

Minutes of the **Regular Meeting** of the Planning Board of the Village/Town of Mount Kisco held on **Tuesday, October 27, 2020 at 7: 45 pm** via Zoom Teleconference

Members Present: John Bainlardi, Vice Chair
Ralph Vigliotti
Michael Bonforte
William Polese
Crystal Pickard

Members Absent: Douglas Hertz, Chairman
John Hochstein

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

Vice Chair Bainlardi stated good evening, welcome to the October 27, 2020 Planning Board meeting. We have a number of matters on the agenda this evening, we just came out of our work session. We've got public hearing or the continuation of a public hearing on The Park ShopRite expansion at 333 North Bedford Road. We have NY Luxury Motors of Mount Kisco, Jaguar/Land Rover dealership at 299 Kisco Ave, which also included 41 Kensico Drive, SCS Sarles Street continuation of the public hearing, the applicant has requested an adjournment and that will be dealt with by the Board to adjourn that to a date certain in November and then we have two formal applications tonight, Timber Ridge site plan and steep slopes permit and the continuation of the Homeland Towers Mount Kisco Wireless Telecommunications Facility for 180 South Bedford Road. So the first matter this evening is The Park ShopRite expansion, 333 North Bedford, this is a continuation of the public hearing. Anyone in the public who would like to be heard on this matter, Michelle can you call off, either you or Peter, the opportunities for participation.

Mr. Miley stated sorry John, I was having a word with the Village Manager. The way they can contact us is via phone the number is 914-420-0383, we are also monitoring Facebook which allows them to make comment, if any comments are presented, we'll obviously read it to the Board. And the last way is, if they are on Zoom, they can raise their hand and Michelle will address them in order.

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

Mr. Neil Alexander of Cuddy & Feder and Mr. Stephen Spina of JMC were present.

Vice Chair Bainlardi stated okay, so for the applicant, who is here this evening, did I see Stephen?

Mr. Spina stated yes, it's Steve Spina, hold on, let me start my video, I thought it was on. Hello, good evening everybody, thanks for having us again. We were here a couple weeks ago and we haven't made a new submission to the Board yes but we're working in the background here and you know, listening to the pre-meeting, I know Whitney raised some items there about the easements and lot lines. So we do want to talk a little bit about that just to get the Board's feedback. So we, a few overall, just kind of updates, we're close to submitting our stormwater report to the DEP based on the new soil testing was done, we'll of course, copy of the Village and the Village consultants on that. And we have not been placed on any agendas for Bedford, we've now been told we may be on the November 13th agenda, so we can finally go before them and discuss the traffic comments that they had and kind of give them an update on the project and any changes we made since we were before them in July. So it's been a while since we'd been able to get before them. So that's been a little bit of a hurdle for us. And then lastly, you know we're still work through some of the comments remaining from Jan, you know we hope to get those addressed very soon and then make another submission to clean all that up. I think the last meeting sort of left with a little bit of a hold up with the easement at 383 North Bedford Road for access and you know, since then we've looked into and I have with me tonight is Neil Alexander from Cuddy & Feder and they've been looking into it with Jim Diamond and I think we determined that you can park in that area that we originally thought you might not be able to but we also wanted to discuss a few other items regarding the lot lines and easements and based on some information provided to us from Diamond Properties, they looking to, I guess reduce or eliminate some complications with their loans for these lots and it appears it may be better for them to keep the lot lines the way they are currently and just have easements for the driveways rather than lot line shifts, so we could review that tonight and Neil you may be able to explain it a little better than I can but we'd like to get your feedback on that because obviously we'd have to revise the plans if we go in that direction.

And of course, Whitney's feedback as well. We just kind of finished that, those documents and we just e-mailed them to Whitney very you know, late in the day so he may not have really gotten a chance to look at it yet but we'd like to just discuss it with you guys tonight.

Vice Chair Bainlardi stated alright, Neil, if you'd like. You have to unmute yourself Neil...

Mr. Alexander stated thanks, good evening everybody. Just for the record, it's Neil Alexander at Cuddy & Feder. So we took the suggestion that was provided through Whitney to take a look at it, at the idea of using easements instead of subdivision and to see if that could enable the Zoning Board to grant fewer variances and less intense variances and if we take a look at in combination with what you discussed earlier this evening about the wall and parking, so these will proceed as waivers, it sounds like. We also will be able to reduce two other variances having to do with both the 309 building and the 383 building being so proximate to either side or front yards, so those two variances would disappear altogether. And then there are actually two other variances that would be less intense, one variances will actually go up a slight bit but Stephen if you could, or Michelle, allow Stephen to just pull up maybe a drawing, we can start at either end Stephen, it doesn't matter to me and we can just walk you through quickly the difference...

Mr. Spina stated we can look at the layout plan or do you want to go through the sketches of the variances.

Mr. Alexander stated yeah, that's perfect. No, I don't think, I mean if the Board wants to go through that we can go through all that but...

Vice Chair Bainlardi stated let's keep the initial presentation as simple as you can keep it or make it, we understand the concept.

Mr. Alexander stated exactly. So Stephen, why don't we start why don't we start at 309 really quickly. So instead of, sorry.

Mr. Spina stated sorry.

Mr. Alexander stated so if you can just show them where sort of the property line will sort of go, you can do it that way, whichever...

Mr. Spina stated I was going to, oops. I wasn't expecting that. Well, I'll just explain it, so as you guys know there's the existing line is here and we've been proposing a shift in it to the north and we would, what Neil is talking about is keeping that lot line where it is and instead of shifting it, just providing an easement there.

Mr. Alexander stated that way, perfect, so that way the subdivision isn't needed that has been previously discussed and then 333 will receive from 309 essentially the grant of an easement and it will wind up being a cross easement agreement because what will happen is traffic needs to be able to go both ways. There are, there is sheet flow for stormwater and just to keep functionality for the future, we probably would just do cross easements also for you know, potable water and waste water and also potable water. So that way we would just create a fully functioning easement agreement between the two properties that would allow, essentially everything you've always looked at from an operations and maintenance standpoint would occur, it just would occur through an easement, as opposed to a fee ownership. And the same is true over on the north end where we would keep that triangular piece that is you know, right up against the Bedford border, which is all roadway but we would keep that as part of the Skriloff property, essentially instead of moving it over to the 333 property, which you know, obviously with municipal boundaries and all that, keeps it much simpler and then you don't have a piece of property which is essentially just a roadway and is somehow a tax lot in the Village/Town, so that's how we're proposing to do it, pursuant to the input we received. And Whitney, you were definitely right that it reduced the number of variances. But very standard you know, aspects to the easement that we would, that we sent to Whitney but there is no chance that he had a chance to take a look at...

Whitney Singleton stated actually I just saw right when we were starting the meeting and I started perusing them. Obviously, you have a lot more control over 309 and 333 and that's in my opinion a very good resolution. I don't know what it does to your, I don't know what it does to your building and development coverage.

Mr. Spina stated we looked at that, it really has very little effect on that.

Whitney Singleton stated okay.

Mr. Alexander stated I think it changes it by a few tenths, like six or seven tenths it goes up.

Whitney Singleton stated and it doesn't trigger anything new as far as minimum [inaudible] and anything like that.

Mr. Spina stated there was no new variances would be added but there was...

Whitney Singleton stated you're not changing the dimensions of the lot, so the lot would still have the same frontage.

Mr. Spina stated the only thing we thing we ended up having is there's a, two slight increases in the variances, in two of the variances that we are already asking for, you know one of them was the...

Mr. Bonforte stated I'm finding it difficult, somebody has volume on in the background, could they please mute their...

Mr. Spina stated yeah, I still hear it.

Vice Chair Bainlardi stated somebody has a television on or something...

Mr. Bonforte stated Michelle, it looks like everyone is muted except for Steve, Whitney, myself and Anne Neimann, possibly.

Mr. Miley stated hey Stephen, while I have you, by not relocating the property line is now the road straddling the buffers on both sides, did you look into that?

Mr. Spina stated yeah, so one of the variances that I think your question is, so if the lot line is here, the road is essentially through the lot line, the road would be in the buffer.

Mr. Miley stated on both sides.

Mr. Spina stated right, so then one of the variances, I think it was the, I think it's the 309 variance setback from a, a buffer setback, it would be, it would go from, right now it's a couple of feet from the lot line to the sidewalk and it go to zero because the lot line is through the road for instance, you know, so we still need it but it would be zero instead of a couple of feet where 5 feet is required, for instance, that was one of them.

Mr. Miley stated okay.

Mr. Spina stated it was little things like that and then the other one was, I think the current proposal that we've had for 383 was the development coverage was above the maximum 80%, it was like 86% and now if we keep this triangle as part of 383 and just have an easement here, the development coverage goes up to like 92%, so it's a larger ask of a variance for that one but still less that existing conditions are, so that's a positive. But the two variances that would no longer would needed at all would be, right now one of the variances, we don't have enough length of frontage on 309 because we're shrinking the width of it, so now, if we keep the line over here where it is, we would no longer need that variance and of course the other one is the setback from this proposed building to the lot line here which is you know, a foot or whatever we're asking for right now because the line, the new lot line is very close to that corner, so now it would stay here so it doesn't, it's beyond the 10 feet that's required and wouldn't need a variances, so that's two that are just eliminated from a dimensional standpoint. So we thought that by kind of taking, by making the change, we looked at it, it seems, certainly not more impactful at all, it seemed less impactful as you know Whitney kind of thought it might be. So I think he was right there from what we can tell so far.

Whitney Singleton stated so you're cross easements on the 383 or whatever that number is up to the north, you're going to have an easement, DP 21 is going to have an easement across 383 for access and then what 383 is going to have an easement across the right of way number three, for purposes of parking?

Mr. Alexander stated actually, they're going to, I think they're going to own road number three.

Whitney Singleton stated you're going to put that with 383...

Mr. Alexander stated yes, that was our intention.

Whitney Singleton stated so you are going to do a subdivision then.

Mr. Spina stated there still is this land swap, yes. So that was, I don't know if we didn't say, sorry, this would still be as we propose it now, it would just be now that this triangle is going to stay with 383.

Whitney Singleton stated so, we still have the issue and you know what, we don't, we still have the issue of the parking and the sufficiency of the access and frontage for the other parcels that you and I talked about Neil.

Mr. Alexander stated yes.

Whitney Singleton stated the two Martabano, the three Martabano pieces, can you just point those...

Mr. Spina stated I'm going to zoom in a little bit. Let me see, okay...

Whitney Singleton stated there's that one, right, that parcel's only frontage is on that right of way there, the private road,

Mr. Spina stated right.

Whitney Singleton stated and then to the south, that's Sleepy's or whatever it's called now, that has an easement out there across 50 feet and then the restaurant similarly has an easement, necessary for their use but they had an easement across that 50 feet as well. We just have to make sure that you're not impinging upon their rights in a fashion which is violating their easement rights. And then additionally, if that's going to continue to be a private road and I'm thinking out loud here Neil, you know we can talk about this offline, if that's going to continue to be a private road, is that going to become, that's going to be a road and you have to have the parking off-street, if that's a street or are you having your parking off-street?

Mr. Alexander stated so I don't believe it's a [inaudible] road or a used road, I believe it's, we can talk offline, but I believe it's essentially a glorified common driveway.

Whitney Singleton stated but then the lots in the back can't exist.

Mr. Alexander stated you're saying because its, to the extent it's legally nonconforming today is how it exists. You know what, there is information I would need right, as far as that filed map created it to begin with, right.

Whitney Singleton stated we can talk about that later but I think this is a big improvements and eases my concerns significantly.

Mr. Alexander stated and as far as for the Board's comfort, just two things I would just say. The one lot, I understand what you're saying, that's essentially not even a flag lot, it's sort of a stranded lot for years, ever since 1950 whatever that created that weird situation with road number three. But for the other two lots, I think its really important for me to either note that they both have ingress and egress primary from 117.

Whitney Singleton stated but actually Neil, that area back there was three lots, if you draw something across the back of the lot there...

Mr. Alexander stated okay.

Whitney Singleton stated there was a piece that went the full length of those two lots behind the buildings and there was a subsequent re-subdivision of those properties about 15 years ago, right like that. That was the third lot in the back and its only frontage was on that street.

Mr. Alexander stated so as soon as information, I need to get up to speed on with Stephen, because, I'm sure when they did the survey work, they have those files maps and we're pulling some title work also, just to see what you know, we can collectively think through.

Whitney Singleton stated okay and Rob Johnson did that, so if you need, he can help you [inaudible].

Mr. Alexander stated okay, thank you.

Whitney Singleton stated I'm fine with John, I don't have any more questions. I'll review the easements...

Vice Chair Bainlardi stated this is more form over substance and what's going to be out there, is just moving lot lines around a piece of paper and you know, seeing what the result is, you know, in the end if

we have fewer variances that's a good thing. And if we're pulling off the table, the parking variance and the retaining wall and dealing with that in the Planning Board approval process, that's a good place to be in the end as well. So, Stephen and Neil, I mean you probably heard us talking during the work session, I mean, I think as a Board, we were approaching a place where we'd like to be in a position to act. And, you know, close the public hearing act and you understand that there are going to be conditions in any approval resolution which will require to get you know, all your other municipal and agency permits and approvals, if anything were to change from what you know, if we were to take action on this, that was material you'd have to come back to us. So, leave it to you as to how you want to proceed with that. But we were looking for some clarification since it's been a little while, since we've gone through it the Board went through the shared parking. If we could try to wrap that up and tie that up, so that this Board can make its determinations in any approval that it may be willing to grant. So, I think, I'm not sure there's anything action wise we could take this evening but you know if you get on the line with this last issue on this access easements for the benefit of these other parcels and figure out a resolution to, I think we're ready to go.

Mr. Spina stated yes, that's great to hear. Are there specific comments on the shared parking, I might have missed, I heard some of it in the pre meeting but maybe I missed?

Vice Chair Bainlardi stated I think the question Peter and if you want to pose the question, but if I understood it, the question that was raised by Peter is, you applied for a parking variance. Did you do that as bootstraps and suspenders, not knowing that we could deal with it that this Board could deal with it through the shared parking analysis and the ITE Studies. And, you know, the parking analysis that you guys had prepared and provided us and just making sure that when you did that analysis that, it didn't result in the need for this parking variance. Our belief at this point is that the parking variance isn't necessary and it's not the way we would like to see this proceed. Did I say that correct, correctly Peter?

Mr. Miley stated John, that's correct, exactly.

Mr. Spina stated yeah, I mean my recollection is that we were directed to apply, you know, is one of the variances in the list, we were kind of happy to hear that the Board had the ability to, you know, kind of. I mean, you have reviewed it already, but you know review it and waive it you know, we think that's definitely a better procedure and takes one of the variances off of the Zoning Board shoulders.

Vice Chair Bainlardi stated I don't think it's a waiver, I just think for us to be technically correct, what we're saying, we're going to apply what the Board has the ability to apply, which is a shared use of parking based upon shared use of parking analysis on the parking counts therefore presented to us during the...

Mr. Miley stated that's correct, the reason I made the reference to 254 space variances is because the Board based on the minutes didn't actually formally accept the shared use agreement and the ITE study. So that's you know obviously we're taking the safest route, if the Board decided to accept and then the various comes off the table.

Vice Chair Bainlardi stated and we would do that within the approval resolution, correct?

Mr. Miley stated I believe that's how it would be done, yes John.

Mr. Spina stated that's great news to hear. Thank you.

Vice Chair Bainlardi stated you're welcome.

Mr. Miley stated so, is it John that you're comfortable, your Board's comfortable with the study and the shared use agreement?

Mr. Bainlardi stated I believe that's the case and you know, we should all if anybody has any doubts or wants to take a second look, we should do it between now and the next meeting. Where I'd like to be in the next meeting is, discussing whatever resolution you're coming up with on 383. And this parking easement or this driveway easement or whatever we're calling it and the use of that for parking and at that point then, hopefully then we'd be in a position where we could close the public hearing and direct the drafting of a resolution with whatever you know, whatever the necessary conditions are. And hopefully by that point, you'll have maybe appeared before the Board or you know in the Town of Bedford.

Mr. Miley stated I know with respect to the Zoning Board, I would have to modify my memo. Stephen, when your next appearance before the Zoning Board, I don't have it in front of me. If you have it available.

Mr. Spina stated it's supposed to be the November meeting, I forget the exact date.

Mr. Miley stated that's November 17th so.

Mr. Spina stated I was just going to say, okay.

Mr. Miley stated if the Board's comfortable, I'll revise that memo to one reduced the number of variances predicated on...

Vice Chair Bainlardi stated does anyone have any objection to that? I'm fine with that.

Mr. Spina stated does that include the retaining wall as well?

Mr. Miley stated would come off as well, Steven.

Mr. Spina stated right, okay, remember you guys were. So Peter, it seems like we need to get right away, these revised, you know, plans showing what the new list of variances would be, if we proceed in this manner with the lot lines staying the way they are, you know, with the exception of the one right here.

Mr. Miley stated it appears to have taken at least three, maybe four variances is off the table now with revisions.

Mr. Spina stated right, the way we figured was four variances would come off, one would be a decrease in the ask and two would be increases in the ask, you know, all slight, but they are you know, it seems overall better.

Mr. Miley stated okay, so once you have those drawings prepared shoot them over to me and I'll revise the memo with the boards, you know, approval I'll also remove the wall and the parking variance. And then, we'll revive the memo and send it to both boards.

Vice Chair Bainlardi stated thanks Peter.

Mr. Spina stated okay, thank you. We'll get that to you right away.

Vice Chair Bainlardi stated okay, so this is a continuation of a public hearing, do we have anyone, who wanted to be heard her tonight Peter, or Michelle.

Mr. Miley stated so far no phone calls, let me ask Michelle, is anyone on Facebook making any comment? Nobody on Facebook and nobody waiting in the waiting room with their hand up with, okay, no comments Chairman.

Vice Chair Bainlardi stated okay, all right. So, we do have to take an action to continue this public hearing to a date certain Michelle, when's the next meeting in November?

The Secretary stated November 10th.

Mr. Miley stated November 10th, did you hear?

Vice Chair Bainlardi stated yes. All right, does anybody before we do that, does anybody on the Board any or any consultant have anything you want to add here before we move on?

Whitney Singleton stated yeah, I'll be happy to, I don't have a problem with you putting them on the agenda. But because of a couple of litigation cases, I have with return dates coming up in the beginning of November. I do not want to be put in a position where my final review of everything has to be done by that date and into the Board in advance, with regard to the easements. I have no doubt that I could work out final resolution with Steve and without, with Neil, by the second meeting in November. But there's no way, I'm going to turn it around in you know 10 days, eight days.

Jan Johannessen stated I think that might work out for the site plan as well I'm having a staff meeting with Stephen tomorrow. They're still needs to be a re submission to address staff comments will need time to review that plan set that once submitted to do our final review.

Vice Chair Bainlardi stated what is the second meeting in November?

The Secretary stated November 24th.

Vice Chair Bainlardi stated Stephen or Neil, you have any objection to us continuing this then for the meeting on the 24th?

Mr. Spina stated no.

Mr. Alexander stated I'm okay.

Vice Chair Bainlardi stated okay, alright. **So I'll make a motion then that we continue the public hearing on the park ShopRite expansion 333 North Bedford Road to the second meeting on November, the 24th.** May I have a second?

Mr. Polese stated I'll second that.

Mr. Miley stated who was that? Can you repeat?

Vice Chair Bainlardi stated that was Bill.

Mr. Polese stated Bill.

Vice Chair Bainlardi stated okay, alright, Michelle, you can poll the Board.

UPON ROLL CALL VOTE:

Vice Chair Bainlardi	-	aye
Mr. Polese	-	aye
Mr. Vigliotti	-	aye
Ms. Pickard	-	aye
Mr. Bonforte	-	aye

The motion carried by a vote of 5 to 0.

Vice Chair Bainlardi stated okay, so if there's no one has anything else, I think we can move on to the next item on the agenda, alright. Thank you.

Mr. Spina stated okay. Thank you everybody.

Vice Chair Bainlardi stated have a good night.

Mr. Spina stated have a good night, bye.

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

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

Mr. David Steinmetz and Mr. Matt Acocella of Zarin & Steinmetz; Mr. Diego Villareale and Mr. Paul Sysak of JMC; Mr. Alexander Sphorer of AutoNation; Mr. David Sera and Ms. Sarah Butler of Stuart Romm Architects were present.

Vice Chair Bainlardi stated okay, next matter continues public hearing, New York luxury Motors of Mount Kisco, Jaguar Land Rover dealership with 299 Kisco Ave, in 41 Kensico Drive. Who is presenting for the applicant this evening?

Mr. Steinmetz stated very briefly, good evening, Mr. Chairman, members of the Board, David Steinmetz from the law firm of Zarin & Steinmetz here representing AutoNation, New York Luxury motorcars, along with me our entire development team is here. My colleague Matt Acocella, Diego Villareale and Paul Sysak from JMC, and a number of our AutoNation client representatives are present. I see Alexander's Shporer, David Sera and Sarah Butler, our project architect are all present. I may have left somebody out if they're sneaking on the second screen, I can't see them. We've previously explained to your Board and I

think we could be rather brief tonight. The application has evolved, we explained to you that 299 Kisco Avenue is now the exclusive location for what AutoNation and Jaguar Land Rover referred to is the customer experience. So customer contact, for both purchasing, leasing, new vehicles would occur at 299, as well as the drop off and pick up of vehicles for service occurring in 299. As a result of that, we did submit our revised site plan. We discussed it a little bit with you at the last meeting. I don't know if we really need to go through all the components again, though we're happy to do so. And we did explain to your board as well as to staff. We were filing our application with the town of Bedford with regard to 17 Norm Avenue, which would be the location for the actual auto service facility. Tonight, when we leave your planning board meeting, we're actually kicking off in Bedford at the planning board to describe the application. We felt that it was most appropriate to remain with your Board. Make sure you understood we were changing. We did our meeting last month as well as this evening. We spent enough time and you've spent enough time and effort on this project that we wanted to make sure you were clear on the changes that were proposed before we formally commenced in Bedford. The 41 Kensico applications is no longer. We no longer need to utilize that site as I explained to you with the last meeting. AutoNation's intention is to...

Ms. Schleimer stated I don't want to. This is to put -- how this guy froze?

Vice Chair Bainlardi stated what just happened?

Mr. Steinmetz stated 41 Kensico AutoNation's intention is to discontinue or withdraw that aspect of the application. But we did explain to you, AutoNation intends to ultimately come back to your Board with a separate application taking the building at 41 Kensico and repurposing it as a business office or accounting office. That is not part of our application tonight, we have not submitted on that. Instead, we would like to conduct and conclude our public hearing on this kind of morphed or amended aspect of our application and proceed with your Board and then ultimately go to the Zoning Board of Appeals to address the one or two minor variances. Diego or Paul, if you want to follow in behind me briefly, but we're really here Mr. Chairman and members of the board to answer any questions because I think we did explain the predominance of the changes that our last meeting with you?

Vice Chair Bainlardi stated thank you, David.

Mr. Villareale stated Mr. Chairman just really one quick point?

Vice Chair Bainlardi stated sure.

Mr. Villareale stated for the record, Diego Villareale with JMC the engineers and planners working with the applicant. We did have an opportunity to listen to your work session, I just wanted to clarify one thing that you asked us to confirm regarding car carriers and vehicle deliveries. As your staff, it indicated to you the intention and the commitment that's before you is that all car carriers would be received at the other location not on the 299 property here. We understand that that would be a condition of approval. The other location is being designed to accommodate the car carriers and the intention is to have all vehicle deliveries happen at that location. And then as far as the development coverage there was a couple of questions regarding that we are reducing the development coverage from just about 90% to just over 76%. So we are, you know, respectfully requesting a variance on that. We do feel -- we're doing significant improvement on this property with the buffers surrounding the property. There's the 10 foot landscape buffers that's being provided throughout. So, we really are trying to do a nice improvement to this property and respectfully requesting that minor variance on the so coverage itself. Sorry, I just wanted to clarify those two points that I heard during the work session, and wanted to make sure that they were addressed.

Vice Chair Bainlardi stated and thank you for that. Yeah, the main concern I believe that was left with us on the 299 site is, you know, no car carriers, none are proposed. And, you know, we'll probably fashion some sort of condition, you know, in any approval resolution if we proceed that way.

Mr. Steinmetz stated John, we would voluntarily accept and acknowledge that condition. We would expect nothing less, so we're fine. We're happy to consent to that.

Vice Chair Bainlardi stated okay, great. So before you know what it is?

Mr. Steinmetz stated I trust Whitney implicitly. Right, Whitney?

Whitney Singleton stated [inaudible – spoken over].

Vice Chair Bainlardi stated \$1000,000 fine, if any car carrier shows up at all, we'll see, we'll see what it ends up being. So this simplifies the application in the sense that we can decouple 41 Kensico from 299

[Kisco], you know, I do think big picture. You know the Board is pleased with the revised 299 site plan. You know, a number of the items that we had tried to achieve in the prior generation of the plan you know, remained in place. We've eliminated curb cuts, I think we had acceptable buffer. You've got some plantings you're going continue to do in the DOT right of way, reduced three existing coverage.

Mr. Villareale stated correct.

Vice Chair Bainlardi stated so Michael Bonforte had raised some questions about the, you know, the lineup of cars at the entrance and how that was going to be dealt with? And I think we're in a comfortable place. Lighting had been discussed. So there may be some items that still ultimately need to be tweet or finalized from an engineering standpoint or anything maybe the Planner's list. Jan, do you have anything open that you're still looking for?

Jan Johannessen stated we're still going through the last submission. It was a pretty significant submission of documents. Preliminarily, I believe our items have been addressed certainly any significant ones have been addressed. I'd like to just get the Board's feedback on one item at the front of the building. There is a proposed [inaudible], there's no sidewalk along that portion of Kisco Avenue, I'm not sure what it's connecting to it. So if the Board or the Applicant just identify the purpose of that and if it's absolutely needed. Other than that I think, I'm a pretty good shape. I still need to go through the EAF and such, but I think I'm at the finish line.

Mr. Miley stated Chairman, can I just bring a one item as well?

Vice Chair Bainlardi stated yes.

Mr. Miley stated a little bit of an enforcement issue, you know, and now bifurcating the applications, we're still dealing with 41 Kensico as an auto storage facility. David, do you have any plans for withdrawing formally and then removing the car storage? Or has anything changed since the last time we can here?

Whitney Singleton stated Peter, if I could intercede, you and I were playing a little phone tag. I called you up a the last minute. This was something we discussed it at the meeting with the Jan and myself. And you and I haven't had an opportunity to speak, that's why I sent you an email and voicemail.

Mr. Miley stated okay.

Whitney Singleton stated we can follow up with them later, they're going to withdraw, and they're going to come back. And this this was discussed before you came into the work session tonight. They would like to potentially make future use of it. And they have acknowledged that they're currently in violation and they don't want to be put in a situation where they're continuing the violation. So they wanted to explore the possibility of some temporary site plan approval. But we can take that up tomorrow morning or something.

Mr. Miley stated okay, I just wanted to have some clarification of what to do there.

Mr. Steinmetz stated Mr. Chairman, note for the record it's the second time this evening that I'm going to agree with Whitney, and don't, let's just not make that a habit, Whitney?

Mr. Bainlardi stated must be a full moon. Anthony, do you have anything to open? Is Anthony still here? Yes, I'm see Anthony.

Anthony Oliveri stated I'm here, I'm here. We're still kind of getting through that submission but I don't expect anything major. Stormwater is relatively simple, they're reducing impervious coverage, so there's not a lot to look at in terms of that, in terms of stormwater detention or any issues like that. So if we have anything, I'm sure it's going to be a minor nature.

Mr. Bainlardi stated okay, alright. Before I have, we ask the board members if they have any comments or questions. Let's see if we have anybody in the public who's here wants to be heard on this? Peter or Michelle?

Mr. Miley stated I'm sorry, John, I was just checking Facebook and we didn't receive any calls and nobody has. And there are no hands up, so we're good to go.

Mr. Bainlardi stated okay, alright. So just from a procedural standpoint, Jan or Whitney, if you have any, do you see any reason why if we're so inclined this evening to close the public hearing we couldn't do so?

Whitney Singleton stated no, I see no I see no reason why because it's, this public hearing now is solely for the wetlands.

Jan Johannessen stated fine by me.

Mr. Bainlardi stated right, anybody on the Board have anything they want to raise at this point? Any questions, any concerns?

Mr. Vigliotti stated I have a positive comment. David, we've come a long way from putting cars on top of the roof. And you've come a long way with the application with regard to 90% coverage to 76%. So I think you're going to have a good looking dealership. It is a dealership. I think it's going to be an improvement for the Village. And I thank you.

Mr. Steinmetz stated thanks, Ralph.

Mr. Bonforte stated Vice Chair, hi, yes, David, Michael Bonforte again. David, just in the business plan, if you could update it for Mount Kisco in regards to how you going to do the pickup and drop offs. I think you've already said you're going to do that. But you know, between the two facilities, okay?

Mr. Steinmetz stated absolutely. I thought we might have already submitted that but if we haven't, we will make sure that that's part of the record. And we're going to be explaining that as you could imagine this evening in Bedford as well. So, we will make sure that there is a clear paper trail of what the plan is for both locations.

Mr. Bonforte stated thank you, David.

Vice Chair Bainlardi stated anyone else? Alright, so then, **I'm going to make a motion that we close the public hearing. We keep it open for written comments for 10 days** for the park ShopRite expansion 333 North Bedford Road. Do I have a second?

Mr. Bonforte stated I second that.

Mr. Miley stated John, sorry, yes, sorry, 299 Kisco Avenue,

Vice Chair Bainlardi stated yup, sorry, **New York Luxury Motors and Mount Kisco, Jaguar Land Rover dealership.**

Mr. Bonforte stated I'll second that, John.

Vice Chair Bainlardi stated and any comments, any discussion? Alright, Michelle?

UPON ROLL CALL VOTE:

Vice Chair Bainlardi	-	aye
Mr. Bonforte	-	aye
Mr. Vigliotti	-	aye
Mr. Polese	-	aye
Ms. Pickard	-	aye

The motion carried by a vote of 5 to 0.

The Secretary stated thank you.

Vice Chair Bainlardi stated okay so Jan, if you could start the draft of the resolution of approval, you know, put the conditions in that you think we're going to need and we could review that together at the next meeting.

Jan Johannessen stated that's fine. I think I prefer to have it on the second meeting in November just for timing purposes for preparing both the neg. dec. and resolution, and reviewing the materials that were just submitted.

Vice Chair Bainlardi stated that's, that's okay with me. Any, any objection David?

Mr. Steinmetz stated no, I guess the only question from a procedural standpoint, we appreciate the fact that you're tasking on and staff with beginning to work on the neg. dec. and the resolution, that's great. We

obviously need to go to the Zoning Board of Appeals. Whitney, are we able to go to the Zoning Board of Appeals and file and kick off they're prior to the neg. dec.? I know we asked you this, and we don't recall. Is it a one or a two meeting event at the Zoning Board of Appeals?

Whitney Singleton stated well, I don't want to speak for them, I would imagine what was the variance again, the development coverage?

Mr. Villareale stated development coverage and then the trash enclosure in the back.

Whitney Singleton stated I don't, I don't want to say, you know, never want to say never, but I can't imagine that it would take more than one meeting.

Mr. Steinmetz stated okay.

Whitney Singleton stated and without, without as long as there's, as long as a Planning Board is lead agency, we're not doing...

Mr. Steinmetz stated understood, if it's potentially one meeting and we're looking at a December meeting of the Zoning Board, Mr. Chairman if Jan needs toe the end of November, and we can work together and offer any assistance to try to make sure that there's no question, when we arrive at the November meeting about the conditions, unless my client is going to raise something that I'm unaware of I think, that keeps us being along and we appreciate it.

Vice Chair Bainlardi stated alright, great, and you know, I mean, it doesn't sound like you need a staff meeting or anything. But obviously, anything you can get done in advance of that meeting. So we'll - we'll put you down on the agenda for the, it's a 24th...

Mr. Steinmetz stated twenty fourth, right.

Jan Johannessen stated John, can I just get clarity from the Board on the sidewalk in front of the building?

Vice Chair Bainlardi stated oh sorry, yes I mean, on one hand it seems that's good practice to have sidewalks even if they're going to to nowhere necessarily, just for connectivity, you know, as we go forward. But if this, if this is truly a sidewalk, that's out in the middle of nowhere, with no real, no real opportunity be connected now then...

Jan Johannessen stated I think it's on private property, I don't think it's in the right of way.

Mr. Steinmetz stated Diego, Sarah maybe you want to deal with, it's not that we were offering it just because, it was thought through. There is an aesthetic purpose, I think for JLR. Sarah, maybe that's best for you to handle.

Mr. Villareale stated either way, it is the sidewalk along the front of the building, it is a resin sidewalk that's there. Jan, it's a 100% accurate is on private property, it doesn't extend into the right of way. This is one of the design features and the design criteria's, that's required by Jaguar Land Rover and the, any deviation from that, would require some type of variance from them with their process. So, it is something that we incorporated in, it is an aesthetic feature in front of the building. While I fully understand, Jan's point, it does not, connect to the parking area, it's not intended to be utilized on a regular basis by customers. It's really just part of their branding and the part of the aesthetics that happened in front of their building. With that being said, we will speak with AutoNation, and we've worked with them on this already, Alexander is here today and I will see, if we could make some modifications to that. But right now, that is part of the plan, it's part of the development coverage that we have. But we can, we can look at that one.

Mr. Steinmetz stated the funny thing is, there are a lot of communities where I find myself making the exact opposite argument, where I'm arguing. Please, don't make us build a sidewalk to nowhere, because there a lot of communities that makes developers, if you're the new guy and, you're going to build a sidewalk. So here, it's the opposite because, and it's purely not for functional purposes, it's purely for an aesthetic design, ambience. I don't see a detriment to the community by building it. The detriment is to us, because it's added to our coverage. The detriment is to us because, we, Diego [inaudible] is drainage numbers. We obviously, it's on private property, so, we have to take care of it and make it look good. But if the Board feels strongly, I hear Jan's, comment but if the Board feels strongly, we'll take it back. We would prefer to leave it as is, as an attractive design element.

Mr. Vigliotti stated on that note, we have a sidewalk that continues from Main Street up to Lexus. The Toyota property does not have a sidewalk. So, it would end up being a continuation of sidewalk, yes, it'll dead end at your property. But I think, you may find, folks who are dropping cars off may choose to walk back to the train, may choose to use your sidewalk to get to the Lexus sidewalk to kind of work their way. And I think the ultimate goal was always to have connecting sidewalks, all the way from the entrance ramp...

Jan Johannessen stated it's not a public sidewalk. It's on private property, wouldn't connect to the public sidewalk.

Anthony Oliveri stated yeah, if you look at it, I mean, it looks like it's purely aesthetic, it's got planters in the middle. Is it doesn't have a color or something that's resin...

Mr. Villareale stated yes, it's a resin color, Paul, I don't know if we have the detail of it. But it's color, it's not a concrete sidewalk, it's a finished material that's specific too.

Mr. Sysak stated it's light beige

Jan Johannessen stated Diego, what's that to make a, what's the square footage of it, if you are to continue...

Mr. Villareale stated that's a great question Jan. I'd have to do a quick take off. Paul, can you, what is it with the building 10 feet wide plus, minus?

Mr. Vigliotti stated 10 feet wide?

Mr. Villareale stated 8 feet wide, there's a landscaped island in between. So there's some sidewalk up against the building, then there's a landscaped area and then, there's another portion of the sidewalk in front of it.

Jan Johannessen stated can someone put up the plan?

Vice Chair Bainlardi stated yeah, its page four, page four of 18 on the combined site plan.

Mr. Polese stated is there a union jack embedded in there?

Jan Johannessen stated can you share the screen, Diego?

Mr. Villareale stated Paul, can you share? You have the site plan, the rendering. If you could do that, there it comes.

Mr. Steinmetz stated David Sara and Alexander, if either one of you wants to speak to this from the manufacturer requirement, feel free. Diego and I are happy to yield to AutoNation on this if you wish.

Mr. Sphora stated Hi, this is Alexander Sphora from AutoNation. Similar to what David has, with David and Diego have explained to date, this is a requirement is part of JLR standard prototype throughout all of their stores across the country. It's kind of the look that they've created to standardize their stores. And it's something that they have asked us to incorporate into the design of this store. It is something we would as kind of David, has mentioned. It is something that we would like to keep in the design to kind of allow our process to move, continue moving smoothly with JLR. And it is something that we will make sure to maintain and keep updated as time goes on.

Mr. Vigliotti stated is the sidewalk raised above grade level or is it at grade level?

Mr. Steinmetz stated Diego, Alexander, could somebody speak to that?

Mr. Villareale stated hang on one second. Paul, can you put that down?

Mr. Sysak stated yeah, it's that great.

Jan Johannessen stated looks like if you were to remove that, you might almost be able to be your development coverage if there was a 100 by 10 and a half. I think you're only 12, almost 1200 square feet of on the development coverage. It's just also limits the ability to really do any landscaping in the front, small little hedge in front of the building, otherwise it's going to be developed.

Mr. Sphora stated this is Alexander again, as far as landscaping goes, JLR that's also one of the requirements. There is a very specific landscaping package with the hedges that we have to have in front of the building. It all goes back to JLR's North American standards for all of their stores. And again, kind of for how our process moves forward with Jaguar Land Rover, it does make our submissions with them and meeting their criteria significant is, significantly easier if we're able to maintain this. So, we would ask it, try to maintain this if it at possible.

Mr. Vigliotti stated you know, now that we're talking, this through Jan's, point is, is kind of well taken as far as dropping the coverage, as well as adding a lot more landscaping. So, not that I'm changing my mind, but as we're talking this through, it certainly requires from further conversation.

Ms. Butler stated this Sarah, Stuart Romm Architects. Would it be helpful if we sent to an image of the front of another dealership, so you could see what it looks like? Because it's, it's actually really attractive, and it makes this, you know, it really sets the tone for the front of the showroom.

Vice Chair Bainlardi stated I think that would be helpful. Also, page eight of the combined site plan PDF, has the planting plan. So, and I don't think we have to make a decision on this tonight. But it's something we can, we can look at and consider, and come to a final conclusion that the, at the next meeting. But, if everyone were to look at that page eight, you'll kind of see the way the, the planting is done around the perimeter of the property. There's a planting areas in that, in that resin space at the front of the building, that sidewalk what if we're going to call it. There are no doorways on the front of that building? Is that an accurate statement?

Mr. Steinmetz stated Sarah?

Mr. Sphora stated at this point in time, we do not have doors on the front of the building. But that's also one of the reasons why we do like having that resin sidewalk there, is that gives us the opportunity down the line, without major remodels to the site.

Jan Johannessen stated can you put up the plan again, I just want to take, is there a, Peter is there a landscape buffer in the front or no requirement?

Mr. Steinmetz stated Mr. Chairman just point of order, Diego and I are going to jump off, because they're getting ready for us in Bedford. So we're going to leave, Paul and Matt and the rest of our team. We apologize, but we want to be there to explain our application. So, we look forward to seeing you at the end of November. And I'll let the rest of the team address the doors, the resin and the landscaping. And my apologies.

Vice Chair Bainlardi stated no problem, thank you.

Mr. Miley stated I believe they indicated 10 feet, I can't really see the plan that they're showing?

Anthony Oliveri stated they're indicating a 10 foot wide landscape.

Vice Chair Bainlardi stated ten foot wide landscape buffer.

Mr. Miley stated yes.

Vice Chair Bainlardi stated and you could see they have these semicircle planting areas, all around the edge there, which I think is attractive, but.

Jan Johannessen stated yeah, I didn't, I didn't realize there's landscaping between the property line and the sidewalk that's...

Mr. Bonforte stated I'll just say, I've been to other locations, and the landscaping is absolutely very, very excellent and color combinations landscaping shrubbery, et cetera.

Vice Chair Bainlardi stated so I think, Sarah maybe the photo will be helpful to close it out for the next meeting, and then.

Whitney Singleton stated I have one, if you want me to share it.

Mr. Polese stated could you, Whitney?

Whitney Singleton stated I have to confess, let me say...

Mr. Bonforte stated it's a rendering? It's a rendering right, Whitney?

Mr. Polese stated no, it's his trip to Lynbrook, Long Island to the other dealership.

Whitney Singleton stated it's, yeah, I'm looking at one at a couple different angles. Couple different dealerships and the, it's called a DCM services. If somebody can remove the, what's on there now, I could just hopefully move it over. I think, I'm not all that adept of this stuff. Share screen, okay. Is that can't, you can't see that, can you? Okay.

Mr. Bonforte stated we can see that Whitney, that's visible

Anthony Oliveri stated we can see it.

Whitney Singleton stated you can see that?

Mr. Bonforte stated mmhmm.

Whitney Singleton stated there's three different one here. I assume that's what it is. It's called decorative resin bound surfacing regarding car dealerships.

Ms. Butler stated yeah, it's a different product, but it's a similar look. Those look like [inaudible] I think we could show you photos of existing builds.

Vice Chair Bainlardi stated yes, photos with, with some landscaping, it would be helpful. Okay, but I think we can, we can close this out for this evening. And let's move on to our next agenda item. Thank you everyone.

Ms. Butler stated thank you.

Whitney Singleton stated somebody kick me off.

Vice Chair Bainlardi stated oh, sorry, Michael, you want to, you wanted, you have to deal with adjourning the Sarles Street applications.

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

Mr. Bonforte stated yes, thank you Vice Chairman. So next on the agenda, it's a public hearing. It's still open for SCS Sarles Street 180 South Bedford Road. They notified as, I think, earlier today that they wanted to adjourn to the next November meeting, which I believe is the 10th, we have the 10th and the 24th. I forget which one, but probably the November 10th.

Mr. Miley stated November 24th, Michael.

Mr. Vigliotti stated the 24th.

Mr. Bonforte stated thanks for clarifying, I'll make a note. And, I think that's all that needs to be say that application and again, the public hearing is still open.

Mr. Miley stated you need a motion, Michael.

Mr. Bonforte stated oh, I'd like to make a motion to adjourn tonight's applicant that SCS Sarles Street 180 South Bedford Road. Do I have a second?

Mr. Polese stated I second that motion to adjourn.

Mr. Bonforte stated thank you, Bill.

UPON ROLL CALL VOTE:

Mr. Bonforte	-	aye
Mr. Polese	-	aye

Mr. Vigliotti - aye
Ms. Pickard - aye

The motion carried by a vote of 4 to 0.

The Secretary stated thank you.

Mr. Miley stated that's to November 24th.

Mr. Bonforte stated Michelle?

The Secretary stated yes?

Mr. Bonforte stated just a matter record. What's the submission date for that November 24th meeting?

The Secretary stated is November 3rd, that we are closed. So I will accept applications and submissions on November 4th until 4:30 P.M.

Mr. Bonforte stated okay and I think Mr. Gaudio is on the line. Maybe he can and Klaus Wimmer I think they can, they can, you know convey that to SCS Sarles. Thank you.

Vice Chair Bainlardi stated okay, back, went out into formal applications. Timber Ridge, Timber Ridge Road site plan and steep slopes permit. Do we have someone here for the applicant?

**D. Timber Ridge – Timber Ridge Road
PB2020-400, SBL 80.73-1-8
Site Plan and Steep Slopes Permit**

Mr. Stefan Vasilescu of Timber Ridge HOA and Mr. Ralph Alfonzetti were present.

Mr. Vasilescu stated yes. It's Stefanita Vasilescu, oh, sorry. Go Ralph.

Mr. Alfonzetti stated so we were here probably a month a little bit more, than a month ago. And let me share my screen, so we have some, if everyone can see that?

Mr. Vasilescu stated yup..

Vice Chair Bainlardi stated yes.

Mr. Alfonzetti stated okay.

Mr. Vasilescu stated before we start, Ralph may I have a minute on this, a an introductory.

Mr. Alfonzetti stated sure.

Mr. Vasilescu stated good evening everybody, this is Stefan Vasilescu, the president of the board in Timber Ridge. As you all know and we discussed this before, this is our third appearance in front of the Planning Board with a site plan amendment. The first, the first two were unfortunate events one with the swale, one with landscaping boulder wall that we counted on our contractors to advise us and do proper permitting and we got it wrong. And on the last visit to the Planning Board, the Chairman of the Board asked me to look in the future, and make sure that it's anything, I put a package together, no matter what it is, confirm with Peter Miley, our Building Inspector and show it to the Planning Board. So, I'm saying that because in this case, we are showing four different projects, so if tonight will be possible to take them one by one and to discuss the merits of each year project and as I said, this is our wish list. We didn't contact any contractors, we didn't start any work this time. We are here in front of you, to get your input and see if we get any go ahead on, any of those projects. So with that being said, I'm going to let Ralph to continue with the presentation.

Vice Chair Bainlardi stated well, thank you for that clarification, appreciate it.

Mr. Alfonzetti stated thank you. So, if you remember last time, we were here I think it was, in either late August or early September. We had some landscaping walls that we're proposing behind unit building 1. We have some gravel that is underneath the decks and behind the building of, building 2A. We have extended walls behind building 2B. And we have a replacement of rotting deteriorated railroad tie walls at the entrance of the site. I can go through each one specifically, if need be, I know we talked about it last

couple meetings. Staff had some comments and wanted some additional information which I believe we addressed. Do you want me to go through each spot?

Vice Chair Bainlardi stated yeah, I think what we should do is, let's just talk briefly about each individual one. I think if you were listening during the work session, I know if you had the opportunity to do that. Some of the conversations that we were having kind of fixated more on the three proposed areas of work, that are contiguous to the property that's owned by the Village. And then, also the property that's contiguous with, two property owners just trying to increase my, so I can read this, formally Dolan and now we're formally Pierangelo. So and the conversation had to do with, you know, what are the required, buffers along those lines, what does the prior zoning variance that was granted for work, that was done in connection with the decks with that, over the conditions and requirements of that approval those variances. And I think what, I think just another maybe a brief explanation of what you're trying to accomplish will be helpful here for us to understand, where we're going.

Mr. Alfonzetti stated okay, absolutely. So, I'll start with the area behind building 1.

Mr. Vasilescu stated Ralph, if I may give an introduction, because actually being through this over the last 10 years and is related, as the Chairman said, with the decks. So, talking about the decks, the decks we got a variance. And as contingency of us expanding the decks because there are limited common property, underneath some of the decks and here is not, is not the case, they are patios. And the restriction was, those patios do not be increased, the depths of the previous decks were five feet and of course, the patios underneath, there were 5 feet, too. So, we actually wanted to show good, good faith, good behavior and whatever is the proper expression to the Zoning Board. And we encased, those patios with Belgium blocks. o they can't somehow overnight being increased. And if you do property visit, unannounced at any time, any day, you will see the difference between the decks above and those patios underneath. In this, in this case and Ralph, if you can put on picture, it's kind of showing something different now. If you can go back, yeah, in this case, the Zoning Board and Planning Board, actually was a combination asked us to plant 20 spruces as a buffer zone and they are depicted here, you didn't see it on the last meeting. And what we have there is not actually, you will call it probably private backyards or limited common space, I'm not sure what will be the term that would be wrong, that's a common area, anybody can go. The owners of those units do not have any rights there, let's say, they cannot put any tables, chairs, tents, umbrellas whatever people doing their backyards, that's for the landscaping purposes. We have existing railroad ties walls, there are only perpendicular on the wall, on the building. Here, Ralph, if you can show, yep. They are in decay, severe decay couple of them are gone, the little ties were so rotten, and they were removed, and now is just, you know, dirt. That will be the one between units four and five, and three and four. The number two and three is collapsed and one to, between one and two is severely rotten. Ralph, our engineer, when redesigned this and propose what you see tonight, he came with this idea of the L-shape. So those lines that are parallel with the building, they're not existing, I will say and let him to talk about this, the way was explained to us, it's maybe a couple feet high. And it's actually, mostly to protect the three area that you see along there, those twenty spruces, so, dirt and erosion doesn't go and ruin them, which it starts happening since we planted. That's all I have to say is history to this area.

Vice Chair Bainlardi stated okay, so that, that's the proposed work area number 1?

Mr. Vasilescu stated yes.

Mr. Alfonzetti stated do you want, do you want us to stay on this, or do you want to go through all of them?

Vice Chair Bainlardi stated maybe it'll be more since we just went through this. Anybody have any questions or comments about what has just been presented? No? It is pretty straightforward. So let's, let's move to the work area 2.

Mr. Vasilescu stated work area 2, it's actually building to what we call units 8 through 12. Units 8 through 12, there's no again, no modification. And this is the perfect example where you see those enlarged decks with the patios with the restraint underneath the 5 foot deep patios. And because it's in the north side, the property there is not much some, if any. And we have a heavily, wooden area which is on the Mount Kisco property and it's basically, almost hovering on our building. So because of that we were able to create a strip for planting where we successfully after years, found some bushes that were resistant to this shaded area and we got left those areas that show at least in my pictures, like small rocks there. And that's the only area that right now should be green but we try different seeds, different type of grass, whatever and nothing worked so, it is just muddy. So traveling along this for the landscaper or for the people they are servicing those units, contractors, Verizon utilities, that's a common area. Again, nothing it's meant to be there with chairs, umbrellas or anything else. And we brought this, as a proposal in front of you tonight, because as you know, we have two other areas on the property that we put this gravel and it's maintained, it's clean. This strip that I was talking about with the bushes, it's relevant now, it shows nice, it's beautiful

to the eye, it's easy to maintain and makes travel in the back of those units very practical. That's all I have to say here.

Vice Chair Bainlardi stated okay, any questions or comments from anyone on that again pretty straightforward. That brings us to, let's look at proposed work area 4.

Mr. Vasilescu stated four is the entrance, no not the entrance on the right side of the entrance.

Vice Chair Bainlardi stated no, proposed through our work area 4, is adjacent to the properties have now or formally Pierangelo and Dolan.

Mr. Vasilescu stated oh, I'm sorry. Okay, okay.

Vice Chair Bainlardi stated this is building 2B.

Mr. Vasilescu stated this is building 2B. So building 2B, has the following story, decks enlarged, no patios underneath, just the limited crawl space there with gravel. Again, encased with Belgium block, nothing is getting extended. Ten years ago, we start seeing severe erosion, this is a steep hill. I think just as a parenthesis, if somebody wants actually to better understand this, should come and visit this. We did before with Planning and Zoning site visits. And to be honest, when you see it, it is different than looking at a lot of drawing that, it's very hard to tell you a story. So, at that point because of the investment that we needed to make, and we're hoping to get easy out of this erosion issue, we created those retaining walls. Ralph, if you can point of the existing ones.

Mr. Alfonzetti stated not the non-shaded ones are existing.

Mr. Vasilescu stated yeah and it turned out that, 10 years later they are very successful. We don't see any erosion. Again, is not meant as a limited common area, it's the property, the common element, anybody can go there. And as a Board, we do not allow any furniture or we do not entertain any private use of those areas. However, in those 10 years, the other side of this landscape was left as is and it sunk a place two feet, because of the erosion, the water travels so fast when it rains that, no matter how much topsoil and new seeds and new grass, we planted. We are not successfully maintaining this. And we have a chain link fence to the right side, which borders with our neighbor and you can see easily the difference between the level of our property and the level of their property. So, we went back to Ralph, and asked his opinion as an expert and to, we ask our landscaper also, because this area must be maintained. And it has successfully being planted with grass so, we don't need gravel here, for example. We want to keep it green, we want to keep it nice and their suggestion was to extend those retaining walls which are, Ralph correct me, if I'm wrong, two or maximum three feet.

Mr. Alfonzetti stated correct.

Mr. Vasilescu stated okay and Ralph, also proposed those steps that will be wide enough for the landscaper to travel and cut the grass and maintain those areas as well for the, any contractor or utility company that most service their lines, cable and electric whatever they, we have there in the back. That's all I have here as a history.

Vice Chair Bainlardi stated any questions or comments? So that brings us to work area 2, which I think is just the repair of some existing retaining walls but takes us through that.

Mr. Vasilescu stated yes, here it's pretty straightforward. This is actually how we started this whole site plan. The existing railroad ties, and retaining walls are collapsing, one of them, it's actually helped on this decay process by this tree, that it's marked with an X, it grows so big that the roots, they're kind of popping the wall. And, it's actually we, as non-experts, we think that it's a structural thing to maintain the very steep here what I would call again, as non-expert, to not see that building number five, going towards 128. So again, visually seeing all this decay, we contact Ralph, we asked him what can be done, he suggested, of course, replacing those immediately. This is his design, he may talk about, why those two walls and why in this configuration. You can see in grade of old retaining the railroad tie, retaining walls and I understand that in the process, we'll lose this tree that I was talking about, this one with the X, that it's one of the troublemakers, and he asked us where can we replant it. And we have an area that actually it's, it has room to plant and let grow a nice maple.

Vice Chair Bainlardi stated and it looks like these two walls. This is a pair of basically two feet high walls, right? At the bottom of the wall 376, the top of the wall 378, and then the next one up the hill is bottom of walls 378, top of the walls 380?

Mr. Alfonzetti stated yeah, that's correct. Then there's a, there's a little bit of grading associated with that to flatten out the slope a little bit. And as we said, the railroad tie retaining walls, were going to replace with stone, to match the walls at the entrance, also make them last a little bit longer. So yes, you're correct.

Vice Chair Bainlardi stated okay, that's it is just a bright, is a minor benching kind of the hill.

Mr. Alfonzetti stated correct.

Vice Chair Bainlardi stated alright, does anybody have any questions or comments on that that portion of the work? All right. So, I think then, we're really down to probably Zoning, you know, questions is to what extent where, you know, in side yard setbacks were foreign buffer areas. But even there, this primarily appears to be clean up of what the existing condition is, with some additional reconfiguring of walls to allow for, maybe for a better, a better long term maintenance. Now whether or not these areas in the end, when this is done, we'll lend themselves to people sitting out there in the back, were using the space, it's no question. But I'm not sure that, it matters too much other than potentially in my mind, the only place where I would, maybe have some more questions, if that were the case would be in the area that's adjacent to the two property owners near work area 4. You know, I open it up to the Board, if anybody has any questions or comments or concerns or Staff for that matter, if anybody wants is anything? Jan, do you have, do you have any thoughts about what's presented here?

Jan Johannessen stated just to better understand from Whitney, his comments from the work session on how this might impact the offering to plan for Peter is to whether any zoning variances are required for work within the setbacks with the buffers or any catch all conditions and the prior Zoning Board variance that would make them have to return to the ZBA. Other than that it's, it's a steep slope from it, from the Planning Board and Anthony was handling that. I had some questions about the tree replacement and it looks like that's been taken care of. But it looks like, they're now using the correct kind of has built existing condition plan. I assume that this has all been taken into account when looking at their development coverage proposed. They really think it comes down to zoning question as you mentioned, John and obviously the concerns that Whitney had at the work session need to be evaluated.

Mr. Miley stated yeah, I'm going to take a look at, I looked at the conditions built into the resolution in one section was number five of the conditions, talking about the landscaping and buffers. I'd like to revisit with Whitney, when we have an opportunity I don't want to discuss it now and I don't know enough about it. And the second thing with regard to buffer, typically the buffer variance would be required for a structure located within a buffer not gravel. And if it was just gravel, some sort of coverage that would be under your jurisdiction or Board's jurisdiction. But I'm going to revisit that and just take another closer look to see if it's in any way.

Anthony Oliveri stated in terms of the steep slope application really the only thing I, you know, that stands out is the overall length of walls being used would not comply with the criteria, exactly. But that being said if there are erosion issues walls or certainly a tool to be used to contain erosion so that would be one justification for instance, in the, especially in that other area I guess, area number four where the erosion was discussed otherwise, I really had no other issues with this.

Whitney Singleton stated okay, I guess I'm up next as I said just in case the applicant didn't hear in the work session, which I think they do. If you go back up to that work area that you just showed with the retaining walls right there. The retaining walls and the perpendicular walls are following the unit ones to me that is clearly an extension of the, should confer with their counsel as to the propriety of this. However, that's diminishing the common element available to the other union owners. But if you don't, if you deem these to be simply cosmetic or drainage or retaining terracing and whatever you want to call, and you don't deem that to be an extension of the common element which I don't really see how you couldn't want it actually walls you out completely. But in any event, it's up to the Board to determine the buffer, it's supposed to be 80 foot setback and they're proposing four or five ft. The entire area is supposed to be left in its natural state it's not supposed to be tampered with including specifically steep slopes in the regulations for this particular district that steep slopes should be left in their home state. It also speaks in their application to the fact that very not to be touched at all unless it's completely unavoidable. I don't see how touching very steep slopes is unavoidable if you just leave them in their natural condition. All decisions for your Board not for me.

Mr. Vasilescu stated so Whitney, if I may just for my understanding so I can explain to board in our community. The picture that you see right here and we're referring strictly to those perpendicular lines, those are existing walls. Right now, if you come in Timber Ridge, you'll see collapsed over the drain, over the leader, wood rotten, those are existing ones. So, we are saying we want to replace them with stone. The horizontal one where it makes the 90 degree line, if you can help me Ralph, yeah those ones. Those

are the engineer proposed you know, walls which is my understanding. There are a foot or so and it's more to prevent any dirt that may go from those areas into the tree line.

Whitney Singleton stated okay, I'm looking right there at number three, a 4 foot wall, 4.5 foot wall. I don't understand how they get up.

Mr. Alfonzetti stated they get up to 4 foot tall, correct.

Whitney Singleton stated I don't understand how that's not limited common element. You don't need the Planning Board's approval to replace something that's rotted, you need the Planning Board's approval to further encroach into the yard and to do something which is not currently there.

Mr. Vasilescu stated if that's the case we'll just apply for the permit. But I did this before as I said and you know, our builder or contractor said, yeah no it's an existing it's under 4 foot and unfortunately we have done pleasant surprise for Peter to stop the work and that's actually—

Whitney Singleton stated this is already in the field?

Mr. Vasilescu stated yes, those are wood railroad ties decayed retaining walls and what I was referring to when you said can replace it with no Planning...

Anthony Oliveri stated hold on, hold on. Just to be clear I think they're saying the walls perpendicular building are existing walls.

Whitney Singleton stated correct.

Mr. Alfonzetti stated correct, these walls here.

Mr. Vasilescu stated yes.

Anthony Oliveri stated that they're replacing with the stone walls. And the walls that are parallel to the building are totally new proposed, the others are replacement walls is what they're claiming.

Mr. Vasilescu stated exactly.

Mr. Alfonzetti stated those are proposed.

Mr. Vasilescu stated and if they think that this is too much, as I was telling in a private conversation to Ralph we can take going with the best suggestion. If the expert, the engineer is telling me, hey you should put on L shape and hold it even if it's just the foot, then I'm going with that suggestion. If you are saying build your retaining walls, you don't need anything, you don't need permit, you don't need Planning Board because actually this is a replacement then I will be honest, I would prefer to do that.

Whitney Singleton stated you still need a building permit, if you're replacing something that's existing you don't need the Planning Board's approval, you're proposing something new.

Mr. Vasilescu stated yeah, okay, understood. So, we will see if you agree, if you disagree with this new design I guess we'll take the other avenue which is a building permit of replacing existing in kind but from wood to stone to mesa block. What is the solution proposed?

Mr. Miley stated Chairman should you recommend a site visit. So we all understand, we're going to take...

Vice Chair Bainlardi stated if anybody wants to go to this, I mean, sure. I mean, this to me is not a big deal, these are low landscape retaining walls. Most of them are two feet or less, you may have a section of wall that's 3 ½ feet on one side of the wall but it goes down to a one foot height, half a foot on the other side. So this is, you know, it's just going with slope and this is landscaping to clean up the back of these buildings so that they're accessible and I don't think we should be making a mountain out of a mole hill here, I don't really see the impact. And this is exactly the type of thing where we are, you know, I don't think it's necessary to be wasting this kind of time and energy. If people feel they want to go out to the site, we want to have a site visit you know, go ahead and do that. To me this is not the type of thing we should be getting, we should be getting our noses out of joint about. This is this is simple clean up in the backs of buildings so people can have access, clean access, dry access, uneroded access and you know, that's my view. But whatever anybody else, you know, wants to do I'm happy to accommodate.

Mr. Bonforte stated I'm going to go out and take a look, I just think it would be worthwhile to see it up close and personal.

Mr. Vigliotti stated okay.

Vice Chair Bainlardi stated what's the pleasure of the Board? You want to make a specific time and date to do it or does the Board want to go out individually and if we have the permission to do that.

Mr. Polese stated if we had the permission to do it I would just like the opportunity to walk the site.

Mr. Vasilescu stated and I'll be happy to meet you there and you know social distancing, masks and Show you around and let you make your own opinion about this.

Mr. Polese stated thank you.

Mr. Vigliotti stated thank you.

Vice Chair Bainlardi stated alright, so for going forward with this then, Peter, you, you're going to provide some input, Anthony do you have anything further to provide or you've provided your input.

Anthony Oliveri stated the only thing I would say is you know in terms of justifying the addition of the walls in the steep slope areas. If there are indeed erosion issues in these two places in particular, these two spots with the walls that's certainly a justifiable thing to put a low wall there to prevent erosion. So, I think that would key, so it may be worthwhile just take a quick look.

Vice Chair Bainlardi stated and the applicant and Ralph Alfonzetti, you know, take some photos and support your proposal. I think we can, we have a pretty good sense of what you're trying to accomplish the field and I can see it and is certainly helpful, can't hurt. And but I think you've articulated why you're trying to accomplish what you're trying to do here on purpose for it in each instance.

Mr. Alfonzetti stated okay so just to be clear, people are just going to go on their own or we're going to set up a specific time.

Mr. Vasilescu stated it would be nice if you can put the specific time, questions, get any suggestions, any feedback, maybe improve on this.

Vice Chair Bainlardi stated what would the Board like to do?

Mr. Bonforte stated I personally would like to go on my own just given you my schedule lately. And it would be on the weekend, I'd like to contact Mr., well Stefan.

Mr. Vasilescu stated Stefan, I'll be available anytime.

Mr. Bonforte stated I won't take up much of your time, I'm familiar with the site. I've had been to the site before on personal occasions so it won't take long and, yeah.

Mr. Vasilescu stated it doesn't matter, we don't do this every day so if it takes whatever it takes...

Mr. Bonforte stated yeah, thank you Stefan, and I think you heard from three separate members so it shouldn't be too onerous to accommodate the three of us separately and I don't know if Bill was part of that or not but certainly Ralph, myself and someone else mentioned it..

Mr. Polese stated yeah, it's Bill. I'm probably able to go this weekend, I too, Mike, like you have been up in the complex. I think Chairman's view of what needs to be done is consistent with how I look at it. So, just a thoughtful walk around the property to look at the sites would be good enough for me. I don't anticipate many questions, you know, a refresh would good so and likely this weekend.

Mr. Vasilescu stated if anyone is during the week, I will make myself available. I just want to resolve this situation so just offer me a couple of dates and times and be more than happy to assist you.

Mr. Bonforte stated thank you.

Mr. Vasilescu stated Michelle?

Vice Chair Bainlardi stated okay, then, anything else we can accomplish this evening? What next steps, Jan?

Jan Johannessen stated I don't know, it sounds like we have there's some zoning and legal questions that are going to be evaluated and when I calendar it.

Vice Chair Bainlardi stated why don't you put it on for the next meeting and let's see what could get accomplished between now and then.

Jan Johannessen stated okay.

Vice Chair Bainlardi stated hopefully a number of us will have had the chance to get out there to see it and we can, we can chart a path forward.

Jan Johannessen stated sounds good.

Vice Chair Bainlardi stated okay?

Mr. Vasilescu stated thank you for taking the extra step to come out and Michelle has my information email, cellular number whatever is convenient, please contact me.

Vice Chair Bainlardi stated okay, thank you.

Mr. Alfonzetti stated okay, thank you.

Mr. Vasilescu stated thank you very much, everybody. Have a nice evening.

Vice Chair Bainlardi stated have a good night. Alright, so that leaves Homeland Towers so, Michael I'll turn it over to you to run this meeting.

Mr. Bonforte stated yeah, thank you, John.

Vice Chair Bainlardi stated okay, thank you.

Mr. Bonforte stated I think that's the last on our list for tonight. Although, there's a discussion after this. This is a formal application...

Jan Johannessen stated Michael, I'm sorry to interrupt. But I'm just letting you know I'm recused on the application, I'll be bouncing off. If any of the Board members, I know that you're going to discuss a local law after this, if anybody has any questions on that they want to reach out to me that's fine, I'll be happy to answer any questions. I do, I have reviewed it with Village Manager, I do think it's consistent with the comprehensive plan the downtown development regulations and RFP. But if anybody has any questions on that legislation please give me a ring, email, I'll be happy to answer any questions. With that, I'm going to sign off.

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

Mr. Robert Gaudio of Snyder & Snyder was present.

Mr. Bonforte stated thanks, Jan, have a good evening, we'll come back later, yeah will do. All right. Thank you everyone. So, this is a formal application, it's for Homeland Towers Mount Kisco wireless telecommunications facility at 180 South Bedford Road. We also know there's another application on the same site, but this is just for the Homeland Towers cell tower application. There's a few administrative items and then I'll bring up a few others. There's some moving parts to this application but we have a memorandum from HDR. First of all, let me go back and just introduce those folks briefly we've you know in lieu of our own planner we've hired, Michael Musso and Stacey Calta, from HDR Engineering and their specialty is you know the site assessment which were charged with evaluating. As you know is part of this application as per the village code you know. Is there a you know just, I'll just read that because I think it's important and this is all, this is in Peter Miley's memo which I'll come back to so, just bear with me everyone. All personal wireless service facilities shall said, shall be cited to have minimal adverse visual impact. So Michael and Stacey from HDR are going to be working with us and the applicant to do the balloon test, the photo simulations so we can get the best evaluation you know, data on the evaluation of

the you know, what the adverse visual effects are if any, okay. So, That's Michael and I think Stacey Calta is going to be speaking on behalf of the farm but Michael Musso may also be part of that. We also have Simon Kates again and these people were introduced last meeting from BFJ planning. They've worked with the village before on the comprehensive plan, they're working with us now as our planner. And BFJ, Simon Kates, specifically will be talking to moving parts but let me come back to that because they intertwined with Peter Miley's memo dated October 6th. But just getting back to what's on the agenda, we have the memo from HDR regarding the balloon test photo simulations et cetera, I just mentioned that. And there, yeah I mentioned all of that visual assessment data. We've got another memorandum which I think I don't know what to call this memorandum in opposition, it's a legal brief, is a brief the right word Whitney, maybe it's not mention, a really brief but it's from Campanelli and Associates on behalf of the homeowner Rex Pietrobono, in opposition of the project, the cell tower project. So they filed this it's now become part of the public record and on file. There is also a letter from a local real estate agent, I will try to pronounce her name Mariangela Cavaggioni, stated October 16th, and just providing some comment regarding the cell tower, again that's on file so you can read that yourself. Now, getting back to where the meat of this meeting is and asking the applicant to provide answers to, we had Peter Miley, our Building Inspector, his memo's dated October 6th. The applicant you know, received it a few days before the last meeting, hopefully they've had time to review that and then in regards to that, is a response of and before we do that, I think the right format and processes to allow our planner to speak first, Simon Kates and you know regarding a couple things, one would be the, excuse me, my notes here. The SEQRA review, the key one of impact of the two applications and even though this is just for Homeland, as a Board we've determined that its practical and quite intuitive to look at both applications together and that will be something that Simon will address. And also the moving parts with this are you know when are we going to get the environmental for the Homeland Towners, let's say, when can the Planner evaluate that and when do we open the public hearing you know, can we open a public hearing tonight on this application for the cell tower. We already know that the cell tower separately there's a public hearing already open. You know, is that wise to do that without the environmentals you know and I'll ask the professionals to comment on that. I do want to point out in Peter's memo couple of really important items and then I'll op it up to you know, to Simon in his firm. There's Village Code in regard to the minimum lot size and there's numbers here, I see 25 acres, I'm not sure whether it actually is 25 acres or not, maybe we'll you know find out tonight. There's also setbacks and these are very important and again will be charged as a Board with evaluating the setbacks along with the Village Code for this application and I think the important one is that all residential dwellings should be by a distance should not, the wireless service facilities shall be separated from all wireless apologies everyone, should be separated from all residential dwellings by a distance of no less than 500 ft. In Peter's memo, in another section on page two that was page eight, in page two, there appears to be you know residence within 300 or so feet of the current locations. So you know like the applicant to address that, that's important. And I already mentioned the visual impacts which will be addressed by HDR, our specialist firm that's on board. Let me just give a moment here, I just want to make sure I covered everything I wanted to, provides an overview. I mentioned the public hearing and with that before we get any board members input, I'd like to turn it over to Simon, if that's Simon Kates, you're ready to go.

Simon Kates stated thank you, Mike for the record, Simon Kates, from BFJ Planning. What I'm going to do is go through a brief up slide presentation just update you all on where we are in our thinking. We've been talking with Mike Musso from HDR, as well as Whitney and Anthony and others to move this along and get a sense of what the next steps are. I'm also going to touch on some of the sort of key upcoming dates that Mike referred to and I think you know of course it's going to be up to the Board as far as when some of those happen and Mike and Stacey will fill in some of those later as well. But hopefully this provides a bit of context for discussion. So, give me a moment and I'll pull my screen up. You all have the presentation on screen?

Mr. Bonforte stated yes.

Simon Kates stated so, just five or six slides or so, just this at this stage you know from a big picture standpoint, I think it's been established that the Board is interested in reviewing the environmental impacts of the two applications from a cumulative standpoint, so, that's the approach that I'm taking. I understand that the application on the agenda tonight is just Homeland Towers but because I'm taking a cumulative view hear I think it's helpful for me to be thinking about these projects together although I don't expect the applicant tonight to answer for the other application. my next step and I really started thinking about this and I'm ready to dive into it, is to complete the part to EAF, to analyze the potential adverse environmental impacts of both projects. And the purpose of that is to assist the Board in making a determination of significance. Are there potentially significant adverse environmental impacts from one or both of these two actions? One of the things that I've been doing for myself internally and I thought this might be helpful just to put out here and show all of you is, I've started to think about what could the potential environmental impacts be. You've noticed a little bit right side of this matrix, I didn't want to take a, or jump to any conclusions on this, you know could there be adverse impacts from one item number another

from one or both of the applications. I want to think that through a little bit more carefully but these are the items in the EAF part two that seemed like we're going to at least have to look at. I don't expect that any of these are surprises to anyone, most of them have come up in public comment or may be quite clear. You know, for example, environmental you know, plants and animals, wildlife habitat impact, aesthetic resource is that's the visual impact storm water and so on. Some of these may be relatively minor and maybe they're not concerning but for example, noise has been raised and so, it's something that I want to make sure we don't overlook. I don't know that that's going to be, going to create an adverse impact with respect to noise but I didn't want to overlook any of these. And as we get to discussion later on if there's anything else that you all don't see here that you think we ought to take a closer look at, please let me know. The other thing that we've started to talk about is how do the two applicants or how should the two applicants be coordinating from both site plan and also the SEQRA standpoint. From a SEQRA standpoint just as an example, one thing that we've talked about with Anthony is stormwater. We have a SWPPP from one applicants and not the other. We need a combined a stormwater plan or two separate ones, I think that's to be determined but I think should be you know should be determined. It would be nice to see a site plan that has both projects on it. You know fire department concerns, I think has been raised with that, with I know that has been raised with Homeland Towers. I'm not sure if it's been raised with solar project but that's something that ought to be resolved with both projects in mind, they're using a common access road. Another one last item here that's been raised is construction staging. Are these going to be under construction at the same time? One going to be first and the other one second? Are the applicants an agreement on that? I just want to make sure I'm not suggesting that there's going to be a problem with any of these, I don't know that but I just I just want to make sure their top of mind as things that we think ought to be coordinated. And then at the bottom here, you know, I think it's worth starting to think about how the two applicants come together to do this. Maybe Mr. Gaudioso can talk about this later one, I don't know how connected or if the applicants are connected so this may be easy for them or maybe something where they need to be connected by the Village, just something that you want to make sure it can happen. And then just two final big pictures questions on SEQRA that I wanted to put out there, the first one has come up and so I wanted to put this I think put this to bed. If the actions are being considered together from a SEQRA standpoint, do they need to have a combined public hearing? As long as we're at this stage, my take is that the answer is no, the public hearing that's open on the solar project is on the site plan application, it's not on the EAF. So as long as the site plan applications are going to be approved separately, I don't believe that they will need a single public hearing, if anyone disagrees with that, let's talk about it tonight. If there is a pos. dec., and there's going to be in EIS, I think that changes because now there's going to be a public hearing on a pos. dec., a public hearing on an EIS. And the EIS presumably at that point is going to be on cumulative impact to the two projects. The second item here at the bottom of the page is just to, this is getting out a little bit further down the road but it's something that I wanted to start thinking about. What are the potential outcomes of doing this EAF, well the first one is that the Planning Board finds that there is no significant adverse environmental impacts, you issue with neg. dec., and you're in a position to act on the site plan applications. The second is that you find that there are significant adverse environmental impacts, based on the two projects, maybe both projects have you know different distinct impacts or maybe cumulatively they have impacts and that's relatively straight forward as well, you issue a pos. dec., and the applicants presumably at that point need to work together to produce and EIS. A third item here is, I think it's just worth starting to think about what if there's an impact that's clearly on one project and not the other and how do we proceed with that. And then just, this is my last slide just to wrap up here, mention to try to be brief. Mike and Stacey are going to talk about setting a date for the balloon test, you know, I think the hope is to do that as soon as possible but I'll defer them on when that can happen. Of course, the solar farm public hearing is open, it's been adjourned until November 24th, Mike talked a bit before about setting a date for the cell tower public hearing, that's up to you when you all want to act on that and we can have a discussion about should you do that tonight or should you wait until after the balloon test. You know, I think there's pros and cons but I'll defer to you on that. And then I'm going to begin working on that EAF part two. I'm not going to be able to finish it until we get the results of the balloon test back but there's a lot of data that we have already on that I can start using. So that's where we are, I'm going to stop sharing and turn it back to you.

Mr. Bonforte stated yes, Simon just to follow up on a couple things, the balloon test results or data points et cetera, would that include the photo simulations or would the photo simulations encapsulate all of the balloon tests, if you could just clarify that, I have a sort of open...

Simon Kates stated I will, at risk of speaking out of line, I'll defer to Mike and Stacey on that. If you guys want to jump in here, I think that's fine.

Mr. Bonforte stated yeah, if you could either, Mike and Stacey please just to sort of close that loop for me and everybody else, please.

Mr. Musso stated yes, this is Mike, I'll start and Stacey, certainly with your experience. I think what you're looking at is to have an understanding of or at least in a very advanced understanding of the visuals

that are presented. So, floating a balloon certainly tells you a lot, they'll be drive-thrus that the applicant would do, HDR would be present in the field on that day and certainly the Planning Board members you know, would have a sense of visibility. But I do think that the photo simulations are going to be important here, to look at some of the options that are put out either stealth tree or conventional. The things that were included in our October 22nd memo, so my inkling would be to really get the most advanced understanding. Those photos simulations should be developed and submitted.

Mr. Bonforte stated okay, I thought of one other, before we sort of start turn it over to you Mike fully, with to HDR, yourself and Stacey. Simon, I just had one other thought and then and I'll actually asked the Board also on your element, your participation in this application. In the memorandum of opposition there was some items mentioned sort of in that other category as considerations and I just you know, want to lay those out there that it mentioned debris falling from a tower. You know typically debris can fall, ice and also there's a potential for fire so, that was something I wasn't, I've never really say heard of or seen in the news. I don't know if you have statistics or actually Michael's firm HDR would. But that's just I just want to put that out there because I think that was, it's something that should be considered if there is that factor okay. And then you know the buffers come into play even more so, if you know there is a potential for the cell towers to catch fire and you know the danger opposes. So, with that any other than any of the other Board members want to comment on Simon's slides you know, in this regard. I see Bill Null, Ralph, and Crystal.

Mr. Vigliotti stated I have a comment. If I could with the two applications in place and the driveway servicing both applications and the driveway being quite the challenge in good weather, never mind winter weather. It kind of begs the question and what's the first growth trees and the size and height of the trees, if there are any storms and they should cross over as they fall on that driveway. How do emergency vehicles get up and down if that should happen and the chances are what that type of driveway, it could very well happen we saw what happened in Sandy, the number of trees that fell onto that driveway. So, I'm asking a question and it sounds a bit off. Does this type of project now require or at least looking into an emergency service road, I know there were no residences up there but it's about access for our fire apparatus, if there is a major issue?

Simon Kates stated yeah, I, you know the reason I didn't include that on this particular slide is because we do have that letter from the fire department expressing their concerns.

Mr. Vigliotti stated okay.

Simon Kates stated I would defer to that your fire department on what they need to see on that road but I think that they have raised some questions that you know for burning radii and backing onto the street and so on.

Mr. Miley stated okay, Ralph, are you requesting a second means or can you clarify that there is a [inaudible] code.

Mr. Vigliotti stated well I'm not requesting, I think it's just something that we need to officially look at a second access, a second access to the site, it's become more complicated now because there are two applicants on the same site, not being segmented. It's a very difficult road to travel in normal conditions, even when a four wheel drive truck or SUV, never mind if you have to get service, you have to get emergency vehicles up there. There are pull overs, are the pull overs large enough to handle a fire truck that needs to pull over because one is coming down, certainly not backing up. If a good size tree comes down and we know, we had a minor tornado about five to six weeks ago so for a couple of trees, a tree comes down and there are other trees coming down on top of solar panels and everything else and there might be a fire or something, how are we to get there? So it just begs the, it's worthy of a conversation and that's the only reason why I bring it up. To make sure we're dotting I's, crossing the T's on the co-applicants.

Mr. Miley stated yes, Chairman, I, if you don't mind I'll just answer Ralph, quickly. So the Fire Chief had an opportunity to review and there is a provision in our court, I believe it's in 110-45 with regard to the need for a second access or emergency access. He has not opined on that, in fact we just recently discussed the second application which would be this application cell tower, so he did prepare a memo. But I will bring your concern to him and he's the fire chief, he'll will let us know what he needs.

Mr. Vigliotti stated sure, okay.

Mr. Musso stated yeah and if I may, Mr. Vigliotti and members of the Board, maybe add to that a little bit. Looking at cell towers, as you know many of these are in very remote areas, especially the earlier generation cell towers up on ridgelines, steep slopes, very rough access roads, you know we're certainly

worked at some in more rural communities. A couple of ways that this has been handled and I don't know if it's in other part of the Code but the idea of having an access road maintenance plan and like snow removal. If that's something that goes into a site plan or combined site plan, I've seen that before and just letting you know that cell towers are sometimes built in remote areas and this is my ignorance on the solar project as a whole of how that looks and feels, I'm really concentrating on the Homeland application. But you know, this also dovetails a little bit into the concerns that Acting Chair brought up a couple of minutes ago. So, debris and ice, your code, your wireless code and just about any municipal ordinance, they do have that setback that Peter noted in the memo. More is a best practice but it also as catch all, as a buffer and to fall zones if you want to look at it that way. You know, in my experience, you read about things or maybe you see them on YouTube, I'm not aware of anything in New York State of a tower catching fire or having a problem with debris and ice. The structural for the tower itself but also for the mounts, the carriers don't want to lose power, they don't want to lose service especially when it's needed the most, during a storm or high winds. And the structural standard, the industry standard, you know, it's very specific in fact there's I think two different wind gust and icy conditions for Westchester County. Every county in the US is put out there in terms of the design criteria to use for storms and for wind and for ice buildup. So, I just wanted to add that perspective, I mean HDR, we're looked at literally hundreds of applications over the years, not all for new towers but for other types of antennas on buildings and other structures, but I just did want to impart that if that's helpful at all.

Mr. Bonforte stated thanks for that say industry feedback, appreciate it. Okay, well, with that, why don't Mike and Stacey or I think Stacey, you're the primary but for HDR to speak about the balloon test and some of the recommendations you made for what I'll call requesting the applicant to, recommended steps for the applicant. I'm sorry, I don't have it in front of me but you just go ahead and explain your visual assessment approach.

Ms. Calta stated sure, as mentioned earlier, HDR submitted a memo on October 22nd that outlined a scope for the visual, viewshed analysis and balloon test. We walked through some of this at the last meeting, I'll go through some of it quickly again. Some of the things that we're recommending, is some additional viewpoints that we've added to the 29 locations that they had, that the applicant had noted for photograph locations during the balloon test. We have as part of the completeness memo that had been submitted back in September by HDR that outlined some other additional information. The balloon test has been expanded on in this memo. So, one of the things that I think the Board needs to decide is that a targeted date whether that is a weekend or weekday, how long the balloon should be up? Whether a half day, full day? I think we were recommending that it should be a full eight-hour day to allow the Planning Board members enough time to be able to go around and see the balloon from the various viewpoints since there are quite a few. And then if that balloon has needs to be publicly noticed in the local newspaper because that will take some additional time to get that coordinated with some weather rain dates, if you will. Weather dates for if there's too much wind or rain and the balloon test cannot happen on the day that had been targeted. Some of the next steps that we had asked was that for the applicant to provide some additional viewshed maps, some of which, they provided a viewshed map that accounted for a tree and building heights. We have asked for one that just uses bare topography and does not include any trees or structures, simply because some of those heights, especially tree heights may vary in an area. So, it's hard to know exactly what those tree heights would be. So, the worst-case scenario would certainly to be to look at it with just the bare topography. So, we asked for those additional maps and then balloon methodology, itself based on what we've heard on the side access road and some of the trees in the area that a crane might be a better option to do the balloon test, simply even just putting a balloon at the bucket of a crane up in the air to get to the proposed height. So, we're looking to see the applicant's methodology for getting that balloon test done. We'd also talk about the alternative heights, asking for the applicant to represent two heights at the location, suggesting an alternative of about 125 feet. And then in addition asking for the alternative site on the site to the south, I believe it's at the old tennis courts. So, looking to see if they could fly a different balloon there at a height that the applicant would need to verify for what they would need at that location. So, during the fieldwork, we've laid out the actual process of getting the balloon test done. I mean, just even phone numbers and contacts for who wants to be out on the field and then if there is a rain or weather delay, who's calling who to figure out that the balloon is or is not going to fly. We referenced the type of camera, how the balloon should be colored so we can tell which balloon is which when we get out even half a mile away from the site so you know which balloon you're actually looking for. And just the general methods for taking the photos that they need to take to be able to make the simulations when they get back in the office. So, in looking at the photograph locations, HDRs, we have two additional sites that we wanted to just photograph for from historical sites that aren't noted with the SHPO, the State Historic Preservation Office. Based on the viewshed map that they provided, these sites would not likely have a view to the tower, but we would just like to have that confirmed. So, we're just suggesting that they take a picture from those two sites. And in addition, there are two sites to the west of the tower location if the tower location is over to the right of the one-mile radius that they showed on their viewshed map, but based on topography might have a view of the tower. One of which is in front of the cemetery, that's just on the west side of the village and the other one out on the Saw Mill River Parkway, in a place where we might have a view of the tower.

And then we're also suggesting two additional locations should be taken from within the property, especially down near the house locations.

Mr. Bonforte stated and these are on attachment B, correct Stacey, attachment B in your memo.

Stacey Calta stated no, attachment B is the applicant's viewpoint locations, they have not been...

Mr. Bonforte stated sorry, yeah.

Stacey Calta stated our locations have been embedded into the memo itself, so at some point, I'm sorry, go ahead...

Mr. Bonforte stated no, no. I just wanted to clarify the attachment A with the two graphics and proposed locations are from Saratoga Associates in the past, that the Homeland Towers is using now in the present. And now you're recommending in text, in your text narrative to these other locations.

Stacey Calta stated right, if we look at Attachment A you can actually see the two historic sites that I proposed that they take a picture at, they are outlined in pink on here, they don't currently have a photo location. And then the cemetery is basically right on the one-mile mark, and the Saw Mill Parkway is actually off the map, but it is within a distance that you would have some visi-- you could have some visibility of the tower. It's not too far away where it would not have any kind of an impact.

Mr. Bonforte stated and in regards to timing, meaning not this weekend but with, are we looking for that leaf off condition. And when do we think we'll have that in your opinion?

Stacey Calta stated yeah, currently Westchester County is classified at near peak-to-peak leaf color. So, that would lead me to think that there's still quite a few leaves on the trees. So, this weekend and probably next weekend, November 7th, are likely a little too soon. I don't know that we could schedule it too much before November 14th if we're looking to do a Saturday/Sunday balloon test.

Mr. Bonforte stated and Mr. Gaudio, that, well, and Manny and so forth, Vincente, does that makes sense to you just from the timing?

Mr. Gaudio stated so good evening, Mr. Chairman and members of the Board. Robert Gaudio with the law firm of Snyder and Snyder on behalf of Homeland Towers and Verizon Wireless. So yes, I think, I think one of the things we've said earlier was that mid-November does make sense for us. That Saturday, that weekend to the 14th, that Saturday with each day thereafter in case of inclement weather makes a lot of sense to us. You know, we will, we've received the memo you know, most of the items are not a problem. We intend to do it as the balloon float, we don't think the crane will be feasible. At this stage, we do not have authority to do the second balloon at the second location. If we do have authority from the landowner, we can certainly accommodate that. Right now, the second location has been shown within the solar farm, so that's problematic on its face and it's also problematic in that we've spoken to the landlord and he's taken the position at this stage the second location is not available to us. We will reach out again and see if we could at least get permission to do the balloon and if we do, we'll do the two balloons. Although we do have a concern that it will be more visible and may create some confusion, but if that's what the Board would like, that's what we'll do. We'll also take the additional viewpoints, I will point out that the Saw Mill is on the other side of the cemetery where by the way, there is a tower in the cemetery. Given the distance, given the low height of our tower, we don't think there'll be any visual impact, visibility at all but we'll document all of those additional viewpoints, no problem with that. Minor comment on the camera, we took, we use more accurate or more, common camera lens size of 50 millimeters, that has been accepted in the past as the right camera size. And just as far as the length of the balloon test, we think four hours is more than appropriate. Eight hours with a balloon quite frankly, we'll not stay put for eight hours, it'll create, I think a lot of false impressions, I think we're better off getting the balloon up, there is plenty of time to visit all these areas in a couple hour period, let alone four hours, I think eight hours would just cause a major concern as far as the wind picking up later in the day and creating a situation where folks were counting on it later in the day, and then they would be disappointed because they didn't realize that the balloon wouldn't be able to stay up late in the day when it would need to, particularly in the month of November. So we'll definitely put together a response to all of these items, to the memo that we just received but I would say the vast majority of them not a problem, we're happy to accommodate these requirements and get on with the balloon test on the 14th. As I've mentioned at least the last two or three meetings, you know what we would ask is that the public hearing be set for the first in November, so that way in case any residents had any input on the methodology or viewpoints, we could capture it at the public hearing. The public hearing plan for the solar farm is open and has been open for some time. So you know, back in August, we did submit you know, a full site plan, a full EAF, a visual analysis that was consistent with the Code requirement, numerous other documents, so we think there is more than enough information

for the public to comment on particularly move on, particularly since they're already memorandum that the Board is already discussing. So we think it's fair to have the public hearing, move on with the process, give the residents the opportunity to chime in on the view points and things of that nature because I will say it again, I will guarantee if that doesn't happen there will be second guessing and there will be comments that we didn't capture something that they wanted captured. So that is a concern to us but other than that we have, we have no problem with the methodology. As far as Mr. Miley's memo, we will put a full response in, I think I mentioned this early on, we will seek the necessary variances. There is not requirements for 25 acres for wireless facility, that's clear from the Code. As far as the setbacks, we will make our application to the Zoning Board that is a Zoning Board issue, we will make that in the very near future. And as far as the memorandum in opposition that was submitted by the neighboring property owners counsel, we will submit a full response to that as well and we do echo with what Mr. Musso said, that the issues of fire and ice fall, debris fall, I think are misstated and overblown but we'll have our professional engineers submit a report that will specifically address those items.

Mr. Vincente stated and if I could add to what Rob's saying...

Mr. Bonforte stated sorry, Rob, Mr. Gaudioso, yes, you just finished. You got cut off, I think.

Mr. Gaudioso stated sure, Mr. Vicente would just like to add something to that.

Mr. Bonforte stated oh, sure.

Mr. Vicente stated yeah, I'm sorry for cutting you off, Rob. But as far as the balloon test, one of the things that Rob mentioned that's a concern to us is we're not able to get a man lift or crane onto the location of the proposed facility. And we're concerned about an eight-hour test just because our experience tells us that having a balloon in the air that long is very difficult. If we do have a longer, we can attempt an eight-hour test, but I would strongly encourage the public and anyone who is truly interested to view the balloon earlier in the day when the winds are lower, it's going to be very difficult having the balloon up that long. Once noon, one o'clock hits generally it becomes very difficult depending on the day. Not so I just want to make sure everyone understands that's not a push back, it's just a practical issue. And I wouldn't want anyone, as Rob said, to schedule going out there in the afternoon. And then for whatever reason, the balloon popped or isn't available when they're out there, we don't want that kind of a problem. So, if we do have a balloon up, we'll attempt it longer. But it has to be made clear to the public and everyone that they should be there in the morning.

Mr. Bonforte stated and personally, I'm fine with four hours. And I think the photo simulations will augment anybody who can or help supplement whoever can't get out there in the field, right? And I think that's the step forward. I'm thinking of notice on this, I think Michael and Mike Musso and Stacey, you're going to coordinate with the applicant as far as the day and as far as when the notice needs to take place for the balloon testing. Is that correct?

Mr. Musso stated yes, we will be happy to do that. I think, I don't think your Code has anything prescriptive about noticing balloon tests. And I think we'd be looking for feedback from the Planning Board if posting through the website is appropriate. The 14th, we have a little bit of time either way but I think maybe the Homeland team would want to suggest something here, because there are municipalities where it's really very prescriptive of which paper they notice in and how many days in advance of the proposed test and the weather dates and things.

Mr. Gaudioso stated yeah and look we're happy to put it in the newspaper if you were to schedule the hearing for the first meeting in November. We could include you know, a notice to the residents of the balloon test date with the hearing date. Quite frankly, the newspaper notice doesn't have much of a practical effect, we think it might be better to include a notice of the public hearing with the notice of the balloon test, mail it to the surrounding residents but you know, we're open on that. As I said the 14th seems like a good day to us, we agree with that. Our experience as well, we do dozens of these a year, this is not this is not something that we don't often do. And the way that we agree with Stacey and Mike, we'll have a set procedure as far as phone numbers so we have points of contact so the word can get out 24 hours in advance if the weather it doesn't look good. With our experiences is scheduled it for Saturday, understand that it will be each consecutive day thereafter. In case of inclement weather, everyone knows. We send out a notice the day before when we check the weather report. If it doesn't look good, everyone knows we're going to make it the next day and the day after and then that way everyone has a firm understanding. It avoids a lot of conflict. It avoids a lot of misunderstandings. And we found that to be the most the most transparent way of doing this because quite frankly, we want to provide these results, we want to provide this report, we want to provide the information. What we don't want to do is have people say that way tried to not provide the information. So, we want to get the word out. We want to be transparent. We want to

take the photographs. We want to do the photo renderings, establish for the record and let the board do its work from there.

Mr. Musso stated I think that's reasonable.

Mr. Miley stated Chairman, we can also have Michelle...

Mr. Bonforte stated sorry Peter, go ahead Peter.

Mr. Miley stated as far as posting on our website, we could put a notice on the website indicating the date, the balloon test and the rain date as well.

Mr. Bonforte stated okay and I was going to say to Robert and Manny, duly noted, it's on the record. So, thank you for your feedback and statement. And I guess the one thing we don't have though the alternative sites. So, we're going to be doing this off of the common site, location on the bend of the road which is close to 172 and the west, general location, so.

Mr. Gaudio stated and we will follow up again and try and get permission to float the second balloon. We will commit to you that we'll do that again.

Mr. Bonforte stated yeah, okay, again, like I said, there's a lot of moving parts to this and I don't want the public, anybody to think we're not trying to cover all aspects of, between the testing the visual assessment testing and so forth. And also, the fact that you will be responding to Peter Miley's memo because it's quite detailed. So, thank you for that. Whitney, the next thing I thought was, sorry, right on cue.

Whitney Singleton stated yeah, just on the topic of which you're talking, I just want to point out to you something that this may be a good opportunity for you. I mean right now we have a situation where people claim a lack of notice. And your board has a discretion to require any reasonable form of noticing that you want with regard to this. So, if you want to have it, if you want to have this notice in the local paper that's something that you're, have the ability to do. And if you want to have this noticed in adjoining town's newspaper or make sure that the, I think that the interested agencies will be notified anyway. But right now, the only interested agency is the town of Bedford. If you want to send it to any other specific boards or anything else just so there's no misunderstanding or late notice or claim with lack of awareness as to what's going on, that should be something that you guys should consider...

Mr. Bonforte stated thank you, Whitney. I think...

Whitney Singleton stated or anything else because we did have a situation where people claim that they didn't receive notice when in fact it was sent out to them.

Mr. Bonforte stated thank you, Whitney. I also read the same and heard the same comments for the [inaudible].

Whitney Singleton stated is somebody brushing their teeth?

Mr. Bonforte stated Ms. Neiman, I think you unmuted your line again and it's making noise. If you could mute your line please. And then Whitney, I was going to ask you just in regards to procedure protocol for setting up a, or do we need to vote to open the public hearing? And that would be when? The next meeting is what we're...

Whitney Singleton stated whatever your preferences is, I know that you've received some advice. I was doing some work with Michelle during some of that portion of the meeting. But whatever your preference is as to opening of the public hearing and how long you wish to keep it open. If you feel as though there's a benefit to opening it up in advance, obviously in advance of the balloon test so that you can get input from people as to how and when it's going to be conducted, that's entirely up to you. I know that Simon did a lot of research on this and Mike knows a lot about it. So, I will defer to them as far as where we want to take your advice on that. But it's certainly within your right to opening up whenever you want.

Mr. Bonforte stated and would that require a vote of the board?

Whitney Singleton stated yes.

Mr. Bonforte stated or just a, with straw poll or in a formal vote?

Whitney Singleton stated you guys can just you could suggest that you open, make a motion that you open the public hearing and have a second vote of the Board.

Mr. Bonforte stated I, for one, would look to do that next meeting. Mr. Gaudioso, if that's what you're looking at and are aiming for, I don't see why we shouldn't open it. And then therefore we don't necessarily will close it any we want to have all the information. But at least open it, taking into account what you what you cited and what I feel would be helpful. And again, I'll make that motion.

Mr. Miley stated but Chairman, before you continue with the motion, is there enough time for notice from now to the next meeting? I believe it's – meeting's on the 14th. Correct?

Simon Kates stated November 10th.

Mr. Miley stated the meeting is on the 10th, excuse me. The 15-day notice requirement.

Whitney Singleton stated the 15-day notice period. Thank you, Peter.

Mr. Bonforte stated so, Michelle where does that put us?

The Secretary stated November 24th.

Mr. Miley stated November 24th would be the next...

Whitney Singleton stated and when is scheduled balloon date?

Mr. Vigliotti stated November 14th.

Mr. Bonforte stated the 14th.

Whitney Singleton stated that's beforehand.

Mr. Vigliotti stated but we don't have much of a choice.

Mr. Bonforte stated unless another Board member has a different outlook on this. I'd like to make the motion. But before I do, does anyone on the board want to comment or let's say oppose my forthcoming motion to open the public hearing on this particular application?

Mr. Vigliotti stated what is the day that we're zeroing in on, Mike?

Mr. Bonforte stated November 24th would be with, that would allow for proper notice, 15 days and move this forward.

Whitney Singleton stated I'm sorry. Maybe I'm not picking up on this. The 14th would be the balloon test?

Mr. Vigliotti stated yes.

Mr. Bonforte stated weather permitting. And again, I think I originally started out tonight's meeting by saying when do we open up a public hearing? You know, do we wait for the environmental on this application, we wait for the balloon test, the visual assessment data? I'm putting it out there for the specialist that know the best HDR and DFJ Planning. So, if you think I'm going in the wrong direction, either Simon or Mike and Stacey, please let me know. But I'm inclined to make the motion.

Simon Kates stated yeah, you know, just a couple of, just a couple of thoughts from my perspective. I think there's clearly a lot of interest in the application and we're getting input from the public. I think there's some logic in having a formal process for additional comment to come in and the public hearing is a way to do that. To the question about when the hearing happens relative to the balloon test the hearing being open before the results of the balloon test the hearing being open before the results of the balloon test are in, you might get some people who are commenting on visuals that they don't have yet. But as long as it's clear, right? As long as we can be clear that, look, we want to hear comments, if the balloon test happens after the 24th, it sounds like we're set on the 14th, but if it were to happen after the hearing it's an opportunity to further publicize the balloon test. But as a way to set up that formal comment period, I think it's very worthwhile.

Stacey Calta stated and I think it could be up to the app-, I mean it's up to the applicant on the date of the balloon test. I mean the 14th is I think the earliest it could be done. It certainly doesn't have to be that day.

It could be a couple weeks later if the Board feels that or, and the applicant feels that they want to have the public hearing open to be able to get that public comment before the balloon test.

Mr. Gaudioso stated yes, I think – look, I think all things being equal, that would be wonderful. But I think knowing how the weather gets in December, we're concerned about having the balloon test drag on and I think we need to get that data submitted. So, what I think we could do is if we have the public hearing on the 24th, we shoot for the 14th for the balloon test. I think if you make a statement tonight that if anyone has any comments on the methodology, they can certainly submit it in writing between now and before the 14th and we'll take that into consideration, we're happy to receive that written public comment. And that might actually be more beneficial, quite frankly, so we can incorporate it into our viewpoints. And as Peter said, if we can get it published on the website, it's being stated tonight, I think a lot of people were in attendance or at least watching from home. You know, I think we've got it covered very well particularly given the fact that the code doesn't require any of this. So, I think this is above and beyond what the code actually requires.

Mr. Vigliotti stated as we're talking about November 24th, let's just be mindful that we have in a adjournment from SCS shows to the 24th and I believe they will have a public hearing. Let's just be mindful. Is that too much for one evening? I don't think we want to go into midnight or, one of the meetings we had went to 12:45 am. So, I think we need to be mindful that we're all full of energy and we're able to address all the issues at 9 o'clock at night, not at 11:30 at night. So, I just bring that to the table.

Mr. Bonforte stated good point, Ralph. I think HDR, just going back a step to Mr. Gaudioso, that the HDR memo and recommendations for the applicant to provide and your own knowledge and background and history with doing balloon tests, I think we're going to come out with the right approach, okay? So, I do want to come back to Simon at BFJ Planning though. Simon, can you – there's another moving part that I'm concerned about, is the whole positive or negative declaration, so, of significance, a determination, if there is a significant negative impact, right? And what that requires, could you just lay that out for everybody so there's no misunderstanding and to either anyone in the public or on the Board? Because that's another significant step. So, if you could please.

Simon Kates stated so the test for whether you conduct an environmental impact statement is if there may be a significant adverse environmental impact, not whether it's a Type I action, a Type I action makes it more likely, but it doesn't require in an EIS. It's whether there may be a significant adverse environmental impact. So, the part two EAF, Environmental Assessment Form, is the tool that you, as the lead agency use in order to evaluate whether there's an impact that might cause a significant adverse environmental impact, right? So, it brings you through 18 items and you go through each of them and you sort of check them off and some, we may have some questions. I have internal questions that I'm looking at that I can dig through the materials that the applicants have provided and try to get a better sense. For example, on the solar applicant, there's a wildlife impact analysis that they've provided and I think there was a letter that came in that may have just been today, countering them. So, I'm going to look at those two and try to provide some guidance to you on where I think that lands. But that's the test, is there a significant adverse impact on the environment that the action is causing? If there's none, you don't want to you don't want to send an applicant down a rabbit hole, do an EIS for no reason if they're not causing, if they're not causing environmental issue. If they might, you want them to take a closer look and mitigate it if they can.

Mr. Bonforte stated okay, and so, so as you said in your opening, I believe in your opening slides, that you're working on the part two EAF which is, I don't want to say synonymous with the SEQRA review, right?

Simon Kates stated exactly.

Mr. Bonforte stated it's the 18 questions. So that is, for the public record that information is forthcoming. So please everybody be patient. And it will be out there in the public domain, right?

Simon Kates stated yeah and that's, one thing I want to repeat so that no one's expecting it within days. There are some aspects of that that I can – there's some questions that I can answer right now. I'm going to get started on that and start of working on those.

Mr. Bonforte stated okay.

Simon Kates stated but the key one that I can't answer yet is that one on visual impacts.

Mr. Bonforte stated okay.

Simon Kates stated that I need the results of the balloon tests and those photos simulations. So, there might be some other discussions with the two applicants about how do we need to combine some of the review and circle back on that so that we get the information that we need. But we want to take a good look and make sure that it's providing the guidance to the Board.

Mr. Bonforte stated fantastic because I just wanted to state the obvious, again for the public record because there's already from the opposition side of this application, from the public that we are getting to that step, okay? It's not like it's been overlooked, it hasn't been put to the side, it's going to be taken care of in due course. And thank you for just laying that out, okay. Thank you, Simon. Whitney, is there anything else I might have missed that you can back me up on? I think we – and then turn it over to the applicant of course. But is there anything else? I was going to just mentioned for HDR to keep the Board and the staff, and the rest of the staff up-to-date on the date, the proposed date so we get out the notice properly and so forth with our, with...

Whitney Singleton stated yeah and do you want to notice to be limited to what the code requires, or do you want to notice to be, I mean in light of the...

Mr. Bonforte stated wider, yeah sorry to interrupt. But no, wider, including interested parties who have, for example, the fire department, and the Town of Bedford of course the residents.

Whitney Singleton stated okay, and no, I don't have anything else beyond that. Obviously, we should also be keeping track of any timing that, not to do so much with your Board but to the extent that Mr. Gaudioso seek any variances. That should be worked in because we are progressing, we're getting along in the year. And specifically, what would the balloon test was going to be Saturday, 14th from when to when? Was it a four-hour period?

Mr. Gaudioso stated we would typically recommend starting at 8:00 am, noticing it for 8:00 am, 8:00 to 12:00. Typically, we get the balloon up a little earlier, but if we say 8:00 am that gets everyone out there early enough while the wind is low. If the Town wants to include a notice of the balloon test when we mail out the notice for the public hearing include it in the same notice, that's fine. Post it on the website, that's fine. Send it to the Town of Bedford, that's fine. Send it to the Zoning Board, the fire department we have no objections to any of that, obviously.

Whitney Singleton stated okay.

Michael Musso stated I have a question on that. With the balloon test notice, then Rob, you're suggesting that's combined with the November 24th public hearing notice?

Mr. Gaudioso stated yeah and look, I'll defer to Whitney and Michelle, if we're supposed to mail the notice and if they can provide one or two notices together, we're happy to assist in drafting it. We can put it in the same envelope is my point. We'll send the notice of the public hearing out early, more than 15 days obviously, send it out early. Maybe send it out early next week so that way at least it's mailed as well as posted on the website. Again, we're trying to be as transparent as possible.

Mr. Vigliotti stated and Mike, again, I just want to reinforce the idea that we have two public hearings. It's not fair to the public, to our residents to have to sit at 11 o'clock at night trying to speak at a public hearing. 11:00, never mind 11:30, 12:00, 12:30. So, let's be mindful of what is good for everyone who is zooming in. There's a lot of controversy. There's a lot of, folks want to talk and be heard. And I don't think they want to be heard at 11:30 at night. It's something we should talk about. And the SCS public hearing is the same night as you know and that may go off at 9 o'clock with other agenda items.

Mr. Bonforte stated yes and Ralph, I'll respond to you and everyone else is that my feeling, my outlook is this, the public hearing is already open for the SCS Sarles solar farm...

Mr. Vigliotti stated yes.

Mr. Bonforte stated so there shouldn't be as much comment but the, also, the original or that public hearing that took place recently, the residents that spoke were, some of them were reading their entire submission that they put in writing.

Mr. Vigliotti stated I recall.

Mr. Bonforte stated yeah that's not ideal. And I think if there's a way that, and maybe as Acting Chair I'm going to say wait a minute can you please summarize? Because we've read your written submission, but in the interest of time and let's say there's a long line up of comments, where residents to comment, yes. But

like I said earlier, starting this, there's a lot to balance here and just, it was good that we got some big pieces covered tonight. I'm really interested in – but, well, duly noted, Ralph. So, thank you. And we should talk and think about this. I'm interested in the applicant's response to Peter Miley's memo because there's some key points in there. So, I know you said that's forthcoming. I just want to reiterate that. And Ralph, taking into account what you said and everything else that's said, **I still would like to make the motion to open a public hearing at the November 24th meeting for the Homeland Towers' application.** And again, we're just opening that. So, if I have a second, I'll open up to...

Ms. Pickard stated **I'll second that**

Mr. Bonforte stated all right, thank you, Crystal. Mr. Gaudioso, anything from you or Mr. Vicente?

Mr. Vigliotti stated I think you have to poll the Board, don't you Mike?

Mr. Miley stated call the roll, Michael.

Mr. Bonforte stated Michelle?

UPON ROLL CALL VOTE:

Mr. Bonforte	-	aye
Ms. Pickard	-	aye
Mr. Vigliotti	-	nay
Mr. Polese	-	aye

The motion was denied with a vote of 3 to 1.

Mr. Bonforte stated okay, Mr. Gaudioso or Mr. Vincente, do you have any other comments...

Mr. Vigliotti stated Mike, did we need four votes to make that pass? Did we have four?

Mr. Bonforte stated I think we have a limited one, two, three...

Mr. Polese stated we have four votes.

Mr. Bonforte stated yeah, thanks, Ralph. Again, duly noted, Ralph. I'm not discounting it. It's just...

Mr. Vigliotti stated I don't think we're being fair to the residents of the Village or being fair to the applicant. I think if I was the applicant, I wouldn't want to go on at 11 o'clock at night. I don't think that's fair to us as Planning Board members to be making decisions at 11 o'clock at night or 12 o'clock at night. It's okay, 8:00, 9:00, 10:00. I just don't think it's fair to our residents. And I'll just leave you with that.

Mr. Bonforte stated again, I'm going to try as moderate...

Mr. Vigliotti stated it already passed, so.

Mr. Bonforte stated as a moderator just, but Ralph, I think it deserves some feedback, as a moderator just to maintain a, I don't want to call it decorum but people, I'm going to ask them to just keep it to their bullet points, to keep it short and sweet because we all know, and I'll leave it at that. Robert, did you want to follow up to Ralph's comment?

Mr. Gaudioso stated no, Mr. Chairman, I just want to thank you and the Board and your staff. You were correct. We covered a lot of ground tonight. We got a lot of things moving. We appreciate that. We worked with everyone to get the balloon test done, get the documents filed, get the response to the consultant's comments and we thank you. And have a good evening.

Whitney Singleton stated wait, wait, wait before we close here...

Mr. Bonforte stated I'm not closing.

Whitney Singleton stated no, but before Rob leaves, I just want to clarify something. And I'm on gallery view. I'm trying to see was the vote that was had, was it a four to one vote or a three to one vote.

Mr. Polese stated three to one.

Mr. Bonforte stated three to one.

Mr. Vigliotti stated doesn't pass.

Whitney Singleton stated you need four, you need four votes. You need four votes to schedule...

Mr. Vigliotti stated that's what I was trying to say earlier. We didn't have the vote.

Whitney Singleton stated how many people are on the – I see...

Mr. Polese stated John Hochstein's not here.

Mr. Bonforte stated yeah, John's out tonight. Well, that puts us...

Ms. Pickard stated Ralph, we've already seen with previous comments for the solar farm that people aren't segmenting their comments to only one of the two projects. In the public mind these are combined projects, like, both on the same lot. People are going to have the same amount of comments whether there's one or the other or both on the docket for the night. And I don't see how separating that is going to...

Mr. Vigliotti stated I'm not talking about separating. I'm just talking about what kind of evening it will be and how fatiguing it can be for our residents who we represent having to watch through a Zoom meeting from 7:30 to maybe 11 o'clock at night or 10:30 at night until we get to this application's public hearing. It's fatiguing for our residents, I'm here to serve the residents. I'm here to serve the applicants. I don't think it's fair. And that's why I voted against it. The next meeting is the first meeting in December. I would rather have the cell tower have their public hearing at 8:30 at night, not at 10:30 at night. I hear what you're saying...

Mr. Gaudioso stated can you move the solar the farm over? And the only reason I ask that is...

Mr. Vigliotti stated that's fine.

Mr. Gaudioso stated there's two distinctions that, number one and I know you don't want to hear me say this but there is a federal mandate that these applications move along. The solar farm did voluntarily request to be put over tonight. Could you either move the solar farm up or push the solar farm back? There's no harm either way. You know, you are looking at the impacts cumulatively.

Mr. Vigliotti stated I'm fine with that.

Mr. Gaudioso stated and I think one of the thing Simon is missing is some of the data and information and feedback on this application. And I just think that that might help move things along cumulatively if this application has the ability to go in front of the public.

Whitney Singleton stated Rob, when you were suggesting moving up or back, you're suggesting moving the application of the SCS solar to the December meeting?

Mr. Gaudioso stated I leave it to the board's discretion. I know that, I understood from watching the hearing tonight that they had requested an adjournment tonight and it was put over to the 24th. I'm just suggesting maybe it could be put over to the 10th, the satisfy Ralph's is concerned or some other meeting. But that's just an option that I throw out there.

Whitney Singleton stated I mean there's certainly the option of, we've already adjourned their public hearing, so that's water under the bridge. But there's certainly no prohibition of getting them in the first meeting in December, making sure that they will be first meeting in December. I don't know if that's where you were going at.

Mr. Bonforte stated so Whitney, procedurally, you're saying we adjourn tonight's SCS Sarles Street public hearing session, right? But it's just adjourning the...

Whitney Singleton stated right, but you have to adjourn it to a date certain, which your Board already did, to November 24th.

Mr. Bonforte stated okay, can we make, can a motion be made to revise that date to address Mr. Vigliotti's statement and concern?

Whitney Singleton stated no and I think what can be done is instead of revising that date you could pick an additional date.

Mr. Bonforte stated well, okay. So let me, Ralph, let me, I'll speak to this more specifically, we're just opening the meeting for the Homeland Towers, it's not, it doesn't mean when it's going to close. Because there's going to be more and more information coming out and I think the public will have multiple opportunities to opine or provide comments on both applications. So I don't actually see, in that regard, I don't actually see the 24th having both public meetings as a concern although, you and I are different points on the spectrum there. It could be a very long night or it may not be.

Mr. Polese stated Whitney, just come back to earlier, do we have enough votes or do we need Hochstein? I'm confused on that part.

Whitney Singleton stated no, you need a majority of the full Board, do you need four affirmative full votes.

Mr. Polese stated and then because we don't have that this evening...

Whitney Singleton stated theoretically, you would have to put it over to another meeting and then it would have to be 15 days hence.

Mr. Polese stated so, isn't that the reality of the situation which puts us in December from a...

Whitney Singleton stated the only thing that I can suggest is this. And maybe this, and I opened it up to Rob, Mike and Simon. Do you really think that if we do the test on the 14th that there will be meaningful assembly consisting of material to be considered on the 24th?

Mr. Gaudioso stated so, there will certainly be everyone's observations from the balloon test. There will certainly be other information that we intend to submit. One of the key issues, and I said this, and I think Mr. Vicente has said this in the past, we also want the public input because if there are really alternative sites that are viable and that are in the public's thought, we want to know now. We want to know sooner than later. Once this project gets, once this train gets too far down the tracks alternative sites become less and less viable. So, there is an importance, not only because of the federal shot clock, not only because we have plenty of data to review, not only because we will have the observations from the balloon test, but also being able to hear from the public if they do have any alternatives that they think are viable for us to explore. And again, this idea of on top of the hill or not on top of the hill, I think the feedback from The Chase will be very important on that and I think they'll be to comment on that based on the balloon test whether it's one balloon or another. So again, I just think there are a lot of benefits to having us on the 24th either with or without the solar farm. There's plenty of other dates for the solar farm, they've already had a partial public hearing, they did voluntarily request to be adjourned. I think there's just a way to work this out, and hopefully Mr. Vigliotti would possibly reconsider his vote with some other accommodation for that night on the 24th.

Mr. Vigliotti stated well, in accommodation, would be possibly starting a half hour earlier, limiting the number of items that are on the agenda. So, we're not starting a first public hearing at 9:00 at night. So, and we saw what happened this evening. We want to give everyone a fair opportunity each and every one of our applicants, and we want to give those who want to speak the time they need. Certainly not reading a 10-page memo, and I agree with you, Mike. But if we can start a little earlier, limit the number of items on the agenda, so the two big issues which of the public hearings can be done in a timely fashion.

Whitney Singleton stated Ralph, not I don't like to disagree with you on anything, at least in public.

Mr. Vigliotti stated I see the smile. I see the smile.

Whitney Singleton stated but that, it's not in a public hearing tonight. That's why it is at the end of the agenda. And that's why it is so late, it's because we're not yet in a public hearing, because it's not a public hearing, it's going to be at the end of the agenda.

Mr. Vigliotti stated it would be first.

Mr. Gaudioso stated we agree, we agree with Mr. Vigliotti. I know my wife would agree when I got home at 1:00 in the morning. I got the hairy eyeball, so if we could start a little earlier, if we could limit the agenda, accommodate both applicants, we would be all in favor of that.

Whitney Singleton stated yeah, there's no problem.

Mr. Bonforte stated have we limited the agenda before? I mean is that actually practically done? Because...

Whitney Singleton stated yes.

Mr. Vigliotti stated yes, it is.

Mr. Bonforte stated then, Ralph, I think that's a great, just middle of the road.

Whitney Singleton stated but keep in mind that you do have, you already schedule a number of pretty significant applications for the 24th.

Mr. Bonforte stated Michelle?

Mr. Miley stated well, Mike, Chairman, we have The Park, Diamond Properties already scheduled for the 24th, we have the solar farm and if he decide to move forward with the cell tower, that will be three significant. And the deadline has not passed yet for any new applications, which is 21 days prior to the 24th.

Mr. Vigliotti stated well, those three items, Peter, kind of limits the agenda. It's not like there is eight items on the agenda of five. If it's just a way...

Whitney Singleton stated and we also have 299 Kisco Avenue on the agenda for approval.

Mr. Miley stated yes.

Mr. Bonforte stated Is that a, yeah that's...

Mr. Vigliotti stated well approvals are pretty easy. Time wise.

Mr. Bonforte stated so, that's a resolution, approval resolution to adopt 299...

Whitney Singleton stated that's there was going to be neg. dec., and a resolution considered that evening.

Mr. Miley stated well, they still, they still need to variance. They still need two variances.

Whitney Singleton stated oh, oh, Peter's correct. So, there would at least be a neg. dec.

Mr. Miley stated but if that, Chairman, if that decision's made, are we -- the application that we accept prior to the deadline, are we going to push into the following meeting then? Is that what you're...

Mr. Bonforte stated well, I'm going to suggest if Mr. Vigliotti's in, if I make the motion again, if I can even make a motion again to get back to the 24th for Homeland Towers to open a public hearing on the basis of limited the agenda that the public hearing for the Homeland is going to be earlier in the session than later, meeting session. And also, we started a bit earlier if we start a half hour earlier, I think that's doable. And again, I don't think this sets any precedent for accepting or declining this application, but just gets the information, the public the ability that's step forward. And I personally don't think it's going to be a long night I certainly don't want to have a long night. So, Whitney, if that's permissible if I could make another motion?

Whitney Singleton stated you can make another motion.

Mr. Bonforte stated so, I'd like to make another motion to open a public hearing for Homeland Towers for November 24th. And we also make, I'll also make the motion that contingent upon starting the meeting a half hour early. But we'll keep our pre meeting session the same time, 6:30, let's start the meeting at 7:00pm, the official meeting with public hearings and other resolutions, negative neg for 299, et cetera, at 7:00pm. And to limit any further applications, do I have a second?

Mr. Vigliotti stated I will second that.

Mr. Bonforte stated thank you, Ralph, very much. Michelle, will you poll the board, please?

UPON ROLL CALL VOTE:

Mr. Bonforte - aye

Mr. Vigliotti - aye
Mr. Polese - aye
Ms. Pickard - aye

The motion carried by a vote of 4 to 0.

Mr. Gaudioso stated Whitney, maybe I say goodnight now?

Whitney Singleton stated let's just make sure that the public notices that go out say, 7:00 is...

Mr. Polese stated and I want to rock.

Whitney Singleton stated it's kind of already in there at 7:30.

Mr. Miley stated Chairman, one last thing from Michelle. If whoever is determine the time and place, well, we know it's the 14th for the balloon but for the rain dates. If you could just send us a quick drafted or notice, so we could posted on the website, we'd appreciate it.

Mr. Gaudioso stated and I'd be happy to work with Michelle. We have some stock language that I think would be very useful.

Mr. Miley stated all right, great.

Mr. Bonforte stated thank you everybody for your -- thank you your time on this and diligence. So, I'll close it off. Thank you, Mr. Gaudioso and Mr. Vicente.

Mr. Gaudioso stated thank you very much.

Mr. Vicente stated thank you.

Mr. Gaudioso stated thank you all.

Mr. Vigliotti stated thank you.

Mr. Bonforte stated we have one last item, if John is still with us, if he's not, I don't mind taking it. We have a discussion item on the zoning, we have an amendment to Chapter 110 zoning. And this is in regard to Kirby Commons, I don't know if Mr. Brancati was going to join us. I forget.....

Mr. Miley stated Ed not joining us. If you need some assistance on some of the changes, I could help you with that Mike.

Mr. Bonforte stated let me just pull it out here. So, I'll just set it up Peter, yes, and if you could help me. There is a public notice by the Village Board of Trustees, Village of Mount Kisco. There was zoning of public hearing opened on October 5th, regarding the Chapter 110 zoning amendment. The amendment concerns the required community benefits specifically for the Kirby Commons Development Project that's proposed it's focused on the development bonus that is specifying the incentives that may be utilizing the development of the two parcels on North Moger and South Moger lots. And it goes into without too much detail, setting aside space, civic space for the Arts Council and I forget who else might actually take up that space. But that's just putting that in the code, a reduced setback for the garage that's at least 30 feet from the nearest property line. And an additional, the additional 10 feet of building height being given to the developer with 10 feet of setbacks provided that the entire building is basically Main Street is within 75 feet of the street. And then, there's a building coverage increase from 80% to 90% and the maximum development covered increased from 90% to 100%. We had some discussion in the premeeting, I don't know if anybody would like to read state any of their comments. And if procedurally, if Peter or Whitney, is there anything that needs to be -- it's really just a discussion night, right, that we're.

Mr. Miley stated I defer to Whitney on this one.

Mr. Bonforte stated it goes to, it doesn't go to this board necessarily right, Whitney?

Whitney Singleton stated no, it, whenever there is a proposed modifications to the zoning, whether it's by an applicant or whether it's by the Village Board, it needs to be referred to your Board for its review, comment and vote as to whether or not, you believe that it comports with our Master Plan and that it carries out the objectives of the Zoning. I'm going to try to pull up the exact language, right now. But...

Mr. Bonforte stated do we need to make it a formal, does this become a formal agenda item versus just a conceptual discussion point at a future meeting?

Whitney Singleton stated it's actual going to be a document that your Board authorizes to be signed by the Chairman. And here's, I'm sorry, I'm a little slow in getting back to it, I got too many things open on the screen. I'm losing things in the, okay...

Mr. Vigliotti stated so, Whitney, while you're trying to locate that. I had a conversation with the Board a couple of months back that I own a piece of property on North Moger Avenue. So, I will not be voting, the concern, I will not be voting, if there is a vote because I had said that, because I own a piece of real estate. I'm recusing myself from the vote. Of all things that are being put forward though, is that the 10 residences who would normally have a four car, a four-story parking garage, which there would be two then in the Village instead of it being 50 feet away from their property. It would now be 30 feet away from their property, and that's what this is asking for. It's also asking for, instead of a four story, they're asking for a five-story residential apartment building, which will block the viewscapes of Kisco Mountain and Captain Meritts Hill. And at the same time, we're going from an 80% to a 90% coverage and I'm not sure where the 90 versus the 100 is set. Is it 100, where the parking garages or is it 90 where the building is, so...?

Mr. Miley stated Chairman, I could answer that, the CB-1, it's consistent with CB1 district.

Mr. Vigliotti stated okay.

Mr. Miley stated so, CB1 permits that amount today.

Mr. Vigliotti stated 100% or 90%?

Mr. Miley stated ninety and hundred.

Mr. Vigliotti stated okay.

Whitney Singleton stated one's your building coverage, one's your development coverage.

Mr. Miley stated correct. And the development of 100%.

Mr. Bonforte stated and Ralph, there's, I know, we all know there's two buildings, which I think it's the North Moger lot, that's going to five stories or has the additional height, not the South Moger which is where the train station is now, you know.

Mr. Vigliotti stated yeah, yeah that would be four. So, I, again I will recuse myself, I will abstain from voting, but I just wanted to clarify any statement that's been made on this. That's it for me.

Mr. Bonforte stated so, Whitney, is this actually up for, I apologies, if this was covered in the premeeting.

Whitney Singleton stated it was covered. It was covered. When the Board, I'm just going to read or paraphrase. When the Board of Trustees shall resolution, by resolution authorizing public hearing in a local law, which if adopted would amend or change every provision of this chapter, this chapter being zoning. The Board of Trustees shall refer the proposed law to the Planning Board for its report and recommendation and specifically they want to know, specifically your Board has to review three items. Concerning a proposed amendment to or change in the text of the chapter, you have to determine whether the changes consistent with the aims and principles embodied within the chapter, as to the particular district concern. Whether the areas, land uses, buildings and establishments in Mount Kisco, which areas land uses, buildings and establishments in the Village will be directly affected by such change, and in what way will they be affected. And next, you have to determine whether there's an indirect implication of such change and its effects on other regulations. And finally, whether such proposed amendment is consistent with the aims of the master plan of the Village/Town of Mount Kisco. So, I know that sounds a little formalistic, but it really does make sense because it's one board should have the opportunity to review something that's going to affect future applications to come before you. And secondly, you should have the opportunity to look in your code to see whether there's going to be an unintended consequence by virtue of a change here, is it going to affect something unintended elsewhere in the code. And of course, there should always be a determination whether or not, it is consistent with the aims of the master plan. So, I mean that's why you go through this process.

Mr. Bonforte stated okay. understood. So, this is going to require some homework and some thought. And can we even, if, let's just say we were all prepared, could we even vote on it? Do we have a quorum? Given that Ralph is abstaining, I don't think we could even vote if we wanted to.

Whitney Singleton stated you couldn't even. I think what you should do is, you should have a memorandum prepared for your review that addresses these items. And you can vote on it then.

Mr. Bonforte stated so, what I think I do is, I would circulate or ask, I wonder if it would be Doug, the Acting Chairman or the Vice Chairman or maybe myself. But I think it would be either, the acting, the current Chairman or the Vice Chairman to circulate an email to the board members in this regard and get feedback.

Whitney Singleton stated yes, that's perfectly fine, so long as you vote to adopt your position for the latter itself.

Mr. Bonforte stated right.

Whitney Singleton stated at a public meeting.

Mr. Bonforte stated okay, so, I'll start that chain on this with an email and copy the staff also. Peter, does that sound...

Whitney Singleton stated I mean, has your board, have you reviewed the, have you reviewed the proposed change? Do you have any questions? Is there anything that Peter and I, or Anthony could help you?

Mr. Bonforte stated personally, the only concern I had was that the development bonus afforded the builder, hasn't been calculated in a manner, like, in a detailed manner. This is something I wrote about last week but didn't speak to publicly. Was it, I don't want to say professionally, but was it done in a spreadsheet? Was the value of these items economically quantified as to what we're giving up to the developer what we're getting versus what we're giving up. And that's a normal part of community benefits agreement. And it doesn't necessarily mean you get down to every dollar but the developers got to build parking spaces or parking garage that at least has the same number of units, sorry, parking spaces as currently in the North Moger Lot. I believe that's the condition or was it for the total north and south. In either case, to me, that's a significant cost based upon what I know.

Mr. Miley stated Chairman, if it, inside the memo, there is a, the community benefits that are included, these three community benefits that's included in the first page.

Mr. Bonforte stated yes, this is what I recall.

Mr. Miley stated second page.

Whitney Singleton stated Mike?

Mr. Bonforte stated yes.

Whitney Singleton stated why don't we do this, why don't you and I follow up tomorrow and with Doug, with John or any one of you. And we can start to circulate something that examines the questions you can share it with the Board, your fellow Board members and solicit their input and comments and ask if they have questioned. And then hopefully, in a period two weeks from tonight, we'll be in a position to vote on it. I just, it's, I just don't know that this is going to, I think it requires a little bit of review, not only of what's being proposed but the, in the context of what's already in the code and seeing a plan as to what is this going to look like as far as an impact. And well, I don't have that stuff with me right now, it could be something that could be provided. So, then, you can see the actual schematics of what's being proposed.

Mr. Bonforte stated thank you, Whitney. Yeah, in fact, I you directed me to the sections of the code and so forth. Okay. I'll do that in an interest of time I think, let's adjourn tonight's meeting, unless anybody has any other further questions, concerns. Let's....

Mr. Polese stated I'll second that.

Mr. Bonforte stated thanks, everybody for your patience with me.

The meeting adjourned at 11:18pm.