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CITY OF MOUNT VERNON

CITY PLANNING BOARD

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HELD AT: One Roosevelt Square  
Mount Vernon, New York  
March 2, 2011  
6:30 p.m.

BEFORE:

William Holmes, Chairman  
Elvira Castillo (not present)  
Marcus Griffith  
Michael Justino  
Sophia Trott  
Janet Snyder

ALSO PRESENT:

Jeffrey Williams,  
Planning Commissioner  
  
Brian Johnson,  
Assistant Corporation Counsel  
  
William Long,  
Planning Administrator

J & L REPORTING SERVICE  
of Westchester, Inc.  
200 East Post Road  
White Plains, New York 10601  
(914) 682-1888  
Joseph S. Jacoby, Reporter

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CHAIRMAN HOLMES: I'll call this meeting to order. Good evening ladies and gentlemen. The regular meeting of the City Planning Board is held tonight, March 2nd, in the City Council Chambers, second floor. I would like to take a second to introduce the audience to our newest board member of the Planning Board, City of Mount Vernon, Sophia Trott, is our new member. We welcome her to the board. Thank you, very much and welcome aboard. We're glad to have you. Totally understand you're coming in in the middle of the process, so during our deliberations or voting process I believe it's your discretion which votes you will deem to be appropriate for you to vote on, based upon the background material you've had an opportunity to review.

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MS. TROTT: Okay.

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CHAIRMAN HOLMES: Item one, approval of the minutes. I will

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entertain a motion for such.

MISS SNYDER: Make a motion we accept the minutes.

MR. LONG: We don't have them.

CHAIRMAN HOLMES: I'll entertain --

MISS SNYDER: Make a motion we table the adoption of the minutes until we have the review of them.

MR. GRIFFITH: Second.

CHAIRMAN HOLMES: All those in favor? All Aye. Item number two, correspondence city agency and I will accept a report from any of you, since we don't have a board secretary at the time.

MR. LONG: At this time there are no correspondence.

CHAIRMAN HOLMES: So noted. Item three, request for reapplication. That's 3.1 site plan 9-10, 157-159 Sanford Boulevard, map page 169-46, block 3030, lot 2 in the CB Commercial Business Zoning

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2 District. Pursuant to Chapter 53-10  
3 of the city code, to the satisfaction  
4 of the Planning Board, that there has  
5 been a material change in the  
6 circumstances under consideration in  
7 the original proceeding, Nazarene  
8 Worship Center, by it's Attorney Jack  
9 Adesso, is request a reapplication  
10 of the site plan application denied  
11 during a regular meeting being held  
12 on September 1st, 2010.

13 MR. ADDESSO: Jack Adesso, 153  
14 Stevens Avenue. Some of you may  
15 remember the application. I don't  
16 remember exactly who was on the board  
17 at the time. You three were on the  
18 board. You were on the board also  
19 and I know you weren't on the board.  
20 This was the application brought by  
21 the Church of the Nazarene to have  
22 this building converted to a church  
23 use. The Zoning Board had approved  
24 the application, which included a  
25 school, a day care center at the

1  
2 location. When we came before the  
3 Planning Board, the Planning Board  
4 approval, there were issues raised  
5 with respect to the daycare center  
6 use and flow of traffic in the area,  
7 impact the cars may have and overall  
8 concern for the site. I think I'm  
9 stating that accurately. If I'm not,  
10 your own recollections, obviously,  
11 you have to consider when the time  
12 comes. So we met with the applicants  
13 and of course, they have been  
14 operating the facility as a church  
15 consistently for a number of years  
16 and determined that it would be in  
17 their best interest at this time to  
18 eliminate the daycare center use and  
19 just go with their church use, which  
20 you know, is a standard type of  
21 church use, which includes church  
22 services, Sunday school, occasional  
23 community type of breakfasts and  
24 various church social functions,  
25 which is not entertaining a day care

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2 center. So as a result, we have  
3 eliminated the daycare center use.  
4 I'm going to ask Mr. Demori who's,  
5 the architect on the project before  
6 and still the architect, to describe  
7 the differences between the site  
8 without the daycare center operation  
9 and how we believe this is a material  
10 change in the application and how we  
11 believe it will address all the  
12 concerns you had as a board. The  
13 Zoning Board has approved this  
14 application. We came to the Planning  
15 Board for site plan review. You had  
16 concerns. I don't remember. I don't  
17 know if you remember all the details  
18 of the various materials. It was  
19 well litigated and discussed on both  
20 ends. The church determined that  
21 rather than push forward with  
22 something that was troubling to the  
23 board they would modify their  
24 application, more along the lines of  
25 what we believe the sense was we got

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2 from this board, in particular, as to  
3 have what the preferred use would be.  
4 I'm going to ask Mr. Demori to  
5 describe that, if you could.

6 MR. DEMORI: 136 Stevens  
7 Avenue. I always get confused when  
8 he says 153. I'm pretty sure. Now,  
9 the site as you know, South Avenue  
10 runs alongside the church.  
11 Notwithstanding our traffic engineer  
12 said there was not going to be a  
13 traffic problem. The board thought  
14 there might be a traffic problem with  
15 the drop off zone for kids for  
16 daycare. That seemed to be a major  
17 concern, that it would be dangerous  
18 for the kids getting dropped off and  
19 dangerous for traffic in the area  
20 with all the cars lined up on the  
21 street. We've gotten rid of the  
22 daycare use. Now, the street is not  
23 a drop off zone. We're not asking  
24 for a drop off zone in any way. We  
25 don't need one. It's going to

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2 operate like a regular church.

3 That's the main material change to  
4 the site. The earlier plan had shown  
5 a blacktop backyard with a safety  
6 surfacing pavement on it for the kids  
7 to pray. We got rid of that. Now,  
8 the blacktop surface will be used for  
9 the outdoor Bible camps and things  
10 like that, when they have a Bible  
11 thing in the summertime and barbecues  
12 and things like that they want to  
13 have in the backyard. That's the  
14 change. The main thing is about the  
15 traffic. We're not going to have the  
16 use of the daycare. The use and  
17 traffic are the main material  
18 differences in the site plan  
19 application. And just so you know,  
20 the building hasn't changed. I mean  
21 this was a preexisting building. It  
22 hasn't been changed or modified from  
23 the plans submitted originally.

24 MR. ADDESSO: Except in the  
25 basement. Except in the basement,



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2 where the daycare use was located.  
3 With the elimination of the daycare  
4 use, you have a church basement or  
5 facility of a church basement used as  
6 a church basement, storage, maybe an  
7 occasional meeting. No operation of  
8 the daycare center or Bible class  
9 where you have a pick up and drop off  
10 of people with children on a regular  
11 basis, you know, 5 or 6 days a week,  
12 like the other proposal was. We  
13 believe that's a major and material  
14 change in the application.  
15 Everything else that we asked for  
16 previously that was granted by the  
17 Zoning Board is still in place and my  
18 recollection, of course, this is my  
19 recollection, was that your concern  
20 as a board was with the daycare use,  
21 the pick up and drop off and that  
22 kind of a use and the church  
23 determined that it would be in their  
24 best interest at this time to  
25 eliminate that from the application

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2 and to move forward, as we described  
3 this application before. The church  
4 will be normal church uses, where a  
5 day care center is not part of the  
6 plan. Are there any questions to be  
7 answered?

8 MR. JUSTINO: I have a question  
9 or two. Maybe Jeff, clarification,  
10 if we were to determine it was enough  
11 of a change to let it go forward, the  
12 site plan wouldn't have to be  
13 resubmitted and we have an  
14 opportunity to look at that again?

15 MR. WILLIAMS: Absolutely.

16 MR. ADDESSO: We're here  
17 basically to get it back before the  
18 board as an application materially  
19 changed so we would qualify under the  
20 rules of the Planning Board for a  
21 rehearing of the application. So  
22 what we're asking the board for  
23 tonight to do is vote as to whether  
24 or not we can move forward with our  
25 application as we have described the

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change.

CHAIRMAN HOLMES: Any further questions?

MR. JUSTINO: I do have another question. I know you briefly mentioned a couple of usages. I'm curious. You're calling this an outdoor program area. I'm wondering why you're using that term. It's not going to be a parking lot?

MR. ADDESSO: No, it's not going to be a parking lot. The original application had this as a play area. There was concern about that and there was a modification of that. Without the children being part of the use or the principle part of the use, the yard back there is going to be used as an auxiliary or accessory kind of location. Occasionally they may have a Bible program that may meet outdoors in the backyard area during the warm weather or may have a church barbecue to use

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the backyard facility to conduct the barbecue. Normal things a church would do at their location. That's what it would be for.

MR. JUSTINO: I asked for clarification. I don't know what a normal church does with space like that. You know, I appreciate the answer.

MR. ADDESSO: I could tell you a few of the things. I've gone to churches in Mount Vernon. I've gone to barbecues, various breakfast functions, fundraiser outdoors, church projects. That's the type of thing we're talking about. We're not talking about on a regular basis bringing in students or people to occupy that area. It's really an area that's there for programs to be run from time to time that would be appropriate and within the law.

MR. JUSTINO: If you need to satisfy parking, would they consider

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that? I'm not saying we would even approve it.

MR. ADDESSO: The Zoning Board already dealt with the parking.

MR. JUSTINO: The parking is not an issue?

MR. WILLIAMS: No. The Zoning Board issued the use variances and that includes parking. There's not a requirement for that to be reexamined for part of your consideration of hearing the case.

MR. ADDESSO: That's the nature of our application. We ask the board to consider it and hopefully approve us going forward for the next step.

CHAIRMAN HOLMES: Any other questions to the applicant? I entertain a motion from the board either way with regard to this application.

MR. JUSTINO: Since I had the most say, I will make a motion we do grant that the application does have

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2 significant changes to allow it to  
3 come back in front of the Planning  
4 Board.

5 CHAIRMAN HOLMES: Second?

6 MISS SNYDER: Second.

7 CHAIRMAN HOLMES: All those in  
8 favor? All those opposed? The ayes  
9 have it.

10 MR. ADDESSO: Thank you, very  
11 much.

12 CHAIRMAN HOLMES: Item 4,  
13 concept plan presentation, 4.1  
14 Wartburg Place map 165.42, block  
15 2160, lot 1 in the R1-7 zoning  
16 district. The application of the  
17 Wartburg Home of the Evangelical  
18 Lutheran Church is proposing to  
19 construct two new buildings and to  
20 implement other enhancements and  
21 improvements at the premises. Area  
22 variances are required. The  
23 applicant is also requesting a  
24 special use permit for the  
25 Domiciliary Care facility. SEQRA

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determination is not required at this time.

MR. LONG: That's correct.

CHAIRMAN HOLMES: The Chair recognizes Planning Administrator Long.

MR. LONG: Just to talk about SEQRA for a second. SEQRA is not required. This is a concept plan, this concept is actually --

CHAIRMAN HOLMES: For the record, we're employing the use of a stenographer due to the absence of having our secretary for the Board temporarily.

MR. LONG: The Wartburg site is on tonight for a concept plan. The site, currently it's a 34 acre site. It's been in existence dealing with single care and associated type of senior services. The site has approximately twenty-five buildings currently on the site, consists of three tax parcels. The application

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2 which is the Wartburg, is proposing  
3 to receive the grant for  
4 twenty-seven, approximately  
5 27 million to make three  
6 modifications to the site. Currently  
7 a building here, a building here and  
8 they want to construct a building  
9 here. The building -- the polygon or  
10 rectangle you see in red are the one  
11 to be demolished, this building and  
12 demolishing the building here. This  
13 building here, this particular  
14 polygon is going to be called the  
15 Wartburg B parking lot. It's a  
16 building to be demolished, turned  
17 into a parking lot. The parking lot  
18 will consist of approximately sixty  
19 parking spaces. The next building is  
20 the skilled nursing facility and  
21 adult daycare, which is the proposed  
22 building here at the main entry.  
23 They're proposing to construct a new  
24 parking lot in the front. They're  
25 suppose to have eighteen below grade



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2 parking spaces on this end, on this  
3 side, one loading space. The  
4 applicant is required to have two  
5 loading spaces, if I'm not mistaken,  
6 one of which will be located this end  
7 of the building, one of which will be  
8 located here. They're going to widen  
9 the driveway to accommodate a loading  
10 space along the side. The third  
11 building, supportive housing. This  
12 building, they're going to demolish  
13 this building and construct this  
14 polygon here. This building, as well  
15 as this building, both require a  
16 height variance, the two buildings  
17 50.5 feet in height and exceed the  
18 maximum height by approximately  
19 15.5 feet and the 4 story supportive  
20 housing building will be  
21 approximately 56 feet in height,  
22 exceeds the maximum height by  
23 21.3 feet and 1 story. So basically  
24 the proposal will require the  
25 applicant to proceed to the Zoning

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2 Board for a height variance for both  
3 of the buildings, after which they  
4 have a special use permit, they have  
5 to come to the Planning Board for a  
6 special use permit. When they come  
7 back they will be asking for site  
8 plan approval, as well.

9 CHAIRMAN HOLMES: Any current  
10 building on that site that exceeds  
11 the height?

12 MR. LONG: Yes. Right now if  
13 I'm not mistaken, this building  
14 exceeds the height, but there's a  
15 variance for a 50 foot high building.  
16 I'm not sure how many stories.  
17 There's an existing variance granted  
18 by the Zoning Board previously.

19 CHAIRMAN HOLMES: Do we know  
20 what the difference is between the  
21 two, between the proposed and what is  
22 current precedent, for lack of a  
23 better word?

24 MR. LONG: What do you mean?

25 CHAIRMAN HOLMES: Is the

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applicant proposing to exceed what they have been granted previously?

MR. LONG: Yes.

CHAIRMAN HOLMES: By how many feet? Six.

MR. JUSTINO: Six feet.

CHAIRMAN HOLMES: Six feet is the difference?

MR. LONG: Yes, six feet.

MISS SNYDER: What is the height of the first building?

MR. LONG: The height of the skilled nursing facility, which is here, will be 50 feet and 5 inches, so that building is actually going to exceed the height limitation by 5 inches. This building is going to exceed the height by 21 feet, approximately 21 feet, 1 story.

MR. JUSTINO: Does that mean it will be 70 feet high?

MR. LONG: Approximately, yes.

MISS SNYDER: No, I don't think so. I think it's exceeding the

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existing height by six feet.

MR. LONG: The total height of the building will be 56 feet, in speaking with the applicant.

CHAIRMAN HOLMES: What will be helpful would be elevations to scale. That would give us a better indication, because the questions we have asked you, you can answer those, but it doesn't tell us what the height is, because both buildings will be at different grade potentially, unless you state so otherwise.

MR. LONG: Right.

MISS SNYDER: If there were perspective drawings it might be helpful, as well, just for relative heights and relative grades.

MR. LONG: Those items will be included as part of the applicant's site plan application.

MR. WILLIAMS: May I request, ask a question for clarification?

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2 Elevations to scale, those are  
3 provided for the buildings. Are you  
4 looking for a depiction of the  
5 topography of the site and how  
6 buildings are placed in relationship  
7 to one another?

8 CHAIRMAN HOLMES: Yes, I am.

9 MR. WILLIAMS: You're looking  
10 for that existing structures adjacent  
11 to the proposed new building, the  
12 topography and the ground elevations  
13 and the building heights in relation  
14 to the ground elevations?

15 CHAIRMAN HOLMES: From all four  
16 directions.

17 MR. LONG: After all the  
18 improvements are made, the applicant  
19 will end up with a net gain of 82  
20 parking spaces on the site.

21 MR. JUSTINO: The other thing  
22 I'd be curious to know, when it's  
23 submitted, the application is  
24 submitted, what kind of traffic  
25 increase there might be on the feeder

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roads to the site.

MR. LONG: The applicant has the application into the Zoning Board currently. They have submitted a traffic study. You will get the traffic study as part of the application.

CHAIRMAN HOLMES: What would be very interesting, I think this board would like to see, is that the traffic study contain projections of traffic, of pattern changes from both the current, as well as any secondary or tertiary entrances that may change traffic patterns because of the development. They do have some other exits that buttress neighborhoods and I'm sure that we'd like to know about the planned use for those. Any other questions, board members?

MR. JUSTINO: You may have asked this. Just for clarification for me, I'd be interested to get an idea of what the visual impact is

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2 going to be on the surrounding  
3 neighborhood and if we spoke about  
4 that in what Williams requested. If  
5 we didn't, then something I really  
6 don't know where the perspectives  
7 should be, but the surrounding  
8 neighborhood, if there's going to be  
9 buildings popping up on the site,  
10 just to get a feel how high above the  
11 tree line they might wind up being.

12 CHAIRMAN HOLMES: I think that  
13 will be very much of interest to the  
14 community, and will help answer that.  
15 Thank you, very much.

16 Item 5, recommendations to the  
17 Zoning Board of Appeals. Calender  
18 5.1, 1682-Z, 8 East Cedar and 485  
19 Gramatan Avenue and street map page  
20 165.30 Block 1036, lots 1 and 2 in  
21 the RMF-15 zoning district.

22 Application of Cedar Manor, LLC, by  
23 it's attorney Hannah S. Gross of  
24 Gross & Stabile.

25 (Reading requested Variances

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from the meeting notice)

CHAIRMAN HOLMES: The variances are requested to demolish an existing one-family dwelling on Lot 2 to create an accessory off-street parking facility for the multi-family dwelling located on Lot 1.

MR. WILLIAMS: Regarding this application, there is a technical matter that needs clarification on the point of review for the proposal. Therefore, it would be premature for this board to provide a recommendation to the Zoning Board of Appeals, pending the determination regarding that matter. The suggestion would be to table this item and have it reappear on the calender at the next meeting, when that technical issue will be resolved.

CHAIRMAN HOLMES: I entertain a motion to table item 5. All those in favor? Opposed? Ayes have it.



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2 Item 6. Receipt of Lead Agency  
3 request from the Zoning Board of  
4 Appeals. 6.1, East Cedar and 485  
5 Gramatan Avenue, and Street Map page  
6 165.30, block 1036, lots 1 and 2 in  
7 the RMF-15 Zoning District. The  
8 Planning Board will acknowledge  
9 receipt of a referral from the Mount  
10 Vernon Zoning Board of Appeals,  
11 indicating it's desire to assume Lead  
12 Agency status for the coordinated  
13 SEQRA review for the application of  
14 Cedar Manor, to construct the parking  
15 lot to be used for the existing  
16 multi-family residential dwelling.

17 MR. WILLIAMS: This is a  
18 request that the board received from  
19 the Zoning Board indicating their  
20 desire to serve as Lead Agency for  
21 the perspective of conducting SEQRA  
22 review. This board, if they are  
23 supportive of the Zoning Board being  
24 the Lead Agency, does not need to  
25 take any action. If the Board

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2 chooses to seek Lead Agency on their  
3 own, they need to correspond in  
4 writing to the Zoning Board within  
5 30 days of when you receive that  
6 notice.

7 CHAIRMAN HOLMES: Thank you.

8 If any board member wishes to express  
9 interest in or opinion, I should say,  
10 opinion as far as the comments  
11 requested or the action requested by  
12 the Zoning Board? If not I will  
13 entertain a motion to -- either we  
14 have the option to not respond, will  
15 give our consent or expressed  
16 consent. What is the board's desire?  
17 Discussion.

18 MR. JUSTINO: Just  
19 clarification. Do nothing or should  
20 we, is it okay to make a motion for  
21 them to be lead agency?

22 MR. WILLIAMS: Make a motion to  
23 support the Zoning Board being Lead  
24 Agency. I should amend my statement  
25 earlier. If the board does not act

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2 within 30 days, it is paramount to  
3 the board approving the Zoning Board.  
4 The board also can accept  
5 correspondence, the planning board  
6 can send correspondence to the Zoning  
7 Board indicating that they support  
8 their seeking Lead Agency.

9 MR. JUSTINO: I move that we  
10 correspond with the Zoning Board to  
11 allow them to be Lead Agency from the  
12 SEQRA determination standpoint.

13 CHAIRMAN HOLMES: Do I have a  
14 second?

15 MR. GRIFFITH: From a SEQRA  
16 standpoint, yes, second.

17 CHAIRMAN HOLMES: The ayes have  
18 it.

19 Item 7, continued public  
20 hearing. 7.1, site plan number  
21 16-10, 16 East Broad Street, map page  
22 165.30, block 1018, lot 3, in the R1  
23 4.5 Zoning District. The application  
24 of Rocco Solano by his architect Tom  
25 Abillama, requesting site plan review

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2 to erect 3 attached dwelling units.  
3 SEQRA determination. SEQRA  
4 determination unlisted action. The  
5 Zoning Board of Appeals as lead  
6 agency for the coordinated SEQRA  
7 review of the project made a negative  
8 declaration on December 16, 2010,  
9 ending the SEQRA review process.

10 MR. ABILLAMA: Good evening,  
11 Tom Abillama, architect for the  
12 applicant. This application is in  
13 regards to three attached dwellings  
14 on Broad Street. We have appeared  
15 before the board last month and there  
16 were a few items that were of concern  
17 to the board members. Item one was  
18 the issue with the easement from  
19 around the property into the central  
20 unit for emergency access. Item two  
21 was the outdoor slab at the rear  
22 windows to be raised. This slab here  
23 to be raised to a point not to allow  
24 the windows to be any larger than  
25 they should be, so that no future

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doors would be introduced. We could replace them with windows on the side, with the exception of the central unit, will remain the same.

CHAIRMAN HOLMES: Are those patios?

MR. ABILLAMA: This is an area way and the deck is above here. I'll show you the floor plan. That's the deck.

MR. JUSTINO: When you say an area way, what do you mean by that?

MR. ABILLAMA: A window well.

MR. JUSTINO: It's a window well?

MR. ABILLAMA: Yes.

CHAIRMAN HOLMES: From that it looks like it bows out or protrudes out the side.

MR. ABILLAMA: This is above the area well. It's a small bay window. I'll show you. We revised the elevations of the building based on some concerns from the

1  
2 architectural review board. I'll  
3 explain a little bit. So those are  
4 really the three items that were of  
5 concern of this board, along with the  
6 compliance with the architectural  
7 review board, which you got the  
8 approval last week.

9 CHAIRMAN HOLMES: I believe  
10 that middle unit, did that change in  
11 depth or size of back area?

12 MR. ABILLAMA: No.

13 CHAIRMAN HOLMES: That  
14 indentation was on the previous plan?

15 MR. ABILLAMA: Yes. The issues  
16 at the time with the architectural  
17 review board was there was a lot of  
18 bulky stairs and the units are  
19 repetitive. So we introduced a  
20 design to make this look as if it's  
21 one large house. It was taken very  
22 well from the board. The back, the  
23 rear, as you noticed in here, the  
24 central unit, we raised the slab  
25 enough to allow for four smaller

1  
2 windows, smaller windows on the sides  
3 to keep this in the central unit.

4 These are the other elevations. This  
5 is the newest rendering we came up  
6 with, which is will benefit well in  
7 that area.

8 MR. JUSTINO: It's a big  
9 change.

10 MR. ABILLAMA: The issue with  
11 the easement, we introduced language  
12 on the left sides of the site plan  
13 identifying the easement, which is  
14 this is language. That would be in  
15 the offering plan and would describe  
16 exactly how the easement to the  
17 central unit would be allowed. That  
18 is in here. There's also in the  
19 package this language is introduced.  
20 That will be inside the offering  
21 plan, as well as this site plan,  
22 which will be part of the offering  
23 plan. There will be no issues about  
24 the, you know, no concerns from this  
25 board in regards, I hope, with regard

1  
2 to the easement. So I think we  
3 addressed all the issues. There's an  
4 issue with the retaining wall in the  
5 front, the existing one is outside  
6 the property line, on the  
7 right-of-way and we decided to move  
8 it back at the request of the  
9 planning department. That's about  
10 it.

11 CHAIRMAN HOLMES: Do you have  
12 an artist conception of the rear?

13 MR. ABILLAMA: The rear, we  
14 have an elevation.

15 CHAIRMAN HOLMES: Do you have  
16 the rendering or similar to the  
17 concept?

18 MR. ABILLAMA: We don't have  
19 it. We can provide that.

20 CHAIRMAN HOLMES: That would be  
21 helpful. One question I have for  
22 you. The plans that you distributed  
23 out to us just now, that was just the  
24 recent, additional draft?

25 MR. ABILLAMA: Right.



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CHAIRMAN HOLMES: That's being submitted to the board tonight?

MR. ABILLAMA: Right.

CHAIRMAN HOLMES: I'll entertain a motion to table this.

MR. ABILLAMA: We have addressed all the issues.

MR. WILLIAMS: There are two items, there's a piece of correspondence regarding this matter to come in, a memo dated 2-22-2011 from the fire department regarding 16 East Fourth Street. The above referenced application seeks approval. The following comments are being submitted. The fire department has no objection to the four-foot opening in the rear yard as a means of egress. We request that no gates or obstructions be placed at that opening. That ends their correspondence.

CHAIRMAN HOLMES: Any other correspondence?

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MR. WILLIAMS: No, Mr.  
Chairman.

CHAIRMAN HOLMES: I'll  
entertain questions before we reopen  
the public hearing.

MR. JUSTINO: I just have a  
comment. I guess maybe I have a  
little advantage. I hung out after  
the work session last week and the  
architectural review board had  
already gotten this plan and changes  
to the building, so I had a chance to  
look at it. I'm very impressed with  
what has been done. All the concerns  
that I had were addressed. In fact,  
the architectural change to the  
building is a pleasant surprise.

MR. ABILLAMA: Thank you.

CHAIRMAN HOLMES: Any other  
comments or questions? If not, I'll  
entertain a motion to open the public  
hearing.

MISS SNYDER: Make a motion to  
reopen the public hearing.

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MR. JUSTINO: Second.

CHAIRMAN HOLMES: All in favor?  
Opposed? The ayes have it. Public hearing is open. Any members of the public wish to speak either in favor or in opposition to the application, please step forward. Again, any members of the public wish to speak in favor or in opposition to the application, please step forward. Please, note there are none at this time. What I will do is entertain a motion to adjourn the public hearing.

MR. LONG: To continue the public hearing.

MR. WILLIAMS: The question being that the board, if the board is not going to make a vote on the item this evening, the board has the ability to table the matter and turn it over to the next meeting. The board has the opportunity to close the public hearing, if they feel they have heard significant comments from

1  
2 the members of the public or move  
3 everything forward.

4 CHAIRMAN HOLMES: I would  
5 recommend to the board, being that we  
6 just received these plans at  
7 tonight's meeting, it will be in the  
8 best interest and for the best  
9 interest of the public to carry over  
10 the public hearing until such time  
11 that we have been able to review the  
12 plans and number two, will give the  
13 public an opportunity to voice their  
14 opinion at the return.

15 MR. ABILLAMA: If I may, Mr.  
16 Chairman, the neighborhood  
17 association has come forward to us  
18 and they requested certain items. We  
19 gave them everything they wanted.  
20 They were in opposition at the  
21 beginning and now you see they're not  
22 here. I don't see any material  
23 differences that can happen by next  
24 month. If you wish to keep the  
25 public hearing open, I think it's up

1  
2 to you. I don't see any reason. I  
3 don't know if you have any questions  
4 for me to come back with.

5 CHAIRMAN HOLMES: I appreciate  
6 that. However, in deference to the  
7 process, I think it would not be  
8 appropriate to take new information  
9 right at the time and not give it  
10 good consideration and so I don't  
11 think it would be appropriate. I'll  
12 entertain a motion.

13 MR. JUSTINO: We'll ultimately  
14 do what the board feels best. Just a  
15 comment. I understand where you're  
16 coming from, because if there's  
17 something here that we haven't had a  
18 chance to really look at and we need  
19 to do that, that surely does support  
20 your comment. However, I would say  
21 based from a site plan purview, that  
22 the items that we had for the  
23 applicant were addressed and I think  
24 they were addressed to my  
25 satisfaction from the standpoint of

1  
2 the rear of the building, the windows  
3 on the side, so my vote would be to  
4 close the public hearing. However, I  
5 understand if the rest of the board  
6 feels there's a need to keep it open,  
7 I would support that as well.

8 CHAIRMAN HOLMES: I'll accept  
9 any motion at this time.

10 MISS SNYDER: I have a  
11 question. If we continue the public  
12 hearing and then close it next month,  
13 that doesn't effect our ability to  
14 have a vote on the actual adoption or  
15 rejection of this?

16 CHAIRMAN HOLMES: No. That  
17 will come after the closing of the  
18 public hearing, within 62 days.

19 MISS SNYDER: It doesn't matter  
20 whether we continue or don't continue  
21 it. We might as well continue it.

22 MR. WILLIAMS: I agree.

23 MISS SNYDER: Give everybody an  
24 opportunity to look at it and digest  
25 it. I'd like to make a motion we

1  
2 continue the public hearing and give  
3 others an opportunity to assess the  
4 new architectural features and  
5 position of doorways and other  
6 changes until next month.

7 CHAIRMAN HOLMES: Thank you.

8 MR. GRIFFITH: Second.

9 CHAIRMAN HOLMES: Ayes have it.

10 MR. JUSTINO: I vote no.

11 CHAIRMAN HOLMES: For the  
12 record, there's one no. The ayes  
13 have it.

14 7.2 site plan no. 12-10: 505  
15 Gramatan Avenue, map page 165.30,  
16 block 1019, lot 14 in the  
17 neighborhood business zoning  
18 district. The application is  
19 Cristian Realty, LLC by it's  
20 architect Richard Kotz is requesting  
21 site plan review for the following:

22 (Reading requested variances  
23 from the agenda)

24 The site plan review is  
25 requested to construct a new one

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2 story building for retail use on a  
3 vacant lot, where the existing  
4 building is proposed for demolition.  
5 The SEQRA determination unlisted  
6 action. Planning Board as Lead  
7 Agency of the uncoordinated SEQRA  
8 review must determine whether future  
9 environmental investigation needs to  
10 occur prior to rendering any  
11 decisions.

12 MR. BOYKIN: John Boykin, 40  
13 East Sidney, Mount Vernon. I hope  
14 you guys have had time to take a look  
15 at the plans we presented to you last  
16 month. We addressed all the concerns  
17 at the time the best we could, the  
18 traffic -- the parking study. We're  
19 here for hopefully, you know, your  
20 accepting of this application in  
21 terms of it's changes and the tedious  
22 process we have been through at the  
23 meetings and anything that you have,  
24 I hope would be approval, stipulation  
25 upon approval or something along



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those lines.

CHAIRMAN HOLMES: Yes. One second. There have been some material changes since the original presentation.

MR. BOYKIN: Since the original, even two meetings ago we submitted these plans to you last meeting. That's the reason why you wanted to take some additional time to review these plans. As far as the plans you were presented with from last meeting to this meeting, it is the same. It is different. There are differences from the beginning, from the one he read seventy-five hundred square foot building and parking in the back. It's changed from there.

CHAIRMAN HOLMES: Are those changes reflected in the planning examiner's report?

MR. BOYKIN: Yes.

CHAIRMAN HOLMES: They are?

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MR. BOYKIN: Well, when we changed the plan, went to the planning examiner for additional review. She hadn't changed anything. It sits as, you know, changes to site plan based on the representations of the board. Nothing is materially different.

CHAIRMAN HOLMES: Earlier there were material changes from the original dimensions that were submitted.

MR. BOYKIN: Yes, as per the comments.

CHAIRMAN HOLMES: Those changes have not been reflected in a revised planning examiner's report.

MR. BOYKIN: I'm not sure if one has been officially issued. We haven't received one. As far as the process goes as relates to making material changes to the plans, you have to submit it to the Planning Examiner. She makes the decision

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2 whether or not there are additional  
3 issues. According to the fire code  
4 they needed 20 feet in on the  
5 different inlets and outlets of the  
6 traffic and, you know, had to be  
7 30 feet setback from the back. She  
8 made different things. I'm not  
9 certain whether or not that was  
10 expressed in a revision of the  
11 planning examiner's report or just a  
12 discussion with the city agency.

13 MR. WILLIAMS: There's a  
14 followup. You covered the basic  
15 issue regarding the modification of  
16 the planning examiner. There's not  
17 been that modification. It's  
18 something not been requested by the  
19 applicant. One of the items that I  
20 believe the modified planning  
21 examiner's report is going to modify  
22 is the number of parking spaces that  
23 are going to be occurring on-site.  
24 The original proposal had fourteen  
25 spaces on-site. That number has been

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reduced down to nine.

MR. BOYKIN: Eight.

MR. WILLIAMS: Eight. That's going to be the reduction of six spaces on-site and that would mean the additional number of spaces that would need to be provided in the municipal parking lot would be thirty.

MR. BOYKIN: Twenty seven, because thirty-five spaces are required, because the building is smaller.

MR. WILLIAMS: This may speak to the issue, why we want a planning examiner's report. The original citation twenty-one thousand, we heard the building is seventy-five hundred square feet.

MR. BOYKIN: That was the issues that we had answered, you know.

MR. WILLIAMS: What is the square footage then?

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MR. BOYKIN: 6911.

CHAIRMAN HOLMES: The documentation we have in front of us has a different dimension. There's been a material change to that in that the building is now in the back of the property, where it was at the front of the property.

MR. BOYKIN: I'm sorry. You weren't present last meeting. We had discussed these things prior to. In fact, it's been the building department, two meetings. I'm not familiar with the process as relates to the planning examiner's report. We took the board's recommendations as far as their concerns and we made the changes. Here are the changes we presented to the board last month and you had a month to go over the changes. As far as any changes with the interdepartmental affairs, as far as who's responsible for questioning recommendations from different city

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2 agencies, we as the applicant have  
3 not been in the loop on those things.  
4 We haven't been in contact with the  
5 staff. As far as I know, there is a  
6 difference between the parking, but  
7 it doesn't preclude for whatever the  
8 required spaces is for this amended  
9 drawing to go into the municipal  
10 structure. That's probably why you  
11 know, as he said, there should be a  
12 different report. You know, nothing  
13 has materially changed, no new zoning  
14 issues, no new concerns with the  
15 traffic, anything that the planning  
16 examiner had seen to be material as  
17 far as the application.

18 CHAIRMAN HOLMES: I appreciate  
19 your comments. We have an  
20 obligation, the Planning Board, to  
21 follow the processes. There are  
22 certain departments who have  
23 responsibilities to supply  
24 information and supply documents.  
25 The planning examiner's report is one

1  
2 of them. It's a critical document as  
3 part of your application. If that  
4 report is not consistent with all the  
5 materials, I would have concerns  
6 moving forward with an application  
7 that doesn't have the proper  
8 documentation. However, I can  
9 propose or I can leave as an option,  
10 if the applicant wishes to proceed  
11 regardless of that, that's the  
12 applicant's choice.

13 MR. BOYKIN: That's what we  
14 apparently, I guess by omission had  
15 chosen to do by submitting these  
16 plans to the building and to the  
17 planning for advisement and back to  
18 the board at the last meeting.

19 CHAIRMAN HOLMES: I was not at  
20 the last meeting. I am familiar with  
21 the presentation.

22 MR. BOYKIN: No one told us we  
23 had to write a letter or whatever  
24 requesting a revised -- normally when  
25 you give it to the planning examiner

1  
2 for review that's why maybe she makes  
3 -- I don't know if she makes the  
4 determination whether or not she  
5 needs to produce a revision. I'm not  
6 familiar with that process. That's  
7 what we have chosen to do. We have  
8 chosen to basically listen to the  
9 board's concerns and makes changes to  
10 the plans within the confines of the  
11 zoning code. There are no new issues  
12 there, as far as I know, speaking  
13 with the staff administrator, that  
14 enough copies have been presented to  
15 the board at the appropriate time to  
16 go out to different departments for  
17 review. I'm not certain what the  
18 city's end is in terms of their  
19 internal process producing  
20 information. We as the applicant  
21 have done everything in our power to  
22 listen to the board's concerns and go  
23 through the proper channels in  
24 presenting revised plans based on the  
25 board's comments and concerns.



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2 MR. LONG: Just want to provide  
3 a point of clarification. The  
4 applicant did submit enough copies  
5 for comments, as well as the  
6 appropriate number of copies for the  
7 board members to review. However,  
8 when it comes to a revised planning  
9 examiner's report, it falls upon the  
10 applicant to formally submit a  
11 revised plan to the building  
12 department.

13 MR. BOYKIN: That was done more  
14 than two months ago, prior to us  
15 coming to the last meeting.

16 MR. LONG: I want to point out  
17 a couple of other points. The  
18 applicant has revised the overall  
19 site plan. The applicant has not  
20 addressed lighting or drains in  
21 relationship to the proposed change  
22 in the plan and other site planning  
23 items that are typically reviewed by  
24 the board.

25 MR. BOYKIN: Those things were

1  
2 the things I addressed at the  
3 beginning of my discussion, that I  
4 would stipulate to revising as a  
5 condition of approval, which is  
6 something that has -- it's a common  
7 practice of the board, especially  
8 since as far as the first proposed  
9 building, we already paid the expense  
10 in providing the drainage  
11 calculations and the associated  
12 geotechnical information as related  
13 to the first as a condition of the  
14 approval. We'll revise those  
15 additional information that the board  
16 requires, provided this is approved  
17 for the present location. That was  
18 one of the conditions.

19 MR. LONG: Mr. Chairman,  
20 typically what happens, those items  
21 are submitted to the board prior to  
22 the board's meeting and decision.

23 MR. BOYKIN: We submitted them.

24 CHAIRMAN HOLMES: One at a  
25 time. He let you speak. You let him

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    speak.

    MR. LONG: Those are a part of the requirements the board typically asks for and the code requires prior to the board making a decision about the site plan. They are not conditions of approval under normal circumstances.

    MR. BOYKIN: In our defense, we brought our site plan engineer, with all the appropriate documents as far as geotechnical data with the first location of the building. That was not satisfactory in terms of the location, not the geotechnical data, but as far as the location of the building, was not satisfactory to the board's concern. When we addressed their concerns and moved it back, there was already existing geotechnical data. We submitted it. I as the applicant understand the conditions of the wall, the concerns of the board, also, you know, our own

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2 expense, that I wouldn't mind  
3 stipulating to revising the  
4 geotechnical data if it was approved.  
5 Because it's already there, we need  
6 to revise that data based on the new  
7 location.

8 MR. JUSTINO: If I could, I  
9 know the comment about the location  
10 of the building has been bandied  
11 about quite a bit. My recollection  
12 is there was a concern, not about  
13 necessarily the location of the  
14 building, but the mass of the  
15 building, it's the change to the site  
16 and the buffer zones and there was a  
17 request that really scaled down the  
18 project. I think that was a big part  
19 of the board's concern. You did move  
20 the building back. Again that was  
21 not what we were necessarily looking  
22 for.

23 MR. BOYKIN: It was outside the  
24 box.

25 MR. JUSTINO: It might have

1  
2 answered some questions. Some of the  
3 issues still remain and that is the  
4 parking issue, which I know you are  
5 submitting a request for use of the  
6 public parking facility. There's,  
7 you know, the garbage or refuse has  
8 not been addressed on this, that I  
9 could see. I don't see anything. I  
10 know you have the 20 foot opening,  
11 but I have concerns looking at it,  
12 whether a fire truck could get in  
13 there.

14 MR. BOYKIN: We have here --

15 MR. JUSTINO: That's on the  
16 plans.

17 MR. BOYKIN: Yes. We actually  
18 had them revised by our site plan  
19 engineer and he has it here. It may  
20 not be on that plan.

21 CHAIRMAN HOLMES: Was that  
22 submitted to us?

23 MR. BOYKIN: It should have  
24 been.

25 CHAIRMAN HOLMES: Was that

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submitted?

MR. BOYKIN: Yes.

MR. JUSTINO: It's not in our packet of submittals. Beyond that, looking at this building, I'm a little confused in understanding how -- I haven't done the calculations -- how it went from seventy-five to sixty-nine and the building doesn't look much smaller. It almost looks wider. Where you had drives, driveways on either side, now the building is abutting the existing retaining walls. There's a lot of things that are really unanswered to me, you know. Maybe a planning examiner's report would have helped. Be that as it may, I just wanted to address, we did not ask you to move the building.

MR. BOYKIN: You're right.

MR. JUSTINO: You said that many times. That was the most important part of my comment.

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MR. BOYKIN: Mr. Planning Administrator, do you have the concerns that the board had itemized from last meeting by any chance?

CHAIRMAN HOLMES: Well, if the applicant wants to address those, the applicant needs to bring that list or you can also.

MR. BOYKIN: I do remember what they are. I wanted to go down the line as far as what the city had, to show how the plan presented. I presented it briefly in terms of --

CHAIRMAN HOLMES: If you would like to address some of those that were brought up in previous meetings, I recommend you refer to your notes and do so. Would you like to? Please do.

MR. BOYKIN: From my notes Commissioner, you said you wanted to keep the buffers, because you didn't like the fact when we moved the retaining walls to the property lines

1  
2 caused all types of issues. What we  
3 did was we kept the existing  
4 retaining walls and moved the  
5 building back to meet them.  
6 Physically the building is not wider.  
7 It's because we used the existing  
8 retaining walls as opposed to moving  
9 it. We have roughly the --

10 CHAIRMAN HOLMES: Percentage of  
11 impervious surface changed from what  
12 to what?

13 MR. BOYKIN: We haven't done  
14 that.

15 CHAIRMAN HOLMES: The area  
16 changed from what to what? All of  
17 those things will be answered by an  
18 updated planning examiner's report.  
19 That's critical to our deliberations.  
20 It's critical for you to demonstrate  
21 those changes.

22 MR. BOYKIN: We had another  
23 concern was the building was to close  
24 and that when cars were exiting out  
25 the side, if you remember, that you



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didn't like the traffic here, because people couldn't see coming out. Because we moved the building back, the cars coming in and coming out, they can see the pedestrian traffic. We answered your concern directly as related to people coming out of the site and people walking on the street. We looked at that. The retaining walls that are here, are perfectly fine. There's traffic going in and out. There are no buildings here to obstruct the view. Everything as relates to the sidewalk and people walking and pedestrians, there was nothing in terms of creating a danger. There were a few others in terms of, you know, those are the relative ones. Everything else is basically trying to meet those same concerns. As far as the trash, we put that, the loading zone was here. Trash pick up would go along here, because when we had the

1  
2 parking in the back, there was  
3 concerns if there was after hours  
4 parking, people stayed here after  
5 hours, that the garbage truck or any  
6 large type of apparatus to get  
7 around, they had to encroach upon the  
8 spaces. So we made it so that no  
9 matter what time or if there's a car  
10 here, that a truck of any size could  
11 get in or fire truck or large garbage  
12 truck could get in, pick up the  
13 garbage here in the front at the  
14 loading zone and without having to  
15 encroach upon people parking after  
16 hours when the facility is closed.  
17 Those are the major ones. There are  
18 other things. We always talked about  
19 the setback, because there was some  
20 issue with it being on the front.  
21 That was from the beginning. There's  
22 some elevation here as far as where  
23 the Chase building is. It was more  
24 congruent. Miss Snyder, as you spoke  
25 about the transitions going into a

1 residential neighborhood. We took  
2 all of those into consideration with  
3 our own cost, in terms of trying to  
4 build the building to create enough  
5 revenue. We came up with something  
6 considerably smaller. As far as the  
7 overall site plan, works a lot better  
8 as far as the geographical  
9 information. There's definitely  
10 changes in the drainage and  
11 impervious surface and all that  
12 stuff. There's existing information  
13 on file. Revising that information  
14 to fit this particular site provided  
15 that, you know, this is appropriate,  
16 this is a condition of approval.  
17 This is not uncommon. This is  
18 something the board did in the past.  
19 It's not like we didn't do it in the  
20 first place. We presented it to a  
21 building that didn't meet all your  
22 expectations. I remember maybe four  
23 or five meetings ago you said, okay,  
24 you have to bring the guys in here to  
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make us feel comfortable building  
this big structure.

CHAIRMAN HOLMES: That was said  
by a member of this board?

MR. BOYKIN: I remember you  
said it.

CHAIRMAN HOLMES: Are you  
quoting me?

MR. BOYKIN: I'm not quoting  
you. I remember we brought the  
professionals in.

CHAIRMAN HOLMES: You're  
paraphrasing me?

MR. BOYKIN: I'm paraphrasing  
you.

CHAIRMAN HOLMES: Go on.

MR. BOYKIN: We brought all the  
professionals in to just tie the use  
and still some issues and new  
concerns you had as far as the  
geographical data and site plan,  
water drainage, so that stuff is  
still there.

CHAIRMAN HOLMES: Have we

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covered all of the topics you wanted to refer back to?

MR. BOYKIN: I tried to look at the board's concerns and explain this site map. Again I did it in your absence, how we did it. I don't really see, you know, being this is the second time with this particular plan has been in front of the board.

MR. WILLIAMS: I would ask the applicant, is a representative of the applicant, the person who has drawn the documents, I would ask if the applicant has someone here who's one of the technical experts who put the plan together to speak on the ability of those technical details.

MR. KOTZ: Richard Kotz, the architect. Where would you like me to begin?

CHAIRMAN HOLMES: To answer the question.

MR. WILLIAMS: Let me articulate that again. The question

1  
2 is the application representative was  
3 essentially saying that the details  
4 regarding drainage, lighting and  
5 impervious surfaces, that those  
6 details that the original documents  
7 submitted cover those technical  
8 points, specifically geotechnical  
9 points regarding the new plan.  
10 That's a clarification for the Board  
11 to have what information from the  
12 original plan is still relevant based  
13 upon the revised plan.

14 CHAIRMAN HOLMES: Did you hear  
15 my question?

16 MR. KOTZ: Yes.

17 CHAIRMAN HOLMES: Repeat my  
18 question.

19 MR. WILLIAMS: With the  
20 modifications to the plan, what  
21 information has been submitted  
22 regarding the site plan, whether it  
23 be topography, drainage, geotechnical  
24 information, lighting, what from the  
25 original proposal is still relevant

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based upon the modifications that are currently being proposed?

MR. KOTZ: We feel that because we reduced the size of the building, the information still is valid and we did not make the situation anymore complicated. We simplified the site plan, simplified the location, simplified the retaining walls, all of those conditions are existing. We took a step in the direction of simplification. The information we submitted is still valid.

MR. JUSTINO: I really don't want it to go on forever. Here's where my comment before comes in. This was your proposed building on the site; is that correct?

MR. BOYKIN: Yes.

MR. JUSTINO: These lines here, the dotted lines on this side and this side, are the existing retaining walls?

MR. KOTZ: Correct.

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MR. JUSTINO: You moved the building back and you're telling me you didn't make the building bigger now that the building touches both of those retaining walls?

MR. KOTZ: The proportions of the building have been modified and reduced in size.

MR. JUSTINO: It's been made wider?

MR. KOTZ: Yes.

MR. JUSTINO: It has been made less deep?

MR. KOTZ: Yes.

MR. JUSTINO: What has it gone from, do you know from what to what?

MR. KOTZ: Currently 59 by 117 and it previously was 69 by 102. It was 69 by 102.

MR. JUSTINO: 15 feet wider, is that what you're saying?

CHAIRMAN HOLMES: The retaining wall that encroaches upon city property still exist?



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MR. KOTZ: Yes.

CHAIRMAN HOLMES: There are still plans to amend that wall?

MR. KOTZ: The wall is on our property line. We'll have to remove the wall and build the building in it's exact location and then the building serves as the new retaining wall. But the amount of buffer remains the same, because the building is in the location of the retaining wall.

CHAIRMAN HOLMES: Thank you. The new footing which will be for the wall of the building --

MR. KOTZ: Is completely on our property.

CHAIRMAN HOLMES: And no longer in the city right-of-way?

MR. KOTZ: Right.

CHAIRMAN HOLMES: That's one material change.

MR. GRIFFITH: Right now isn't that the biggest question where it is

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versus where it was in the back  
before?

MR. KOTZ: You voiced concerns  
about the driveway approach going in  
and out and we felt we would respond  
to that comment by relocating the  
parking in the front. Where you  
eliminate the tunnel effect, which  
was a concern of the board and  
re-working the buffer zone and the  
retaining walls where you had a  
driveway, we maintained those  
existing.

MR. GRIFFITH: I appreciate  
that. Did we not change the street  
scape of Gramatan Avenue?

MR. KOTZ: Well, the existing  
building is about 5 feet, 6 feet from  
the front property line. We were  
going to modify the street scape,  
yes.

MR. GRIFFITH: Versus the plan  
you had before, isn't a big change  
from the street scape you had

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2 previous and the building existing  
3 now with the parking in front, should  
4 we as a board consider whether the  
5 building should be in the back as a  
6 real paramount issue, shouldn't that  
7 be one of our first concerns? Should  
8 we not vote on that now? You're  
9 asking us to vote on the building  
10 being in the back.

11 MR. KOTZ: It's not so much as  
12 the building being in the back. It's  
13 all the other concerns that drove the  
14 direction of the project.

15 MR. GRIFFITH: Do you want us  
16 to vote on it now or do you want to  
17 go ahead and go through the process  
18 again, since the building is in the  
19 back, get a new planning examiner's  
20 report or should we vote on it now?  
21 I think we have been through this,  
22 how many months? We need to know the  
23 applicant's desire.

24 MR. BOYKIN: I would request a  
25 vote on it now.

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CHAIRMAN HOLMES: You have  
comments?

MR. BOYKIN: Just in closing, I  
know there's some new concerns with  
the present building location. I  
just want to drive home two points.  
Number one, that based on our  
condition with having to have a  
significant amount of square footage  
to make it economically viable and  
also, you know, the results of it  
being different, no new construction  
in that particular area for quite a  
long time. If you go into  
neighboring communities, Pelham or  
New Rochelle, where you have the  
parking in the front, it's not  
uncommon in terms of places where  
they have the mini malls. Because  
this is brand new construction, 2011,  
the actual facade has changed as  
such. It's still something that  
would be an improvement to the  
community, in the way it esthetically

1  
2 looks. I ask the board in making  
3 this conclusion, try to expand their  
4 minds to see the overall, the value  
5 of the property in its entirety, as  
6 opposed to one particular issue. I  
7 would concede to all the other  
8 concerns you had as far as the  
9 loading zone, where the garbage goes,  
10 you know, the specific concerns with  
11 the people being able to see coming  
12 out. Miss Snyder that was your  
13 thing. I really thought about that.  
14 And you know, just some of the  
15 conditions that I thought that the  
16 board had over these five or six  
17 meetings, in terms of recognizing  
18 legitimate concerns as far as the  
19 use. You know, that would be my  
20 closing before you guys vote.

21 MR. GRIFFITH: From my point of  
22 view, I would like to see the  
23 building in the back. After careful  
24 review and looking at other buildings  
25 in neighborhoods that have parking in

1  
2 the back, it still to me does not  
3 flow with the landscape we have in  
4 Mount Vernon. I would prefer for the  
5 building to be in the front. My vote  
6 right now, I would say I would like  
7 to decline or reject this application  
8 because the building being in the  
9 back, I would like the building back  
10 in the front. We're back at the same  
11 issue where we're looking at the size  
12 of the building and the driveways. I  
13 appreciate the attempt. I think the  
14 approach --

15 MR. BOYKIN: Does everybody  
16 else feel that way? I ask for a  
17 poll.

18 CHAIRMAN HOLMES: This is not a  
19 poll. The applicant must indicate  
20 whether the applicant wants to move  
21 along on the process or the applicant  
22 wishes the board to grant you a  
23 continuation; what does the applicant  
24 want?

25 MR. BOYKIN: If I knew --

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CHAIRMAN HOLMES: The next step in this process is for me to reopen the public hearing.

MR. BOYKIN: If I knew you guys didn't like this and I could vote to move the application forward as is or whatever.

CHAIRMAN HOLMES: The applicant must indicate right now whether you want the board to proceed or is the applicant ready to proceed with the rest of the process?

MR. BOYKIN: Is there anyway that we can get clarity on what the board's opinion is?

MR. GRIFFITH: The stage we're at now, it may be in the best interest of the applicant for us to go ahead and vote on this. If we vote no, you're going to have to make material change and bring it back. It may be as simple as that.

MR. BOYKIN: We have been, as far as I know, most accommodating to

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what the individual concerns are.

CHAIRMAN HOLMES: I appreciate that. I need you to answer the question; are you prepared to proceed?

MR. BOYKIN: I've had no input what you guys thought about the parking in the front before today.

CHAIRMAN HOLMES: Are you prepared to proceed?

MR. BOYKIN: I'm prepared to proceed. We have alternatives to make the board happy. I need an approval or denial tonight. We presented this to you as an alternative, because you had left it open two meetings ago to say if we were able to make different recommendations or to meet concerns. We did it this way.

MR. WILLIAMS: To add a couple of points, clearly the board is not in a position and under no obligation. The applicant has



1  
2 presented something he's deeming as  
3 an alternative. The guidance from  
4 the board regarding the thought is  
5 not a straw poll or anything else.  
6 It's giving a sense of this current  
7 iteration of a plan.

8 CHAIRMAN HOLMES: I think the  
9 sense has been conveyed. The  
10 applicant has to decide whether or  
11 not he wants to proceed. The  
12 applicant indicated he's looking to  
13 proceed. Did you hear something  
14 differently?

15 MR. WILLIAMS: I didn't. The  
16 applicant was looking for feedback.

17 CHAIRMAN HOLMES: Feedback was  
18 provided.

19 MR. WILLIAMS: Excuse me. Let  
20 me finish the point. It will help  
21 facilitate where you're trying to go.  
22 I think the applicant is asking, just  
23 asking the board members for their  
24 thoughts regarding the alternative.  
25 I am asking for suggestions or --

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CHAIRMAN HOLMES: Recommending.

MR. WILLIAMS: -- recommending that board members, if they have any particular opinion, question or concern regarding this later iteration, that it be articulated. That will give the applicant the ability to make a decision whether to request and call for a vote or ask for time to make any further modifications.

MR. BOYKIN: That's perfect.

CHAIRMAN HOLMES: You have two other board members to ask. You received feedback from three out of five.

MR. BOYKIN: Not about this particular one.

CHAIRMAN HOLMES: You have tonight received feedback from three out of five. If there are two other board members, this is the time you can address questions to them and they can answer them.

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MR. BOYKIN: Which ones? I haven't gotten one. I've gotten one from you.

MR. WILLIAMS: The way to do this, ask the chair and board members if they would like to express any particular opinion or direction to the applicant regarding the placement of the parking.

CHAIRMAN HOLMES: We'll leave it as such. You have received comments and dialogue from three out of the five board members here. If you wish 100 percent comment, that's up to the two remaining board members who have not spoken.

MR. BOYKIN: You guys are beating us in our final look.

CHAIRMAN HOLMES: Do you want that comment?

MR. BOYKIN: You said three out of five. That's a majority. Just humor me a little. Two meetings ago we agreed to make changes, on the

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discussion we didn't want to close and be voted against. We came back with this and you didn't like it.

CHAIRMAN HOLMES: That's not accurate.

MR. BOYKIN: As far as I can tell from the feedback I'm getting, that's what I'm hearing.

CHAIRMAN HOLMES: Is that conjecture on your part?

MR. BOYKIN: It's conjecture. This is basically drop dead our final offer to the board. Final offer. I'm sorry. It's rough because it was only a sketch.

CHAIRMAN HOLMES: Are you submitting an additional material change to your application?

MR. BOYKIN: No, because this is almost basically everything. It is just --

CHAIRMAN HOLMES: For the record, I'm looking at a building that is now at Gramatan Avenue.

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MR. BOYKIN: Yes, as it was proposed.

CHAIRMAN HOLMES: We're not able to attest to that, because you don't have the dimensions here.

MR. BOYKIN: I have my professional come in here to explain that.

CHAIRMAN HOLMES: Anyone have questions?

MR. LONG: He submitted this into the record. This is a part of the record. You can refer to it as A-1 for the record. He's now putting this in the record.

CHAIRMAN HOLMES: For the record, we have two plans, one that reflects the building in the front of the property and adjacent to Gramatan Avenue and a second one that is in the rear. A is to the rear and A-1 to the front; is that correct, administrator, are you saying we have two?

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MR. WILLIAMS: Essentially, as I understand it, the plan that is now in front of you is in fact a plan that you had previously considered.

CHAIRMAN HOLMES: I'm going to entertain a motion, I'm going to ask any questions, I will entertain a motion to open the public hearing.

MR. GRIFFITH: Make a motion.

CHAIRMAN HOLMES: I second.  
All those in favor?

MS. TROTT: I abstain.

CHAIRMAN HOLMES: Public hearing open. Any members of the public wish to speak in favor or opposed to this proposal? I see one hand. Come forward, please. State your name.

MR. EBERSOL: Guy Ebersol. I have a concern about this. I would have to encourage you to not approve this at this time. It's relative to the parking and loading where the property sits on Cedar Street, you

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have an apartment house with 8 or 5 units. Don't quote me on that. You have caddy cornered over here another large apartment house. Behind it you have several residents, private single home residence, two or three family home. Without the proper loading zone, not knowing what kind of facilities is going to occupy the space, we're looking at driving truck traffic into the neighborhood, disturbing the residents at off hours, five or six and in the morning, nine or 10 o'clock at night. That's creates a major inconvenience and devalue the property of the single family homes. In addition, because parking is a commodity in this neighborhood, we're running the risk of crowding and driving more traffic down this one way residential street. People seeking parking spaces and the truck traffic making short cuts. Try to take those

1  
2 factors into consideration as you  
3 proceed with this matter. Thank you.

4 CHAIRMAN HOLMES: Thank you.  
5 Any members of the public wish to  
6 speak in favor or opposition to this  
7 application? Then I'll ask if any  
8 members of the public wish to speak  
9 in favor or opposition to this  
10 application? May the record note no  
11 other members of the public wish to  
12 come forward. I will entertain a  
13 motion to close the public hearing.

14 MR. GRIFFITH: So moved.

15 MISS SNYDER: Second.

16 CHAIRMAN HOLMES: All those in  
17 favor?

18 MS. TROTT: Abstention.

19 CHAIRMAN HOLMES: I will now  
20 entertain a motion. We're now in  
21 deliberation phase. I will entertain  
22 a motion on this application or I  
23 will entertain a motion to table  
24 deliberation.

25 MR. GRIFFITH: Are we going to



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receive plans for these sketches for  
this plan here?

MR. BOYKIN: We could, if you  
wanted to.

MR. GRIFFITH: Can we have  
those before the next meeting?

MR. BOYKIN: I gave you this.  
I don't know where to go. If I  
submit this to you as being  
materially changed and ask for a  
planning examiner's report, I don't  
know which way to go.

MR. GRIFFITH: I have not seen  
these plans before.

MR. BOYKIN: The same thing was  
said with those plans last month. I  
didn't get no feedback on this plan.

MR. GRIFFITH: When were we  
supposed to provide feedback on the  
building in the back plan? When am I  
supposed to provide feedback at the  
meetings? We have one meeting a  
month. It's my impression I provide  
feedback at the next meeting,

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especially if I receive the plans at the previous meeting. Am I wrong?

MISS SNYDER: I would say that when we're presented with a new scheme during a meeting.

MR. BOYKIN: It's the same scheme.

CHAIRMAN HOLMES: I will entertain a motion to either table the deliberation process or I will entertain a motion to approve or deny.

MR. GRIFFITH: I make a motion to table the deliberation process.

MISS SNYDER: Second.

CHAIRMAN HOLMES: All those in favor?

MS. TROTT: I will abstain.

MR. JUSTINO: No.

MR. WILLIAMS: Two, two and one abstention.

CHAIRMAN HOLMES: The motion fails. The motion fails. I'll entertain another motion.

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MR. WILLIAMS: If it will help, the board members, just to give people a sense of timeframe here with the closing of the public hearing.

CHAIRMAN HOLMES: 62 days.

MR. WILLIAMS: Which indicates that if there are supplemental materials that are needed by the board for consideration, given your three week submission deadline here, it's an existing case, that the applicant can be directed to provide whatever additional documents which you need or the applicant can go back and reference, give the board correspondence that references any past plans that depict the layout currently in front of you. If there's a case where in a previous version that the applicant is looking now to make their latest proposal, they can indicate that to you as well. That way it's a clear indication in our case files and your

1  
2 board files would have copies of  
3 those documents. The board could ask  
4 for clarification going back to the  
5 planning examiner's report, if the  
6 plan in front of you is related back  
7 to previous plans and if the previous  
8 plans had a planning examiner's  
9 report prepared. Otherwise, you wind  
10 up back in the same circumstances  
11 next month.

12 CHAIRMAN HOLMES: Thank you. I  
13 will return back to this  
14 deliberation.

15 I will move onto site plan 7.3,  
16 site plan number 15-10, 94 Gramatan  
17 Avenue, map page 165.62, block 1118,  
18 lots number 4 and 5 in the  
19 neighborhood zoning district. The  
20 application of Veronica Realty  
21 Corporation by it's attorney Jack  
22 Adesso, is requesting site plan  
23 review to build a two story building  
24 to be used as an adult live  
25 entertainment business and dwelling

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2 unit. SEQRA determination, Zoning  
3 Board of Appeals, as Lead Agency for  
4 the coordinated review of the project  
5 made a negative declaration on  
6 November 23, 2010, ending the SEQRA  
7 review process.

8 MR. ADDESSO: Thank you,  
9 members of the board. Just to bring  
10 you up to date, the architectural  
11 review board has approved this  
12 layout. What they did was suggested  
13 that the additional false front that  
14 made the building a third story,  
15 added to the building, be eliminated  
16 and that this be the look of the  
17 building and that this section here  
18 be and now part of the official  
19 presentation. The last time we were  
20 here, the building was a three story  
21 building, with the top story being a  
22 false front, not a functioning floor.

23 MR. WILLIAMS: Mr. Addesso,  
24 this would be a good opportunity for  
25 me to read into the record, this

1  
2 correspondence to the Planning Board  
3 dated February 23, 2007 regarding 15  
4 Vernon, 94 Gramatan Avenue, a regular  
5 meeting of the architectural review  
6 board was held on Wednesday  
7 February 23rd, 2007, at which time a  
8 positive recommendation was rendered  
9 based upon the follow conditions;  
10 that the positive recommendation is  
11 based on revised elevations dated  
12 January 6, 2007, which must be shown  
13 and provided to the Planning Board.  
14 The proposed third floor was  
15 eliminated, that the south side of  
16 the building or portion of the  
17 building with the residents has one  
18 fluid looking facade from the roof to  
19 the ground level. The corners of the  
20 proposed story must match and mirror  
21 the cornice of the proposed  
22 structure, must match and mirror the  
23 existing cornice. The architectural  
24 review board unanimous recommendation  
25 of the 3 ARB members presents during

1  
2 the meeting. This recommendation  
3 does not restrict the architectural  
4 in the certificate of appropriateness  
5 abiding by 10.6 and 10.7 of the  
6 City's Charter. Thank you for  
7 calling this matter to the attention  
8 of the architectural review board.  
9 That end the correspondence.

10 MR. ADDESSO: That's what the  
11 drawing before you now reflects, the  
12 changes suggested by the ARB.  
13 Basically approved by the ARB. I  
14 think that was one issue that was  
15 sort of left out in the open last  
16 time we were here, as to, you know,  
17 the functionality of the third floor,  
18 whether it was necessity to have it  
19 there or not. The ARB has dealt with  
20 that to determine it's better for the  
21 look for the project to have it this  
22 way and the applicant is fully ready,  
23 willing and able to go forward with  
24 that recommendation. That's why we  
25 proposed the recommendations of the

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ARB in the plan.

CHAIRMAN HOLMES: Any other additional changes?

MR. ADDESSO: No. That's the only change. As I understand it, the matter was, I guess tabled last time for the Board to review anything that it wanted to review in the interim, for the ARB to respond, which they now have responded. We believe the matter is ready to go forward, if the board is satisfied we have addressed everything requested.

MR. JUSTINO: It surely does address that. We talked about the building looking too massive. It was addressed in two areas, cutting the third floor and making that apartment building seem like a separate building.

MR. ADDESSO: Correct.

MR. JUSTINO: For clarification, I know the windows currently on the first floor are



1  
2           blacked out. Will the windows remain  
3           blacked out and will the windows  
4           above -- I know they're false  
5           windows. There's a reason to allow  
6           the ability to view into the building  
7           at the time. Did the ARB, I don't  
8           know if that's just them, discuss  
9           some kind of back light to make it  
10          more authentic?

11                 MR. ADDESSO: It wasn't  
12           addressed at the meeting by the ARB.  
13           The applicant obviously wants the  
14           facade to look as pleasant as it can  
15           look. There's a need for certain  
16           privacy obviously. I'm sure the  
17           applicant would be willing to make  
18           whatever adjustment is satisfactory  
19           to the city agencies involved to make  
20           it work.

21                 MR. WILLIAMS: If I may provide  
22           some paraphrasing, I was in  
23           attendance at the ARB. There was  
24           discussion about the street level,  
25           understanding the nature of the

1  
2 business, that visibility is an  
3 issue, there was conversation from  
4 the ARB's perspective, encouraging  
5 the client to look at the facade of  
6 the building at the street level and  
7 possibly introducing additional  
8 architecture features or details to  
9 have the appearance of those facades  
10 be a bit more in keeping with the  
11 other store fronts on the block. The  
12 applicant expressed a willingness to  
13 further consider those modifications.

14 MR. ADDESSO: Yes. As far as  
15 how the windows look, that can be  
16 done. The issue being raised is now  
17 clearly can you see through the  
18 windows.

19 MR. JUSTINO: My concern -- I  
20 understand they're blocked. I think  
21 the fact they are blocked and it's  
22 black, you can tell they are  
23 intentionally blocked. It looks like  
24 a false facade. Instead of having  
25 something behind the glass and then

1  
2 blocked beyond that with a little bit  
3 of light. I don't know. Maybe it's  
4 not even our purview. I think it  
5 would make it look more --

6 MR. ADDESSO: I don't believe  
7 that would be a problem. The  
8 applicant would be more than willing  
9 to work with the Planning Department  
10 or building department to come up  
11 with a solution satisfactory to  
12 everybody involved.

13 MR. WILLIAMS: From the  
14 Planning Board perspective, the  
15 Planning Board certainly has the  
16 right in whatever action it takes to  
17 make a recommendation or suggestion  
18 back to the ARB. They need to issue  
19 a certificate of appropriateness for  
20 this case. Any guidance this board  
21 can give in relationship to questions  
22 regarding the facade, I believe the  
23 ARB would appreciate. It sounds as  
24 though the applicant is willing to do  
25 that as well. Those would be

1  
2 recommendations that the Planning  
3 Board, from a site plan review,  
4 comments regarding the facade  
5 relating to the street level are  
6 focused in on things that relate to  
7 lighting, sidewalk safety, things of  
8 that nature. A person is navigating  
9 in front of and through the entrance.

10 MR. JUSTINO: I would like to  
11 make a motion that we make a  
12 recommendation to the architectural  
13 review board that the windows remain  
14 opaque, in the sense you cannot see  
15 what's going on inside, but that the  
16 windows have more of a, kind of light  
17 source behind it or something that  
18 makes it more natural.

19 MR. ADDESSO: Would that be in  
20 association or in connection with a  
21 vote to approve that?

22 CHAIRMAN HOLMES: He's not  
23 going to answer that. That was a  
24 nice try.

25 MR. ADDESSO: The reason why I

1  
2 say that is, right now I don't know.  
3 I know the ARB has reviewed it,  
4 approved it. It gets it back.

5 MR. LONG: They didn't approve  
6 anything yet.

7 MR. ADDESSO: Hold on a second.  
8 A rose by any other name is a rose.  
9 The way the process works, the ARB  
10 makes a recommendation. They made a  
11 recommendation. We must move forward  
12 with the application, one way or the  
13 other. Then it comes back to the ARB  
14 for a certificate of appropriateness.

15 CHAIRMAN HOLMES: We're at the  
16 position where are you. Is your  
17 presentation concluded?

18 MR. WILLIAMS: Just to clarify  
19 Mr. Adesso's points, yes, the  
20 typical vehicles for recommendations  
21 coming from one board to another,  
22 typically the board solicits the  
23 recommendation from one board to  
24 another. In this case, the ARB  
25 review board has not solicited the

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Planning Board comments regarding their certificate of appropriateness application review.

MR. JUSTINO: They said in the first sentence --

MR. WILLIAMS: I need to clarify. That goes back to Mr. Adesso's question. If you make a recommendation regarding appearance of the building as part of your deciding the case, at that point that recommendation is binding and has to go forward. If you treated it as a board just solely on the recommendation of the facade treatment, it's something that you as a board could vote on, pass and certainly send the recommendation over to the ARB. They would be under no obligation to consider that factor.

MR. JUSTINO: I will take back my motion, because if it can be ignored, I don't want it to be.

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Let's discuss then as a board, see if we have any questions of the applicant from what's been presented to us and perhaps --

CHAIRMAN HOLMES: I'll entertain a motion. Has your presentation concluded?

MR. ADDESSO: My presentation is concluded. If the public hearing has been closed, my presentation isn't concluded.

CHAIRMAN HOLMES: I have to reserve the comment on that. I'll entertain a motion to open the public hearing.

MISS SNYDER: So moved.

CHAIRMAN HOLMES: Ayes have it. Any member of the public wishes to speak in favor or against? Again any member of the public wishes to speak in favor or against? No member of the public has come forward for either way. I entertain a motion to close the public hearing.

1  
2 MR. JUSTINO: Move we close the  
3 public hearing.

4 MISS SNYDER: Second.

5 CHAIRMAN HOLMES: All those in  
6 favor? Those opposed?

7 MS. TROTT: One abstention for  
8 the record.

9 CHAIRMAN HOLMES: We're now in  
10 deliberation phase. I will entertain  
11 the board's wishes for a motion  
12 during deliberation.

13 MR. JUSTINO: I might have said  
14 it. I'll summarize. I believe the  
15 applicant has addressed some of the  
16 concerns about the size of the  
17 building by lowering the third floor,  
18 by separating the apartment building  
19 into what looks like a separate  
20 building. The site plan beyond that  
21 to me looks like it's fine. I don't  
22 have an issue with it. I have one  
23 issue, which I mentioned, that's the  
24 windows and if there are no other  
25 objections, maybe we can make that



1  
2 part of our approval or  
3 recommendation.

4 MISS SNYDER: I think that the  
5 ARB was very considerate of our  
6 suggestions and I think we conveyed  
7 that the third floor, we thought,  
8 even though it was a full floor, was  
9 very massive. They took that to  
10 heart. I think we can make a  
11 recommendation about the first floor  
12 windows, without it being part of our  
13 approval or denial of the application  
14 and I know that Michael doesn't want  
15 to make a wasted recommendation, but  
16 I think it certainly could be on its  
17 own on the face of things that I've  
18 seen before.

19 CHAIRMAN HOLMES: Any other  
20 comments? Then I'll entertain a  
21 motion either way for any member.

22 MISS SNYDER: I make a motion  
23 we recommend to the architectural  
24 review board they consider a  
25 suggestion of enhancing the first

1  
2 floor windows, so that there is some  
3 kind of back lighting and let it be  
4 in the record that the applicant  
5 indicated that that was not beyond  
6 the scope of possibilities.

7 CHAIRMAN HOLMES: Just for  
8 clarification, the motion is  
9 independent of our approval or  
10 denial.

11 MISS SNYDER: Of our approval  
12 or denial. I don't feel the first  
13 floor windows are within our scope.

14 CHAIRMAN HOLMES: Second on the  
15 motion.

16 MR. JUSTINO: I second that.

17 CHAIRMAN HOLMES: All those in  
18 favor? One abstention and four ayes.  
19 Thank you. So noted. We'll direct  
20 staff to prepare the necessary  
21 communication to the ARB. Now, I'll  
22 entertain a motion on the application  
23 or to table, as the board sees fit.

24 MR. JUSTINO: Do the last item  
25 first, maybe and go back to that.

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Would you like to do that?

CHAIRMAN HOLMES: You want to table it? That will bounce us back to this one. You're at the end of your agenda. That will bounce us back to the other item. Are you recommending that we table this and go back to the item skipped?

MR. JUSTINO: Isn't there one more item on the agenda?

CHAIRMAN HOLMES: Item 8.

MR. JUSTINO: You're recommending we table that? I'm missing that.

MR. GRIFFITH: Put it towards the deliberation before we can vote on it next month.

MR. JUSTINO: It's on the agenda. We have to speak about it. If we're prepared to speak about it now, we can start some preliminary conversation. That would be my recommendation.

CHAIRMAN HOLMES: You wish to

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deliberate, not to bring it to a  
vote?

MR. JUSTINO: Can you clarify?

CHAIRMAN HOLMES: Deliberation  
is the discussion prior to it. What  
would be left is a vote up or down.  
Vote on a motion if one is presented.

MR. JUSTINO: On what item?

CHAIRMAN HOLMES: 7.3.

MR. JUSTINO: That's not what  
I'm talking about.

CHAIRMAN HOLMES: You're asking  
to skip that and go back to the item  
7.2.

MR. JUSTINO: Finish the agenda  
and go back to that.

CHAIRMAN HOLMES: That's fine.  
I'll do that. We'll skip the second  
item. Go to item 8 discussion of  
selection of telecommunications  
consultant, 8.1, the Planning Board  
will discuss requests for proposals  
submitted by various firms seeking to  
serve as the City's consultant for

1  
2 review of telecommunications  
3 applications. For the record, a  
4 request for a proposal RFP was  
5 submitted through the normal channels  
6 and applicants have responded and we  
7 have three applications that were  
8 selected for review.

9 MR. LONG: That's correct.

10 MR. WILLIAMS: To provide  
11 background, we issued a request for  
12 proposals in terms of having  
13 telecommunication consultants be  
14 selected for the city and we  
15 interacted with this board regarding  
16 telecommunication applications. We  
17 sent out those RFP's to a number of  
18 industry organizations, as well as  
19 through the standard channels,  
20 looking for other types of land use  
21 consultants. Based upon that  
22 solicitation, we received five  
23 applications. At that point, those  
24 five applications were preliminary  
25 evaluated. We make sure somebody did

1  
2 indeed respond and they did indeed  
3 provide answers to all the questions  
4 asked. We then did the next level  
5 review in terms of the  
6 appropriateness of their response.  
7 That group of five was then short  
8 listed down to a group of three  
9 proposals, to which the board has  
10 received those proposals. In those  
11 cases, what we do, we typically  
12 schedule time for those respondents  
13 to come in, because some of the folks  
14 that responded are not within the  
15 immediate area, we also can  
16 facilitate telephone conference calls  
17 to have a subcommittee of this board  
18 speak to the applicant to get a  
19 better sense of the services they  
20 could provide to the city.

21 So there's participation in  
22 this process by representatives from  
23 the Planning Department, the law  
24 department, the building department  
25 and it would be appropriate for a sub

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committee of board members to participate in this matter, as well.

MR. LONG: If you recall at the last board meeting, just so you know, Miss Trott, you'll get your package tonight before the end of the night. The interludes will take interviews, will take place sometime this month. I'll send out emails to the board members to let you know. We're looking to hopefully be in a position to have the City Council or to have the planning board endorse the respondents at the next board meeting, which will be in April. I thank you.

MR. JUSTINO: I have a question if I could for the Commissioner or staff. The fees that are charged by these consultants, there was an indication in at least one of the proposals that those fees were paid by the applicant who was looking to expand their telecommunications.

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MR. WILLIAMS: That's correct, the applicants pay for consultation fees.

MR. JUSTINO: They would be responsible for both work session fees and public session fees or is it limited?

MR. WILLIAMS: Based upon the proposal, some groups have indicated their fees would be based upon appearance. Others indicated that their fees would be case based, on a number of hours per typical case, regardless of number of times of appearance. That's one of many criteria that gets evaluated in terms of ultimate selection of a consultant. There are circumstances where somebody is giving you a flat appearance fee, others are hourly. Others indicated particular caps for an application. Some of them indicated that they have a minimum payment amount regardless of the



1  
2 number of cases that get submitted.  
3 So there are a number of different  
4 factors. We have a number of  
5 different City agencies.

6 MR. JUSTINO: At what point can  
7 we get clarification on questions to  
8 the applicant, the proposals?

9 MR. WILLIAMS: That's part of  
10 the review process. Those are  
11 absolutely the things we discuss with  
12 the applicant. Our RFP asks people  
13 to provide fees to us. They answer  
14 questions based on discreet tasks.  
15 Each group was approached how they  
16 choose to identify costs. That's the  
17 issue. That's the purpose for a  
18 meeting with the applicant, to get a  
19 better feeling or understanding how  
20 they're making charges and their  
21 billables for application.

22 MR. JUSTINO: Thank you.

23 CHAIRMAN HOLMES: That will  
24 take us back to item 7.2, 505  
25 Gramatan Avenue. I will entertain a

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motion from the board, approve, deny  
or table.

MR. GRIFFITH: What was that, I  
approve, deny or table?

MR. JUSTINO: I'm going to make  
a comment.

CHAIRMAN HOLMES: That's our  
options.

MR. JUSTINO: I'm going to make  
a comment and a motion. I'm totally  
confused about what it is we're  
actually looking at at this point in  
time. It's unfortunate, it's time  
consuming and costly for the owner,  
more than it is for us. We're here  
every month anyway. So, as much as I  
think the process could have gone  
smoother, things could have been  
different, it's unfortunate it  
didn't. I think I would make a  
motion that we allow the applicant  
come back with a final proposal, with  
a planning examiner's report for our  
consideration, because honestly, I

1  
2 don't think that I could -- I don't  
3 even know what we'd be voting on. I  
4 don't think that's fair to the  
5 applicant. So at this point we've  
6 gotten to this position and again my  
7 recommendation would be to table,  
8 allow the applicant to come back with  
9 clarifications, planning examiner's  
10 report, detail, so that we can take a  
11 look at it. Hopefully, we can come  
12 to some conclusions quickly.

13 CHAIRMAN HOLMES: I will ask  
14 Counsel for an interpretation. My  
15 interpretation is that subsequent to  
16 us closing the public hearing, it is  
17 our responsibility as the board to  
18 vote either to approve or deny the  
19 application. The only other option  
20 is to table, within the 62 days of  
21 deliberation process.

22 MR. JOHNSON: I'm not sure of  
23 the question.

24 CHAIRMAN HOLMES: It's my  
25 understanding that it's the

1  
2 responsibility of the board to do one  
3 of three things only subsequent to  
4 the closing of the public hearing,  
5 within those 62 days, we have the  
6 responsibility to act to approve,  
7 deny or to table within the 62 days.  
8 After the 62 days, we lose the third  
9 option; correct?

10 MR. JOHNSON: I don't know the  
11 answer off the top of my head.

12 CHAIRMAN HOLMES: I need the  
13 ruling on that or table it until we  
14 get the ruling.

15 MR. JOHNSON: I don't know that  
16 off the top of my head.

17 MR. WILLIAMS: When you close a  
18 public hearing, you have to act  
19 within a 62 day time frame or window.  
20 There's the possibility, if there's  
21 consent on both sides, to be able to  
22 delay the decision-making process.  
23 It has to be consent on both sides,  
24 the board's side and the applicant's  
25 side. If the board does not act

1  
2 within 62 days of closing the public  
3 hearing, it's by default that the  
4 application is approved. So if it's  
5 of any assistance to the board and to  
6 the chair, if we as staff can be  
7 helpful in terms of facilitating  
8 clarity as to which plan is presented  
9 --

10 CHAIRMAN HOLMES: My  
11 interpretation is that that's  
12 overwith, that's prior. That's an  
13 option prior to.

14 MR. WILLIAMS: I appreciate  
15 that. This is challenging for us as  
16 staff. I'm getting a bit of a mixed  
17 message. Some board members are  
18 indicating they're not clear what  
19 plan would be voted on, if a vote was  
20 being made.

21 CHAIRMAN HOLMES: Yes.

22 MR. WILLIAMS: Time would allow  
23 us as staff to be able to help  
24 clarify those issues.

25 MR. JUSTINO: Somebody can make

1  
2 a motion for the plan of the building  
3 setback and we can if somebody wants  
4 to on the board.

5 CHAIRMAN HOLMES: Right.

6 MR. JUSTINO: Is that correct,  
7 Counsel?

8 CHAIRMAN HOLMES: I would  
9 recommend this board present a motion  
10 to table this item.

11 MR. JUSTINO: I have one other  
12 question.

13 CHAIRMAN HOLMES: Let me finish  
14 my thought. I think it appears that  
15 we're at an impasse and the only  
16 option to get this overwith for this  
17 evening is to table. So that is my  
18 recommendation to the board.

19 MR. JUSTINO: I have a question  
20 relative to that then. Where does  
21 62 days get us? Will we have two  
22 meetings, the second meeting? Will  
23 it be before the 62nd day? Because I  
24 surely do not want to have a problem  
25 with that deadline.

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CHAIRMAN HOLMES: It could technically be right at the day.

MR. GRIFFITH: Make a motion to table the deliberations until the next meeting.

MISS SNYDER: Second.

CHAIRMAN HOLMES: All those in favor? We have a motion on the floor. We have a motion.

MR. JUSTINO: I have a question not answered yet relative to the motion you made. I would like that answered first.

CHAIRMAN HOLMES: Please, do.

MR. WILLIAMS: That may put us, today is March 2nd, the April meeting is April 6th. The May meeting is May 4th.

CHAIRMAN HOLMES: That puts us beyond 62 days.

MR. WILLIAMS: It would have to be a decision at the next meeting.

CHAIRMAN HOLMES: Your vote. That's what we're waiting for.

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MR. JUSTINO: Where are we?

CHAIRMAN HOLMES: Right now you have three votes to table and --

MR. JUSTINO: I made the motion to table it to the next meeting.

CHAIRMAN HOLMES: We need your vote. Yes to table?

MR. JUSTINO: Yes.

CHAIRMAN HOLMES: We're unanimous to table. Item 7.3 94 Gramatan Avenue. What is the board's wishes? The public hearing has been closed. Entertain a motion to approve, deny or table?

MR. GRIFFITH: Make a motion to table item 7.3 site plan number 15-10.

CHAIRMAN HOLMES: Do I have a second? We have no second. Motion does not -- the motion fails. I will entertain a motion.

MISS SNYDER: Make a motion we take a vote on accepting the site plan.



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CHAIRMAN HOLMES: Do I have a second?

MR. JUSTINO: I second that.

CHAIRMAN HOLMES: All those in favor? Repeat the motion.

MISS SNYDER: In favor or denying the applicant's site plan.

CHAIRMAN HOLMES: What is the motion, in favor of or against?

MISS SNYDER: Just to take a vote.

CHAIRMAN HOLMES: We're taking a vote now.

MISS SNYDER: In favor.

CHAIRMAN HOLMES: I just need you to repeat the motion.

MISS SNYDER: Make a motion to take a vote to approve or deny the applicant's site plan.

CHAIRMAN HOLMES: I need the motion to one or the other. You have to pick one.

MISS SNYDER: That we approve.

CHAIRMAN HOLMES: Do I have a

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second?

MR. JUSTINO: I second the motion to approve the application.

CHAIRMAN HOLMES: All those in favor?

MR. GRIFFITH: Abstain.

MS. TROTT: Three ayes, 2 abstentions. The motion passes. I entertain a motion to adjourn.

MR. GRIFFITH: Adjourn.

CHAIRMAN HOLMES: I second. Motion carried. We're adjourned.

(Meeting adjourned at  
8:37 p.m.)

CERTIFICATION

This is to certify that the foregoing  
is a true and accurate transcript of the  
meeting as taken and transcribed by me.

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Joseph Jacoby  
Court Reporter