacle Telecom group also dated August 11th, that has been submitted on behalf of the
2 applicant as well. We have some memos that have been provided to the Planning Board by Staff, including
3 the Village Engineer, Anthony Oliveri, who's memo is dated 9/3, we have a memo from Peter Miley,
4 Building Inspector dated 9/1. Additionally, we have some correspondence we received from members of
5 the public as well from the Chairman of the CAC, John Rhodes, he has a memo dated 9/8/20, we have a
6 letter from the Ronski Family, which was received 8/29, which also addressed some comments on the
7 solar application and then a letter or a memo received from John Stockbridge, acting on behalf of the Marsh
8 Sanctuary and that is dated 9/7/20. The latter two are opposition letters, I would characterize them as and
9 there is some, some comments and some concerns that have been expressed by the Mount Kisco
10 Conservation Advisory Council. We have some issues that as a Board that we're going to need to deal with
11 in this application, one of which is the question that has been raised, first in connection with the solar
12 application for this site and some concerns and comments about the SEQRA review now that there are two
13 applications for two different uses on the site and some concerns about whether or not the SEQRA review
14 needs to be performed simultaneously or if not, there's the potential for improper segmentation but there
15 may also be the potential for permissible segmentation. This question is going to be discussed in the next
16 couple of days, its been discussed previously by this Board with Counsel, we're going to do that again and
17 we're going to make a determination, hopefully this week on how we intend to proceed with the
18 environmental review of the current application, as well as the existing application. As Jan indicated
19 earlier, he has recused himself and he's also will be recused from any segmentation issue or SEQRA
20 review on the existing solar application. So we will, this Board will be retaining the services of one or
21 more consultants over the course of the next couple of weeks to review the pending application on behalf of
22 the Board and both from the technical aspects of the Homeland Towers application potentially the SEQRA,
23 the technical review of the application. So with that, Peter, I'm just going to ask you to maybe give us a
24 brief overview, you don't need to get into the weeds too much, then we'll let the applicant present their
25 application. Before you do that, this is the first time this application is before this Board, it is not a public
26 hearing for this particular application, so we will not be entertaining comments from the public. The public
27 is, as always, free to submit any comments that they may have at any time during the process in writing and
28 then there will be a public hearing on this application, at which time the public will be afforded the
29 opportunity to make verbal comments as well.

30
31 Mr. Miley stated I can't open it up for you.

32
33 Mr. Pietrobono stated I would like make the objections [inaudible] exercise public comment...

34
35 Mr. Miley stated they don't, they don't...

36
37 Mr. Pietrobono stated made available, I went on the website on Friday...

38
39 Mr. Miley stated they don't hear you Rex, bear with me Chairman Bainlardi. They don't hear you right
40 now, there's not public comments being entertained today, this is not an open public hearing. Whatever
41 you'd like to submit to might tonight, I'll accept, I'll post it and present to the entire Board, you'll have an
42 opportunity to speak when it becomes and open public meeting but tonight, at tonight's meeting is their
43 initial presentation, they have not been before this Board. This is an application that's separate from the
44 Solar Farm, although it's on the same property, it's separate from the Solar Farm. And you'll have plenty,
45 more than ample opportunity to speak multiple times, just not this evening.

46
47 Mr. Pietrobono stated respectfully, we were all lead to believe [inaudible]...

48
49 Mr. Miley stated I understand but, Rex, it's...

50
51 Mr. Pietrobono stated I can't [inaudible] to speak [inaudible].

52
53 Mr. Miley stated it's not an open public, it's the first presentation and there's nobody here suppressing your
54 ability or desire to speak, you just need to let the presentation move forward. I'm here just facilitating the
55 meeting, I have no jurisdiction, I'm not a Chairman, I'm just here as the Building Inspector but...

56
57 Mr. Pietrobono stated [inaudible].

58
59 Mr. Miley stated Rex, Rex, with all due respect, I can't stop the meeting from proceeding to argue with you
60 whether you can speak or not.

61
62 Mr. Pietrobono stated I'm not arguing, I'm explaining [inaudible].

63
64 Mr. Miley stated I completely understand and I'll be more than happy to take in writing tonight and when
65 you have an opportunity speak, we'll be more than happy to allow.

1
2 Mr. Pietrobono stated [inaudible] I'll just ask you to please note [inaudible] requested to speak and note his
3 objection to not be able to speak, that's all I'm asking.
4

5 Mr. Miley stated I can tell him that, sure. I'm not going to take questions here, I'm just here to facilitate
6 the meeting and Chairman Bainlardi, I think you heard exactly what Rex said, his displeasure of not being
7 able to speak tonight. But I think you made it clear tonight that's not a public hearing but with that said,
8 I'll just proceed with the application as you asked me to present before us, which is a new cell tower which
9 is 140 feet plus 5 feet of faux treetop, that will bring the total to 145 feet from the ground, it's located on
10 the same property where the Solar Farm is located, that's 180 South Bedford Road, which is a 25 acre
11 parcel that's located in the CD Zoning District, this is outside of the wireless district, so therefore it
12 requires the issuance of a Special Permit by the Planning Board, so long as they meet certain criteria and
13 I'm sure the attorney will be into the criteria. In addition to that, it would require Site Plan Approval and
14 Steep Slope Permit also issued by the Planning Board, in accordance with Code section 110-27.1 H, 110-45
15 A and 110-33.1 of the Village Code. If you want me to get more into this application or allow the applicant
16 to you know, present his application, I'll sit and talk with the two people that are currently here, so you
17 might not see me for a couple minutes.
18

19 Vice Chair Bainlardi stated and members of the public will be afforded every opportunity during the
20 normal course public hearing or as I indicated in writing. Anything that is sent in writing, is received,
21 distributed to all Planning Board members, is viewed by all Planning Board members, will be responded to
22 and reviewed to by our staff and consultants, as well as the applicant. So with that, I would like to turn it
23 over to the applicant to make their presentation.
24

25 Mr. Gaudioso stated good evening Mr. Chairman and members of the Board, thank you for your time this
26 evening. Robert Gaudioso of the law firm of Snyder & Snyder on behalf of the two applicants, just to two
27 confirm, this is a joint application between Homeland Towers and Verizon Wireless. As was mentioned
28 during the review session, Homeland Towers does provide the infrastructure and Verizon Wireless does
29 provide their facility, both on the tower and at the base of the tower to provide their personal wireless
30 services. Their facility is a 140 foot tower designed to resemble an evergreen tree with branches extending
31 to a height of 145 feet. The facility is outside of the Personal Wireless Service Facility overlay district in
32 the Village Code, therefore pursuant to section 110-27.1 H, there are four factors required for the applicant
33 to prove to establish the issuance of a Special Permit from the Planning Board. We also require Site Plan
34 Approval and a Steep Slopes Permit for this application, which we applied for. Essentially, the four factors
35 include that there is a need to be able to provide service to an area of the Village that currently has
36 inadequate service as part of that process, what we submitted was a radio frequency justification report
37 prepared on behalf of VCOMM Engineering. They had the report signed and sealed by a professional
38 engineer, as required by your Code and that showed the coverage from all of the surrounding existing sites,
39 both within the Village and outside of the Village and the proposed coverage that would provide areas of
40 coverage throughout the Village and also along the Route 172 corridor heading to 684 in the Town of
41 Bedford. That report includes coverage maps showing exactly where the areas of coverage would be. The
42 second criteria is that facility or the coverage cannot be provided by a facility within the Overlay District
43 and again, we submitted that report that showed the Overlay District is about 5500 feet away from this area
44 in need of coverage. We showed that the existing tower in the Overlay Zone already has Verizon Wireless
45 on that tower and it is unable to provide the necessary coverage of this area. The third factor is that all
46 reasonable measures in citing the facility within the Overlay District have been exhausted, again we
47 included the radio frequency report that I mentioned earlier and we included an alternative site analysis
48 prepared by Klaus Wimmer of Homeland Towers going through all the different areas within the Overlay
49 Zone, colocation opportunities both within the Overlay Zone and outside of the Overlay Zone, including
50 towers and facilities within and without the Village. And again, we showed that it would not be possible to
51 be able to provide the necessary service from within the Overlay Zone. And then finally, that technical or
52 space limitations prevent location or colocation within the Overlay District, again we provided the two
53 reports that I just mentioned, which again show that Verizon Wireless is on the existing towers within the
54 Overlay Zone and within the Village and within the surrounding sites and we also looked at 13 additional
55 locations, including this location, 14 locations, show an alternative site analysis why this location was
56 selected on this 25 acre property. In addition to what was mentioned earlier, we did submit the compliance
57 report, showing compliant with the FCC radio frequency exposure guidelines, in fact the facility and even
58 two future possible facilities would still be cumulatively 45 times below the Federal limit. We submitted
59 an Environmental Assessment Form with a visual EAF addendum, we submitted the visual assessment
60 which shows the sight lines from surrounding areas and how the tower would be screened, specifically by
61 the higher topography located behind the location of the tower up in the area where the Solar Farm is
62 proposed. We did submit the full site plan and survey as well. Regarding the issue of potential
63 segmentation these applications, meaning the solar farm application and this new application are
64 completely independent uses under the definition of segmentation, they are not dependent upon one
65 another, they're clearly not reliant upon one another, therefore it is not segmentation, even if it were

1 segmentation, segmentation is not always prohibited. In fact, it could be permissive provided that there are
2 independent and no less protective of the environment, environmental reviews, we submitted all the
3 necessary documentation, both required under the Code and required under SEQRA for the Board to be
4 able to make that determination. With that, I'd be happy to answer any questions any of the Board
5 members or Staff may have and this evening, we ask that the Board declare its intent to be lead agency,
6 refer the application to the County Planning Board and also schedule a public hearing for this application.
7 Thank you Mr. Chairman.

8
9 Vice Chair Bainlardi stated before we entertain any questions, I think probably first and foremost, I think
10 someone should make the presentation on your team on what exactly it is that your presenting, so maybe
11 we could see the site plans and maybe some of those, the visual analysis that you had mentioned.

12
13 Mr. Gaudioso stated uh sure, I believe Mr. Wimmer is on to possibly post the site plan too, he's on the
14 Zoom meeting.

15
16 Mr. Wimmer stated I sure am, one moment please.

17
18 Mr. Gaudioso stated and while Mr. Wimmer is bringing up the site plan, I will mention the fact that we did
19 in our cover letter note the fact that this facility is subject to the strictures of the Telecommunications Act,
20 we laid out the various provisions of the Telecommunications Act regarding the fact that a municipal may
21 not prohibit service and that functionally equivalent competitors may not be unreasonably discriminated
22 against, we believe that under the Code, the Code section that I mentioned before are the four criteria that
23 the other Special Permit criteria are not relevant as we are not in the Overlay District and we believe that's
24 consistent with prior precedent and implementation of the Code, specifically with respect to the last tower
25 that was approved within the Village.

26
27 Whitney Singleton stated on Village land, correct?

28
29 Mr. Gaudioso stated correct, on Village land. The Telecommunications Act makes no distinction between
30 whether its Village or not Village land, that the Code requirements have to be applied consistency,
31 consistently among functionally equivalent competitors and we see no reason in the Code, on it's face, why
32 Village land would somehow be distinguished from private property.

33
34 Whitney Singleton stated even though the Village Board of Trustees has legislative powers that the
35 Planning Board doesn't?

36
37 Mr. Gaudioso stated I think that might be relevant under the typically common law or New York State Law
38 regarding Special Permits, I don't believe that that was the advice given at the time, that that was the
39 distinction but in any event it would be opposition that under Federal Law, whether the Village Board has
40 legislative power or whether the Planning Board doesn't, is irrelevant to whether applications are being
41 consistently reviewed under the Zoning Code.

42
43 Whitney Singleton stated so Rob, let me just clarify, so your position and arguably saying that it's the
44 Village's position that an application within the Wireless District has to comply with the numerous
45 regulations that exist. And for something that's not in the Wireless Overlay District, it has to comply with
46 four requirements?

47
48 Mr. Gaudioso stated correct.

49
50 Whitney Singleton stated okay, I just wanted to clarify that.

51
52 Mr. Gaudioso stated and I believe that's consistent with the position previously taken by the Village with
53 respect to the Crown Castle tower and the applicant's [inaudible].

54
55 Whitney Singleton stated on Village property.

56
57 Mr. Gaudioso stated again, there's not distinction in the Code and there's no distinction under Federal Law
58 between Village property or not Village property.

59
60 Whitney Singleton stated but I think there was a distinction made by the Village on that application.

61
62 Mr. Gaudioso stated again, under Federal Law, whether the Village made a distinction or not and I'm not
63 sure it did, it would still be discrimination without a basis.
64

1 Whitney Singleton stated okay and Rob, I'm sorry that I haven't had a chance to comb through everything
2 to date but with regard to the, with regard to your statement, with regard to exhausting other sites. You said
3 that you looked for other site including co-location, where was co-location sought with regard to this
4 application?
5

6 Mr. Gaudioso stated we had put in the affidavit of Mr. Klaus Wimmer...

7
8 Whitney Singleton stated right.
9

10 Mr. Gaudioso stated he looked at a number of locations, one I'll refer to as the Oakwood Cemetery and
11 Verizon Wireless is already on that facility and the coverage maps show that that facility does not provide
12 the necessary service to the existing Village property which was recently approved, although the Verizon
13 facility is not yet constructed, we show the service from that location and again, it doesn't provide the
14 necessary service. We also looked at the Guard Hill tower and there is a description from Klaus regarding
15 our efforts to try and reinforce that tower and the interested parties there weren't interested in having that
16 tower available for commercial wireless services. So we looked at all three of those locations, two of
17 which Verizon Wireless already has facilities, the third of which was not made available to Verizon
18 Wireless. And we also including in the application the proposed Verizon Wireless facility on the rooftop in
19 downtown portion of the Village, which its my understanding that's for capacity purposes and nevertheless
20 we did include that in the VCOMM report, to show that that facility, being online although not yet
21 approved, would still not provide the necessary coverage to this area of the Village. As part of the
22 VCOMM report, I know there was a comment before whether its serving inside or outside the Village,
23 obviously you know wireless service does not recognize municipal boundaries, more important wireless
24 users do to represent, do not acknowledge municipal boundaries when they're using their wireless service.
25 We showed that even on that Route 172 corridor, there are approximately 7,311 vehicle trips per week and
26 that's an important corridor leading in and out of the Village, leading to 684, leading to the hospital,
27 leading to the CareMount medical facility and obviously the downtown portion of the Village, so the
28 facilities necessary to provide coverage, obviously to the residences and businesses and residential uses
29 within the Village but also within that corridor for travelers in and out of the Village. This is the site plan
30 towards the top of the property, towards the top of map, you see Route 172, the existing access drive
31 serpentine off 172, after that second serpentine, we proposed a 100 foot by 12 foot wide gravel access
32 drive to lead into the facility, from that facility to 172 is an overhead power line. The solar facility is
33 shown to the bottom portion of that map and as you can see we have, we really have no shared use, we
34 have no overlapping impacts related to that facility and obviously the two facilities and Klaus, if you can
35 flip to the second page. This is the survey showing the area in question and if Klaus, if you can get to the
36 sheet showing the site plan detail.
37

38 Mr. Wimmer stated okay.
39

40 Mr. Gaudioso stated if you can go to the next page, actually, if you go to SP-2. So this is a detail of the
41 compound, the facility is located in the center of compound, we're proposing an eight foot, if you can go
42 back Klaus, we're proposing an either foot fence, I know one of the comments is that only a six and half
43 foot fence is permitted, we can certainly reduce the height of the fence or seek a variance for that. We're
44 proposing seven landscaping trees along the area of the access drive, where it meets the existing access
45 drive. We've shown both the compound and the Verizon equipment but also three other facility locations,
46 including for other wireless carriers and municipal service antennas. Homeland Towers always provides
47 space for Village municipal service entities free of charge on the tower and we make that space available
48 both on the tower and a space within that equipment compound. We show the tree removal, the grading,
49 the erosion control measures and things of that nature. Klaus, if you can go to the elevation drawing,
50 please. So the elevation drawing shows the tree design and again we've designed the tree, the top section of
51 the tree is for the Verizon Wireless antennas and equipment and then below that we have three other future
52 colocation spaces, to be able to encourage colocation on this facility, as is encouraged by your Code and
53 discourage the proliferation of additional towers. So both the tower and the compound facility have been
54 designed for future colocation of the possible commercial carriers in this area and also the municipal
55 service antennas. Are there any questions on the site plan?
56

57 Vice Chair Bainlardi stated I'll open it up to the Board now, anybody have any questions at this time?
58

59 Whitney Singleton stated I have a question as far as Staff is concerned. Why is the location that was
60 originally proposed modified to be closer to a residential building?
61

62 Mr. Gaudioso stated by relocating the facility, we were able to bring it closer to [Route] 172 to be able to
63 provide the service to that corridor but also be able to place the facility behind the existing topography
64 that's on the property and away from the solar facility.
65

1 Whitney Singleton stated but would you not be, if the solar facility needs 25 acres of land and you're taking
2 a portion of that land, wouldn't that essentially negate the solar facility's ability to move forward?
3

4 Mr. Gaudioso stated no, not at all. So, first the solar facility is not taking 25 acres land, the solar facility is
5 taking a much smaller footprint of the land, so no matter where we are on the property, we're not actually
6 reducing the 25 acres of the size of the property. The Code has a lot size requirement of 25 acres for the
7 solar farm, it doesn't have a requirement that the solar farm itself being 25 acres in size and in fact the solar
8 farm is much less than 25 acres in size. We're on a location of the property that is being unused or
9 proposed to be unused by the solar facility.
10

11 Whitney Singleton stated so what you're saying is your double counting the land for both applications?
12

13 Mr. Gaudioso stated I'm not double counting the land at all for both applications. The land is the land, the
14 land is 25 acres, we're using a little bit over 3,000 square feet of land, so whether the land is a requirement
15 of being on a 25 acre parcel, under the Code, is irrelevant to the fact that we're using much less than that.
16 We're using an area that is not being proposed to be used by the solar farm, we're decreasing the size of
17 the property, we're not proposing a subdivision of the property, and we're not proposing to reduce the 25
18 acres of the property. The way the Code reads is that a solar farm has to be located on a parcel that's 25
19 acres. Our compound is 2,542 square feet with a 100 foot by 12 foot access drive in an area that is
20 completely independent from the solar farm.
21

22 Whitney Singleton stated but you are proposing two principal uses on the site, correct?
23

24 Mr. Gaudioso stated we are proposing two independent uses, how the Code defines them whether they're
25 principal or accessory, I'm not really at liberty to say at this moment or opine on that.
26

27 Whitney Singleton stated well your application...
28

29 Mr. Gaudioso stated all I can say is this, at the end of the day, if the Village believes that this facility
30 requires any particular variance, we're happy to seek that variance, again within the Federal shot clock
31 timeframe of 150 days under Federal law and under the requirements of Federal law that a municipality
32 may not prohibit personal wireless service facilities and the service necessary when there has been a gap
33 demonstrated.
34

35 Whitney Singleton stated but there is no...
36

37 Mr. Gaudioso stated whatever Staff decides, whatever the Building Inspector determines as far as variances
38 that are or are not required we'll certainly process our appeal and/or seek such variances as we seem
39 necessary under Federal law.
40

41 Whitney Singleton stated as you see necessary, okay. So you are acknowledging or you're not
42 acknowledging that you have two principal uses on the site?
43

44 Mr. Gaudioso stated I am not acknowledging that at this point, I'd be happy to take a look at the Code and
45 take a look at that issue and see the relevance of it and whether the Code defines or does not define wireless
46 facilities as principal or accessory use.
47

48 Whitney Singleton stated okay, thank you. But with regard to the 150 day shot clock, just so that the Board
49 members are not misled by that statement and the allegation that or suggestion that there's a degree of
50 discrimination. I believe you're three or four of your application in Bedford, correct?
51

52 Mr. Gaudioso stated which application in Bedford are you referring?
53

54 Whitney Singleton stated Hickory Drive, Hickory Lane...
55

56 Mr. Gaudioso stated so whether another application is in day one or year three, is completely irrelevant to
57 this application, I can tell you...
58

59 Whitney Singleton stated I just want to provide the Board with some context.
60

61 Mr. Gaudioso stated well I can provide you with some context them. In other cases where the shot clock is
62 violated, the applicants has sought to enforce their Federal rights. So whatever is happening in Bedford or
63 in another municipality is irrelevant to this application and statements like that prejudicial and quite
64 frankly, I don't think that's necessary in this application.
65

1 Vice Chair Bainlardi stated Whitney, I just want to step in, please. So big picture this Board is going to
2 move in an expeditious fashion as it does and its intent to on every application that appears before this
3 Board. That doesn't mean we're going to rush, it doesn't mean that we're going to skip necessary review,
4 we're going to give the application the energy and the effort that its entitled to and we take under
5 advisement the 150 days. So our intent is not to drag out any application one second longer than it needs to
6 be dealt with and that's what we're going to do here. And what we're going to do here is we're going to
7 proceed in an organized and efficient fashion, we're going to review the application, we received this
8 application for the first time, we're seeing this for the first time, we're going to get advice of specialized
9 consultants to review this application, as this Board has done in the past. And we're going to ask Counsel
10 and the Building Inspector to weigh in on the zoning and point out that there are several letters that have
11 already come on, I mentioned and alluded to them earlier. Michelle, I'll ask that if you haven't submitted
12 them or distributed them to the applicant, you do so. There will be more, I can assure you that but the
13 comments in these comment letters are questioning some of the things that you and Whitney, Counsel has
14 just been discussing. Whether or not more than one use is permitted under the zoning, so and so forth, we'll
15 get to the bottom of all of this in an effective manner and let's not start, let's not start off on the wrong foot
16 here. We all recognize that this type of use is a type of use that is often frowned upon by members of the
17 community, particularly those who are adjacent to it, we're going to sympathetic to their concerns and
18 we're going to listen to every concern and make sure no stone goes unturned and we'll have complete
19 study. So with that, what else would you like to tell us about the application and what you're proposing?
20

21 Mr. Gaudioso stated so I think the and we appreciate your comments, we'd expect nothing less from the
22 Planning Board, we appreciate what you just said and we agree with everything you just said and quite
23 frankly we expect and we actually look forward to a rigorous review, so that way when the Board does
24 make a determination, the record is complete and that's what we would ask for. With that I will ask for Mr.
25 Wimmer to put up the visual analysis which includes sight lines from Saratoga Associates and again, the
26 question before as far as the location on the property, as you can see from, if you could leave that first map
27 up Klaus that would be very helpful. So leave this map, that's fine, the red dot shows the proposed
28 location, you see where the solar farm is and as you can see, there significant topography that's higher in
29 elevation and in many different directions surrounding the site. And as we all know, the Route 172
30 corridor is in a corridor, it's in somewhat of a valley, if you look at the coverage maps you can see how the
31 coverage is effected by that but as the coverage is effect by the topography, so are the sight lines and Klaus
32 is you can and the solar farm here is in the turquoise color show that that's not where we're located. Klaus,
33 you can go to the next map. So what we did is we had Saratoga Associates analyze various sight lines, A,
34 B, C, D, E and F and its difficult to see on a Zoom meeting but we encourage all the Board members to
35 take a look at these sight lines, they include the topography, the tree cover, the angles and as you can see
36 based on the varying topography from these various profile and sight line locations, you can see how the
37 tower is very well screened from both the topography and the existing vegetation. And we think that that
38 location on the property, closer to Route 172, not only helps with the coverage but also reduces visibility,
39 particularly from some of the surrounding residences and from the Sanctuary.
40

41 Whitney Singleton stated Rob, can I ask another question?
42

43 Mr. Gaudioso stated sure.
44

45 Whitney Singleton stated why have your provided sight lines solely for properties to the south? Why not
46 provide them to the residents of Bedford across the street, who will be impacted by the visual impacts?
47

48 Mr. Gaudioso stated sure, we can analyze a lot of different things. The Code actually has no provision or
49 methodology with respect to the visual analysis, we thought that this was a fair representation of some of
50 the surrounding areas, particularly include some of the areas that we know were concerned or raised
51 concerns with respect to the Solar Farm, so we monitored those proceedings and we wanted to try and
52 provide these sight lines from those locations and some of those residences and organizations that we know
53 had comments related to the Solar Farm.
54

55 Whitney Singleton stated and I believe you'll find in those comments that in particular the Town of
56 Bedford has to be included as an interested agency and wanted to be, you know, the impacts on the Town
57 of Bedford considered as well, so I think that is very possible that residents across the street from Route
58 172 and along 172 are going to want to have some visual analysis done for them as well.
59

60 Mr. Gaudioso stated sure and what I heard earlier was that the Board does intend to retain one or more
61 consultants, we'd be happy to work with those consultants and with the Board to confirm methodology that
62 they have in mind to provide the documents that they're seeking based on the facts and their expertise, we
63 have no problem with that. Again, we appreciate the Chairman's comments that we move expeditiously
64 and we're happy to assist in any way we can with that process.
65

1 Vice Chair Bainlardi stated yeah, we'll be informed by various sources, so by the law obviously, by the
2 comments that come in from the public and others who are participating in the process, other stakeholders.
3 I think you know, this is, you've made an initial start here and we'll see where we need to expand scope.
4

5 Mr. Gaudioso stated thank you. So with that, the only other item I'd like to have Mr. Wimmer put up would
6 be the VCOMM report and the coverage maps. And again, I'm encouraged by the fact that you do intend to
7 hire a consultant, we tried to provide a report that is understandable by both the Board, the public but also
8 provide the technical data. So what we included with this port, we showed the surrounding locations, we
9 showed the existing facility sites, we plotted those out, we showed the coverage at the different frequency
10 bands for Verizon Wireless, both existing coverage and proposed coverage. So Klaus, if you can scroll
11 through these particular maps, so this, stop for moment, if you can stay on the map Klaus, with the
12 pinpoints, you can go back one, go back to map one.
13

14 Mr. Wimmer stated map one?
15

16 Mr. Gaudioso stated yup, map one.
17

18 Mr. Wimmer stated this is map one.
19

20 Mr. Gaudioso stated this is map one, great. I think it's on a little bit of a delay. So as you can see from this
21 map, the pinpoints show existing site, both in the Village and in surrounding communities, so for example,
22 you have Readers' Digest, that's obviously the old Readers' Digest building. If you go to the right, that
23 was a tower approved a few years back on Armonk Road in New Castle. We also have a site to the right of
24 that over in Armonk, we have the Bedford Fox Lane campus, that's the tower on the Fox Lane School
25 property. Bedford three, that's the tower on 684 and 172 and as you move into the Village, you see Mount
26 Kisco, that's the Oakwood Cemetery, then above that you have the Mount Kisco VZCOSNN, that's the
27 proposed application, Mount Kisco three, that's the approved location that has not yet been built on Village
28 by Verizon Wireless and then north of that, which doesn't, Mount Kisco two which doesn't impact where
29 we're talking about. If you see the area that says Mount Kisco four and the blue dot, that's the proposed
30 site. As you can see, it's right on the border of Mount Kisco and Bedford and Klaus, if you'll scroll to map
31 number two please. And there is a whole report that explains this again, I would encourage everyone to
32 read it carefully, it does include all the background information. So this is Verizon Wireless' coverage at
33 the 700 MHZ band, this is both existing and proposed from the approve or proposed facilities, as you can
34 see the 172 corridor and parts, I'll call it the southeastern portion of the Village are uncovered. The 700
35 MHZ frequency band has the benefit of providing a wider area of coverage, it's a lower band, so it provides
36 a greater distance but it has much less capacity. So the capacity of this is approximately half of the higher
37 band which we'll show in one moment and you'll see the difference between the coverage bands. Klaus,
38 can you go to map number three please? So this is, again at the 700 MHZ frequency band and you can see
39 the area of coverage in blue that's proposed from this site. Again, the 172 corridor and areas throughout
40 the Village and the Town. If you can go to map four please, Klaus. This is the higher frequency band, the
41 2100 MHZ and you can see the coverage is much less but the capacity is much greater based on FCC
42 licensing, so areas of coverage are shown again in green as far as existing and proposed for those existing
43 red pin sites and then Klaus, if you can go to map number five. And this is the proposed coverage at the
44 2100 MHZ band from the proposed site. And again the 172 corridor, residential and commercial areas
45 within and without the Village and the surrounding areas and the coverage or the seamless coverage from
46 the Mount Kisco site all the way onto the Bedford side on 684, thank you Klaus. With that Mr. Chairman, I
47 would be happy to answer any questions any members of the Board may have at this point.
48

49 Vice Chair Bainlardi stated again, anyone from the Board at this time have any questions?
50

51 Mr. Vigliotti stated I have a question, I'm looking at the coverage charts that you have, one through five.
52 From what I'm seeing there is a portion of Mount Kisco that's going to be within the coverage area, the
53 southeast portion, I'm not sure how many residents will actually take advantage of this service, I'd like to
54 know how many residents. I know the medical group and the hospital certainly will be able to take
55 advantage of this but I'm looking at a very, very large section that this cell tower will provide is really the
56 east, southeast section of Bedford. So we're putting up a cell tower in Mount Kisco to service the greater
57 Bedford area from along that corridor to 684. I just want to make that as a note, this is what I see but I
58 would like to see the number of residents that are really going to be able to take advantage of this coverage.
59

60 Mr. Gaudioso stated I think the important point is that this provides mobile services, it also provides
61 services to emergency service entities, businesses, folks going to their home, in their home, outside of their
62 home. So from a strictly legal standpoint, both under the Village Code and under State law and Federal
63 law, there's really no relevance to the number of residents that will be provided service both within and
64 without the Village. But what's important is that the traveling community, emergency services in
65 particular, residents in their cars, businesses in their vehicles, particular during these tough times that we've

1 been facing for the past six months. Wireless service is not based on geographic boundaries and the Code,
2 I think makes mention of the fact that we are trying to provide service to a geographic area which we have
3 show here. Whether there are areas outside of the Village that receive service is great because residents of
4 the Village often times travel in those locations.

5
6 Mr. Polese stated Rob, you mentioned thirteen or fourteen other, or fourteen including this site were under
7 consideration. Do any of those sites offer more blue? Do you have a map of those, I guess my question is
8 why is Mount Kisco four the proposed site, the best site?

9
10 Mr. Gaudioso stated well at this stage, it's the only site, so we went through a rigorous process of looking
11 at Village owned properties, one of things that we typically try to do at Homeland Towers and Homeland
12 Towers specializes in, is working with municipalities, Homeland Towers worked with the Village for an
13 extensive period of time, performed a balloon test, propagation mapping, visual renderings, site plan
14 analysis, environmental assessment forms, looked at both Leonard Park and the water tank property and
15 ultimately the Village Board decided not to move forward with those facilities. The other private land
16 owners that were included in the list of the other 13 sites, so that would be another eleven sites, they were
17 unwilling to move forward. The Guard Hill property, again, unwilling to move forward. The three other
18 locations Verizon Wireless is already on. But all those other locations were unwilling to move forward
19 with a lease agreement or if we're unable to lease the property, we're unable to place a facility there. So, if
20 there is an alternative property that you know the Board knows is available and that we could lease and
21 believes is less intrusive, we'd certainly be happy to look at it but I can tell you from the time spent at the
22 Village Board meetings, looking at the water tank property, looking at Leonard Park, the objections raised
23 by the communities in those locations led the Village Board to agree not to move forward with those leases,
24 made them unavailable for us. So at this point, based on all of our due diligence, this is the one and only
25 location that's available to us. Again, if someone has a better location that's made available, we'd certainly
26 be happy to look at it.

27
28 Mr. Vigliotti stated Rob, what compounds this cell tower to the abutting property owners is that we have
29 six acres of land for the solar farm which will be cleared basically right to the root system, to accommodate
30 the solar panels which gives a clear view of residents to the south, straight up through that property to the
31 cell tower. If the cell tower were the only entity going on that property, that might change things a little bit,
32 which means that five acres of land that's going to be clear cut would not be clear cut and it would be
33 somewhere in the midst of that forest, a cell tower. So I think that's what the property owners are very,
34 very concerned about and as one resident of the Village and a member of the Planning Board, I have some
35 reservations, you're cutting down 30 more trees, I'm not sure the size or specimen of the trees but you're
36 cutting down 30 more trees to accommodate this. And you are almost like a public service entity so our
37 200 foot buffer that the Village Board had the intention of putting in place to preserve the land for the
38 property owners is discounted. So I leave that thought with you and with the public and you're not, you're
39 inside the buffers and my understanding is because you are the entity that you are that it's permissible by
40 law and I have a concern with that.

41
42 Mr. Gaudioso stated sure, so a couple things and I appreciate those comments. Our visual analysis
43 included the tree clearing associated with the solar farm. So we've cumulatively looked at that issue and as
44 you can see from the site line, that tree clearing does not impact the screening that we pick up from the
45 other trees and from the topography. So our visual analysis specifically takes into account the solar far,
46 tree clearing. With respect to the 200 foot buffer and I think it was confirmed during the work session, that
47 only applies to the solar farm, that does not apply to wireless facilities, so there is no 200 foot buffer for
48 wireless facilities in the Code, so that is not relevant to our particular criteria with respect to our special
49 permit but again, our site lines prepared by Saratoga Associates include the tree clearing that's proposed
50 and associated with the solar farm.

51
52 Mr. Vigliotti stated Robert, with all due respect I don't think the Village Board of trustees ever visualized
53 that there would be a cell tower application for that 25 acre parcel. You had indicated that the 200 foot
54 buffer was set aside exclusively for a solar farm, I think if they had thought about that a little differently,
55 they may have put into place some other legislative pieces.

56
57 Vice Chair Bainlardi stated but there is also...

58
59 Mr. Gaudioso stated I certainly can't speculate on what the Village Board thought or didn't think but I
60 know what they wrote and that's what the Code says and that's what [inaudible]...

61
62 Whitney Singleton stated let's be clear, that's one opinion as to what the Code says. The Code also talked
63 about 500 foot separation from residences, having a setback of not less than the towers height, none of
64 which you're proposing to date because it's your belief that those are not applicable to you.

65

1 Mr. Gaudioso stated well it's our belief that number one, they're not applicable to us, it's our belief that
2 they're not applicable to us because that's the prior precedent in the Village, number three, what's most
3 important is what I said earlier, ultimately no matter what the Code provision is, we're trying to find a
4 facility location that provides the necessary service and is the least intrusive means and that's the Federal
5 standard. And we believe we've met that, we believe that you know, the Code provision that you're
6 alluding to also has a crazy setback requirement that requires a 100 foot setback in addition for every ten
7 feet the facility is over the underlying height requirement. So if you added up those setbacks, quite frankly
8 there would be no facility location in this area that would meet the Code and that would clearly be a
9 prohibition if the variance were not issued. So what we tried to do is we tried to pick a spot on this
10 property and when you look at this property and you analyze the site plan and you understand the
11 topography and you look at our site lines, rather than just saying whether it meets or doesn't meet a Code
12 provision that may or may not apply, did we pick the right location, is this the spot that maximizes the
13 screening particularly to the areas to the south, particularly to the sanctuary, particular to Brentwood and
14 Rolling Ridge Court. That's what, that's what the analysis ought to be and that's the documentation that
15 we believe we supplied to demonstrate that.

16
17 Whitney Singleton stated why do you this is particularly to those residences and not to other residences that
18 are even closer?

19
20 Mr. Gaudioso stated well I think we covered, if you look at the site lines, we covered the distance to the
21 closest residence, we covered the distance to some of the...

22
23 Whitney Singleton stated that's not the closest residence, you've completely omitted the closest residence
24 from your consideration.

25
26 Mr. Gaudioso stated so look, I'm not going to continue to reiterate what I reiterated before and debate the
27 issue. We submitted a report that we think provides more than what the Code requires. I mentioned
28 before, I understand you're retaining a consultant that specializes in this field and that we're perfectly
29 willing to work with that consultant to review the various impacts based on a objective methodology that's
30 in compliance with the SEQRA process within the time frames allotted and we have no problem with that
31 but I'm not going to debate which site line...

32
33 Whitney Singleton stated Rob...

34
35 Mr. Gaudioso stated Whitney, I couldn't provide a site line from every single property and then you would
36 say there was another property we didn't provide a site line from...

37
38 Whitney Singleton stated I'm talking from the very, why don't you put up your site line map. I'm talking
39 from the closest residence that exists to this site.

40
41 Mr. Polese stated is that A?

42
43 Whitney Singleton stated no, it's not A, there's a residence much closer than that.

44
45 Mr. Gaudioso stated okay and again...

46
47 Whitney Singleton stated if you put up the plan, I'll show you where it is.

48
49 Mr. Gaudioso stated I'm sorry?

50
51 Whitney Singleton stated if you put up your map, I can show you where it is?

52
53 Mr. Gaudioso stated sure, which map would you like to see? Would you like to the site line map or would
54 you like to see the...

55
56 Whitney Singleton stated the aerial that shows the yellow site distance lines.

57
58 Mr. Gaudioso stated and just so you know we know that the closest residence is 388 feet away okay...

59
60 Whitney Singleton stated that's not the closest residence. If you zoom in right on 192, there's a residence
61 right there.

62
63 Mr. Bonforte stated right below the tower.

64
65 Whitney Singleton stated right below the tower.

1
2 Ms. Pickard stated right below the tower...

3
4 Mr. Gaudioso stated okay...

5
6 Mr. Bonforte stated towards town... the Chase...

7
8 Whitney Singleton stated you're too far away.

9
10 Vice Chair Bainlardi stated Whitney, are you referring to the Marsh Sanctuary's structure.

11
12 Whitney Singleton stated yes, there's a residence.

13
14 Vice Chair Bainlardi stated there's a structure that's on the Marsh Sanctuary property that fronts on 172
15 and its immediately to the west of the driveway entrance. So listen, we're not going to resolve and come to
16 conclusion on all these questions this evening.

17
18 Mr. Gaudioso stated I agree.

19
20 Vice Chair Bainlardi stated so what we we know we're going to do, we're going to have, this Board is
21 going to have it's consultants, including its Counsel and its Building Inspector and the specialized
22 consultant that we're going to retain who, as we've done on prior cell tower applications to review all these
23 submissions, review everything that's been submitted and let us know where they agree and where they
24 don't. we've got some unique issues that have been posed here with the multiple uses, there are some
25 questions about the size of the parcel that have been raised that have to be resolved and there's a number of
26 other issues. They'll look at some of these other neighboring properties to determine where we believe a
27 visual analysis should be conducted and we'll give direction accordingly. What's going to happen on this
28 application as it does on every application, or the intent to have happen on every application that's before
29 this Board as is currently on the application for the solar farm, is this Board is going to do a thorough
30 review comply with SEQRA and in the end, which ever determination it makes from an environmental
31 standpoint and the SEQRA determination is going to be fully supported by the record and in the findings.
32 And we will do this whether one person shows up to oppose the project or raise concerns or just want to
33 know what's going on or nobody does or a hundred do. I can tell you that when the solar application was
34 submitted, this Board was out there in the field, walking the site and this was before anyone in the Chase
35 had raised any issues or concerns or were even aware, to our knowledge. We don't know one way or the
36 other whether they were aware or not but we considered their proximity to the property and we did our
37 analysis and required the applicant including its analysis to make sure that there was no stone unturned and
38 we were doing a thorough and complete review. So what's what we will be doing, there will be comment
39 letters that will come out again in response to the submissions that have been made. Once we get our
40 specialized consultant retained, they will be given all the information and they will do their review and
41 you'll have some comment letters. In the meantime we're got some work to do, Staff has some work to do
42 in reviewing the application and the Board members have some work to do in reviewing the application and
43 reviewing everything that has been submitted so we know the right questions to ask and what direction to
44 give you going forward. One other thing I'll say is you know, we're a Planning Board, we do not get to
45 choose what applications come before our Board. This Board does not have the luxury or the right to look
46 at any application and say you know what, we don't like this use, we're just going to say no, the applicant
47 has and the property owner has rights and the law affords them those rights, we're going to follow the law
48 and that's not to say that we're not going to consider public concern but the public should also understand
49 that we don't just accept the submissions of the applicants, we respect that the applicant has hired
50 intelligent people who do this for a living and understand the law but we also retain our own consultants for
51 purposes of doing peer review and the public should be aware, if they're not, that our applicants are
52 reviewing it for the benefit of the Planning Board and you know that's what we're going to continue to
53 review. Anybody who is in the public has a right to comment, they can express whatever concerns they
54 want to, we encourage that, just because there are concerns, doesn't mean that there are problems or that
55 the use is not, is going to be turned away. So we have balance what the law allows, what the rights of the
56 applicant are and what the impacts are on the environment and that's what we will review.

57
58 Mr. Gaudioso stated thank you.

59
60 Vice Chair Bainlardi stated anybody have any other questions or comments at this time? What we would,
61 what we talked in work session, what we would like to do, is **I'd like to make a motion that we declare**
62 **our intent to be lead agency pursuant to SEQRA, we are the primary reviewing jurisdiction here, our**
63 **intention is to act as lead agency. If I have a second on that motion...**

64
65 **Mr. Bonforte seconded the motion.**

1
2 Vice Chair Bainlardi stated any discussion on this? Because I think our intent is to do what I just said, so.
3 Michelle?

4
5 Mr. Bonforte stated you're muted.

6
7 Mr. Miley stated you froze, all we heard, the last thing that we heard was the intent to declare Lead
8 Agency, thereafter we didn't hear anything.

9
10 Vice Chair Bainlardi stated there's no discussion, so if Michelle can poll the Board?

11
12 **UPON ROLL CALL VOTE:**

13
14 **Vice Chair Bainlardi** - **aye**
15 **Mr. Bonforte** - **aye**
16 **Mr. Vigliotti** - **aye**
17 **Mr. Polese** - **aye**
18 **Ms. Pickard** - **aye**
19 **Mr. Hochstein** - **aye**

20
21 **The motion carried by a vote of 6 to 0.**

22
23 Vice Chair Bainlardi stated okay, Anthony, anything you want to just raise at this point?

24
25 Anthony Oliveri stated we provided a memo with some preliminary comments, just one question I'll ask
26 tonight on the site plan, I didn't notice any stormwater provisions provided on the plan. I wasn't sure if
27 there was an intention maybe to, there are a number of detention systems provided along the road for the
28 solar farm, I don't know if that's going to be a shared use there or if there was going to be something
29 integral to this specific section of the site.

30
31 Mr. Gaudioso stated we believe that the solar farm SWPPP will account for the area of disturbance and
32 impervious surface but we can certainly confirm that and document that.

33
34 Anthony Oliveri stated if that's the case, I think you need to show which parts of the stormwater system
35 this project would be dependent on. It needs to be part of the site plan.

36
37 Mr. Gaudioso stated understood.

38
39 Anthony Oliveri stated and we have a couple of other comments, they're self-explanatory.

40
41 Vice Chair Bainlardi stated Whitney, anything else here that you to want to raise or that we should be
42 considering before we close this application.

43
44 Whitney Singleton stated I don't know whether Rob or anyone has submitted anything with regard to the
45 issue of segmentation but that is something that the Board is going to have to make a decision on. I believe
46 Rob is pretty clear that and it's pretty evident that the application that Rob's client is bringing is on the
47 same site as the application for the solar farm. Correct, Rob?

48
49 Mr. Gaudioso stated correct.

50
51 Vice Chair Bainlardi stated so this Board has indicated, we're going to have this conversation with
52 Counsel, we're going to make a decision here that's in the best interest of the Village but taking into
53 consideration the right to the applicant. We're going to bring it to a head one way or another here, maybe a
54 decision here soon because need to keep things moving forward and have some semblance of I don't know,
55 it's late but we'll make a decision here and inform you of what our decision is.

56
57 Mr. Gaudioso stated thank you.

58
59 Vice Chair Bainlardi stated thank you.

60
61 Mr. Gaudioso stated is the Board willing to set the public hearing for this application? I know there were
62 concerns of the residents asking to be able to speak and we would ask...

63
64 Vice Chair Bainlardi stated I don't think so, well one, can we set a public hearing before we're officially
65 lead agency?

1
2 Whitney Singleton stated I think what we discussed in the work session, first of all the Board is not lead
3 agent, there's going to be other involved agencies. Secondly, because of the fact that our planner has to
4 recuse himself from this application due to prior affiliation with Homeland Towers, we have to make sure
5 that we have substituted in regard to our Planner and giving the Board advice with regard to how to move
6 forward.

7
8 Vice Chair Bainlardi stated yes, so I agree, I think we need to get our consultant officially on Board, we
9 need to get an initial review and if there are issues, Whitney and Peter, that you believe are contrary to the
10 assertions of counsel for the applicant then, let's identify those upfront and address it upfront, I don't want
11 to get too far down the road and not have open issues on, if there's any question, let's get it out there and
12 let's deal with it.

13
14 Mr. Miley stated Chairman, let me just mention and disclose that my preliminary comments in my memo
15 are not complete, I have some questions I've raised with Village Counsel and some other agencies as to
16 some of the Codes, and I still haven't received answers so expect a revised memorandum by the next
17 meeting.

18
19 Vice Chair Bainlardi stated okay, thank you.

20
21 Mr. Gaudioso stated and when will this matter be carried until?

22
23 Whitney Singleton stated two weeks?

24
25 Vice Chair Bainlardi stated yeah, do we want to continue it on the next available agenda, at that point we'll
26 probably have some additional updated memos, hopefully we'll already, we'll have our specialized
27 consultant retained and possible have some more product out him.

28
29 Mr. Gaudioso stated that's the 22nd, correct?

30
31 Vice Chair Bainlardi stated if for any reason it turns out that there's nothing we can accomplish at the next
32 meeting, we'll be touch but I think let's keep it on the agenda.

33
34 Mr. Miley stated Chairman, we don't have a Planner yet to review.

35
36 Vice Chair Bainlardi stated I'm sorry?

37
38 Mr. Miley stated we currently don't have a Planner to review this application yet.

39
40 Vice Chair Bainlardi stated right, hopefully we're going to address that tomorrow evening.

41
42 Anthony Oliveri stated so would the applicant be submitting a revised site plan for that meeting in two
43 weeks? I know, I mean Peter's got some comments, I've got some comments...

44
45 Mr. Miley stated and circulation for lead agency, is there a day requirement, 30 days...

46
47 Mr. Gaudioso stated I think we'd like to see, I've heard that the comments were preliminary, I think we'd
48 like to see the comments and make our revisions, you know cumulative so we're not piecemealing the
49 Board with multiple revisions of plans.

50
51 Anthony Oliveri stated I would suggest like general, based on the, like what you mentioned with the
52 stormwater, I think those things need to be on the site plan, how you intend to address them. And in the
53 same sense, if there are other aspects that would involve the solar farm like staging project or anything
54 along those lines, I think you should include that on the site plan at this point.

55
56 Mr. Gaudioso stated other than the, my understanding that the SWPPP has been designed to support these
57 potential impacts, there really are no other overlaps and if the solar farm were not approved, again, we can
58 certainly provide whatever the necessary stormwater management practices are related just to our facility.
59 We're comfortable going either way.

60
61 Anthony Oliveri stated right but it's, I think it's got to be included on your site plan obviously. It's got to
62 standalone, your site plan needs to stand alone, right?

63
64 Mr. Gaudioso stated and that's fine, we have no problem adding those to the site plan.

65

1 Anthony Oliveri stated okay and also, one of the other preliminary comments we had was based on the
2 limit of disturbance, it didn't seem that there was any space for staging or anything like that. So I think you
3 need to kind of look at that and decide what parts of the site you might use and include that now on the site
4 plan, so that your site plan stands alone apart from the solar farm.

5
6 Mr. Gaudioso stated not a problem.

7
8 Vice Chair Bainlardi stated because regardless of what decision we come to, these are separate actions.
9 And I'm talking about what decision on the SEQRA segmentation issue...

10
11 Mr. Gaudioso stated correct.

12
13 Vice Chair Bainlardi stated whether it's going to be a single review and finding or not. Okay...

14
15 Mr. Gaudioso stated thank you very much for time this evening.

16
17 Vice Chair Bainlardi stated thank you everyone. I hand it back to Doug if he's still standing by.

18
19 Chairman Hertz stated alright, welcome back. Okay, so those are most of our items, we have three
20 discussion items to finish up the agenda. We have a request for, I'm sorry, if you can just mute yourself if
21 you're not currently speaking, thanks. We have three discussion items, three requests for extensions of
22 approvals, Oakwood Garage, Code Ninjas, and 23-25 South Moger Avenue. Whitney, can you confirm
23 that the Village Board action and the State action, Whitney, are you still there?

24
25 Whitney Singleton stated yes.

26
27 Chairman Hertz stated can you confirm that the action by the Village Board on automatic extensions and
28 the State action on automatic extensions, do we need to act on these?

29
30 Whitney Singleton stated so long as they were, let me just read the language I just sent you guys. So long
31 at the building permit or local zoning or Planning Board approval was issued before March 7, 2020, there is
32 an automatic 120 day extension that was enabled by the State legislature and authorized by the Village
33 Board of Trustees. You don't need to extend any of those and the action that's being proposed expires
34 December 31, 2021. I find that rather odd but in any event. So you have, you basically have an automatic
35 extension for up to 120 days, the only caveat with that is that the permit or the approval had to have been
36 issued before March 7, 2020.

37
38 Chairman Hertz stated and do we know that these three applications or these three approvals meet that
39 requirement?

40
41 Mr. Miley stated Chairman...

42
43 Whitney Singleton stated I...

44
45 Mr. Miley stated I can answer that question, sorry Whitney.

46
47 Whitney Singleton stated that's alright.

48
49 Mr. Miley stated yeah, so Code Ninjas we signed or your Board signed on 2/26/20, so even with the four
50 month extension, they're still going to expire, so they expired on 2/26/20... No? Bear with me a second.
51 Then 23-25 South Moger was also signed on 2/26/20. Bear with me, so August 26th was the expiration day
52 on both, so because both were on the exact same day, they both expired on August 26th, so add four months
53 to that, so they would expire December 26th with the new resolution.

54
55 Chairman Hertz stated so why don't we, my suggestion here is we let, we inform them that they're
56 automatically extended to December 26th and if they need more time than that we can certainly look at that.

57
58 Mr. Miley stated we'll send them a letter, all three.

59
60 Mr. Bodnar stated I'm on right now for 23 South Moger, I'm the architect for the project.

61
62 Chairman Hertz stated yes.

63
64 Mr. Bodnar stated can you hear me?

65

1 Chairman Hertz stated yes.
2

3 Mr. Bodnar stated oh, oh good, okay. We're trying to find out if we can get an additional six months
4 beyond that because that would put us smack in the middle of cold weather and this is outdoor work, you
5 know planting and stuff like that we'd have to be doing. And I believe some of the items were outdoor
6 planting and some plants would have to be brought back inside. Do we have to come back in December
7 or...?
8

9 Unknown Speaker stated yeah.
10

11 Chairman Hertz stated so just let me understand, its, this is just to finish that work or to start...?
12

13 Mr. Bodnar stated we have not started yet. We got Village approval on February 26th, we did not get the
14 DEP approval until June 9th though and the Town was notified on June 26th. Unfortunately, you know we
15 lost four months for starters, we have Corona Virus and we've had two tenants walk on us, two retail
16 tenants walk on us because of the Corona Virus situation and the retail difficulties in financial [inaudible]
17 of tenants right now in a commercial climate.
18

19 Chairman Hertz stated right and your concern is that the work is weather dependent and...
20

21 Mr. Bodnar stated at this point, certainly.
22

23 Chairman Hertz stated and if you don't maybe it in by the next month or two you're going to have to wait
24 until the spring.
25

26 Mr. Bodnar stated correct, that's right.
27

28 Chairman Hertz stated what is our, what are our options here, Whitney?
29

30 Whitney Singleton stated your Board can grant an extension as you deem fit. I mean, it's within your, so
31 long as they're not currently expired, your Board can grant whatever relief you want.
32

33 Vice Chair Bainlardi stated we can tack onto the 120 days?
34

35 Whitney Singleton stated yeah, yes you can.
36

37 Vice Chair Bainlardi stated I have no objection to that, they're here, they've indicated they'd like the
38 extensions.
39

40 Chairman Hertz stated yeah, so Ted, when would you need an extension to, what are you looking for?
41

42 Mr. Bodnar stated sometime in the spring, hopefully we would be starting April of next year.
43

44 Chairman Hertz stated so if we give you an extension until the next June, does that work?
45

46 Mr. Bodnar stated that would be great, that would be fantastic, yes.
47

48 Chairman Hertz stated let's just take a vote of the Board on that. I'll make a motion that for 23-25 South
49 Moger we extend until this date in June of 2021...
50

51 Mr. Miley stated can I interject...
52

53 Chairman Hertz stated you may.
54

55 Mr. Miley stated before you take a vote. The extension to June is the approval or to commence work?
56 They have not commenced any of the exterior work, yet.
57

58 Chairman Hertz stated so what are we looking to accomplish here? Does the approval require them to be
59 finished by that time?
60

61 Mr. Miley stated start within six months and finish within a year.
62

63 Chairman Hertz stated so are you looking for a start time or an end time?
64

1 Mr. Bodnar stated a start time, a start time. If we could start June, it's not going to take us six months to do
2 the job, its about a two month project for us, so we can easily handle it through the early summer months
3 next year.

4
5 Chairman Hertz stated so Pete that would be start by June and six months to complete.

6
7 Mr. Miley stated commence work by June 26th, complete work by September 26th?

8
9 Chairman Hertz stated I was going to say this date which would be the 8th.

10
11 Mr. Miley stated oh okay, I was just going based on the original approval, whatever date you desire
12 Chairman.

13
14 **Chairman Hertz stated let's just do it as of today. So the 8th and six months later.**

15
16 **Mr. Hochstein stated I'll second that.**

17
18 Chairman Hertz stated thank you John. Any questions?

19
20 Mr. Bodnar stated no.

21
22 **UPON ROLL CALL VOTE:**

23
24 **Chairman Hertz - aye**
25 **Mr. Hochstein - aye**
26 **Mr. Vigliotti - aye**
27 **Mr. Bonforte - aye**
28 **Mr. Polese - aye**
29 **Ms. Pickard - aye**
30 **Vice Chair Bainlardi - aye**

31
32 **The motion carried by a vote of 7 to 0.**

33
34 Chairman Hertz stated thank you all. And if you could just kindly, the other two applicants, if you can tell
35 them they do have the statutory automatic extension and if they do need more, we do understand these are
36 extraordinary times.

37
38 Mr. Miley stated we'll notify them.

39
40 Mr. Bodnar stated thank you all.

41
42 Chairman Hertz stated thank you all very much. Alright, with that, that concludes this meeting of the
43 Mount Kisco Planning Board. Thank you all for this very long night and we'll see you again in two weeks.

44
45 The meeting adjourned at 11:12 pm.