

**TOWN OF BEDFORD
PLANNING BOARD MEETING
425 Cherry Street
Bedford Hills, New York 10507
Tuesday
April 26, 2016
8:00 PM**

Conferences:

- 1.** Antioch Baptist Church – Proposed Subdivision and Site Plan
Section 60.14 Block 2 Lots 7, 8 & 9, LI Zone
147, 165 & 175 Railroad Avenue, Bedford Hills
Owner: **Antioch Baptist Church**
Applicant: **Town of Bedford**
(Review Field Trip notes.)
(Consider Preliminary Approval)

- 2.** Special Use Permit
Section 60.6 Block 3 Lots 63, 65 & 66, R-½A Zone
62, 60 and 64-68 Oak Road, Bedford Hills
Section 60.9 Block 2 Lots 23 & 24, R-½A Zone
Roosevelt Drive and Woodfield Road, Bedford Hills
Owner/Applicant: **The Stepping Stones Foundation**
(Review latest submissions.)
(Review memo dated April 11, 2016 from Evans Associates.)

- 3.** Waiver of Site Plan Approval – Indoor Storage
Section 60.15 Block 1 Lot 2, LI Zone
329 Adams Street, Bedford Hills
Owner: **329 Adams Street Corp.**
Applicant: **Anthony Longhitano, Contract Vendee**
(Consider Waiver of Site Plan Approval.)

- 4.** Preliminary Site Plan Approval – Motor Vehicle Sales and Service Facility
Section 71.12 Block 2 Lot 12, RB Zone
748 Bedford Road, Bedford Hills
Owner: **Curco Operating Company**
Applicant: **748 North Bedford Road, Bedford Property Associates, LLC,**
Contract Vendee
(Consider Preliminary Site Plan Approval.)

Approval of Minutes:

October 27, 2015

Supporting documentation for all items on this agenda is available at the Town of Bedford website.

www.bedfordny.gov

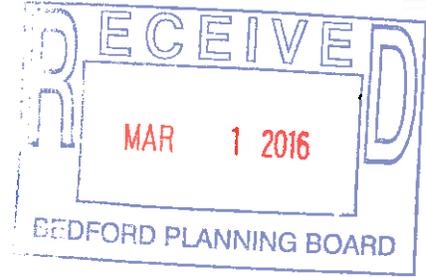
Larger documents and plans are available at the office of the Planning Board.

Agenda items subject to change.



Stepping Stones

The Historic Home of Bill and Lois Wilson



Board of Trustees

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MEMORANDUM

Feb. 29, 2016

TO: Deirdre Courtney-Batson, Chair, Town of Bedford Planning Board & Jeff Osterman, Town Planner, Town of Bedford

FROM: Sally Corbett, Executive Director, **The Stepping Stones Foundation** *SC*

CC: Whitney Singleton, Esq.

RE: Revised Signage for Stepping Stones (11 copies)

Each of the 11 packets provided contain the revised sign designs with two different color options. The more visible historic blue option is preferred. In the interest of effectiveness and visibility the sign expert advised against making the signs any shorter than those viewed during the Planning Board's site visit. However, in the spirit of compromise Stepping Stones is willing to move forward with the slightly shorter designs provided herewith.

Packet Contents

Blue Sign with White Lettering—Design and Specs

62 Oak Road (Entrance) and 66 Oak Rd. (Exit) signs

- overlay on site photo
- sign drawing
- sign specifications and dimensions

Brown Sign with White Lettering—Design and Specs

62 Oak Road (Entrance) and 66 Oak Rd. (Exit) signs

- overlay on site photo
- sign drawing
- sign specifications and dimensions

Please contact us (contact information below) if you have any questions. Thank you.

Staff

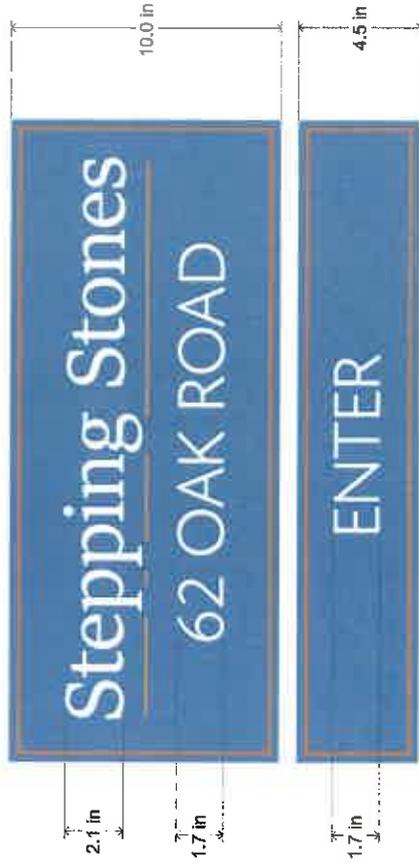
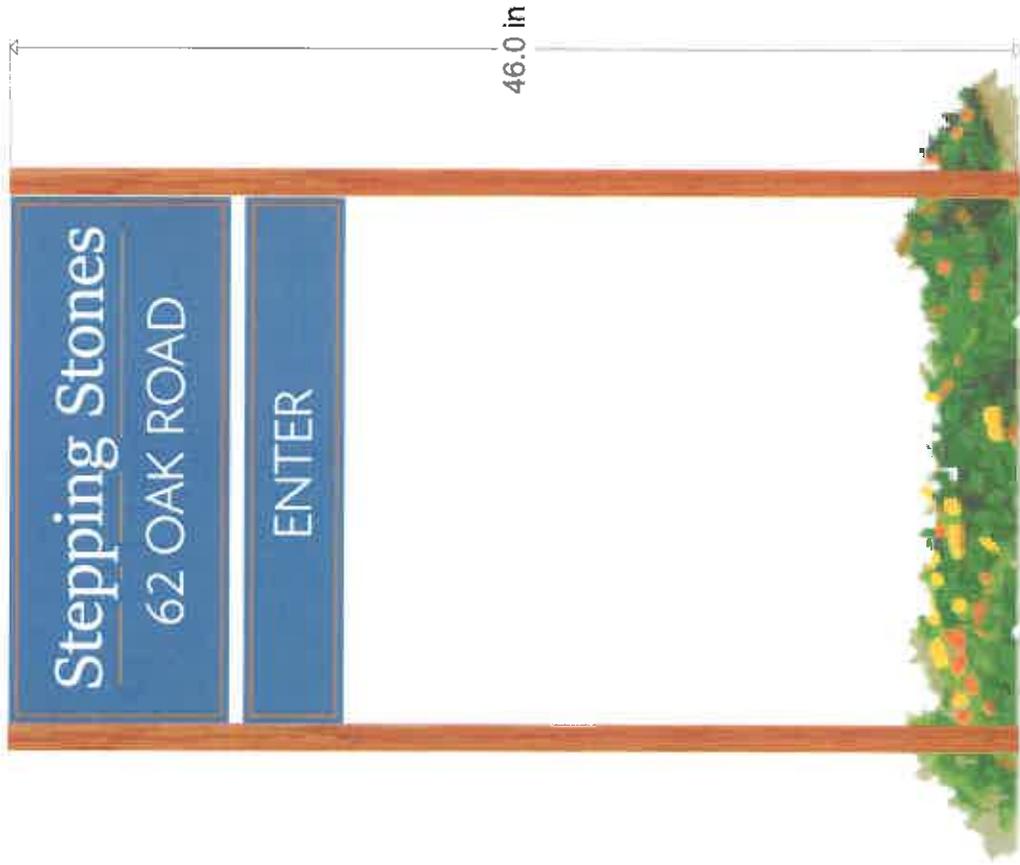
Sally Corbett
Executive Director

Kathryn Liszewski
Visitor Services



Stepping Stones
62 OAK ROAD
ENTER

STEPPING STONES
WILSON



BM 804 Chicago Blue



Natural Cedar

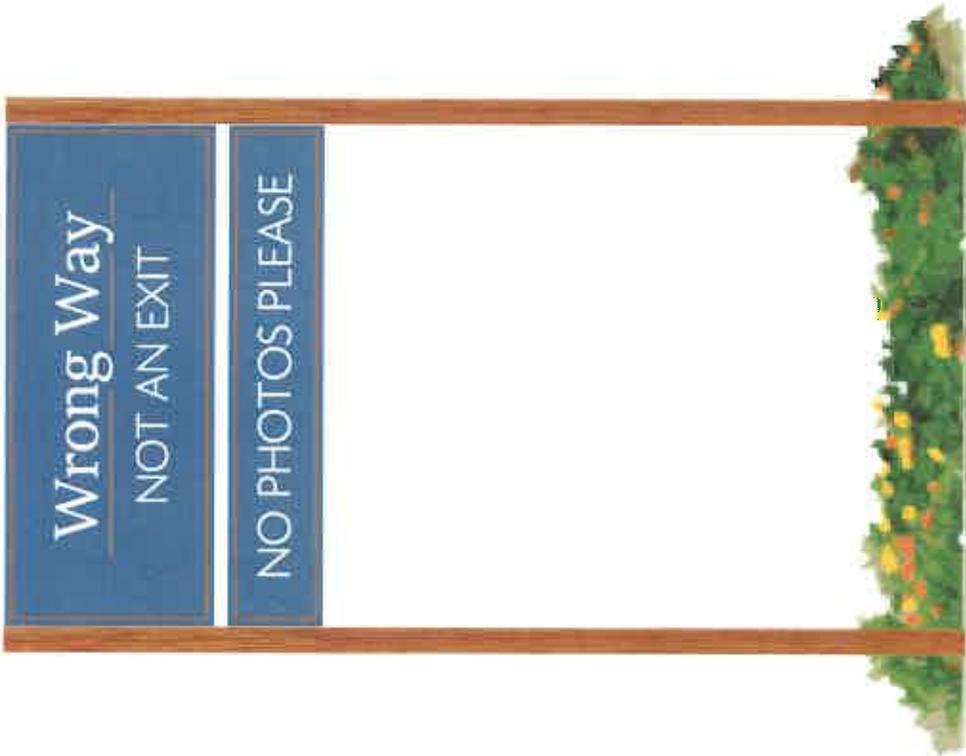


Quality Sign Work
 85 N. W. 17th Ave., Suite 100
 Miami, FL 33135

FRONT



BACK



BM 804 - Chicago Blue



Natural Cedar



Quality Sign Work
 COMMERCIAL AND RESIDENTIAL
 10000 W. 111th Street, Suite 100
 Overland Park, KS 66207

MATERIALS:
 CEDAR PANELS AND POSTS
 PANELS PAINTED BLUE WITH WHITE
 COPY AND BROWN ACCENTS
 POSTS STAINED BROWN

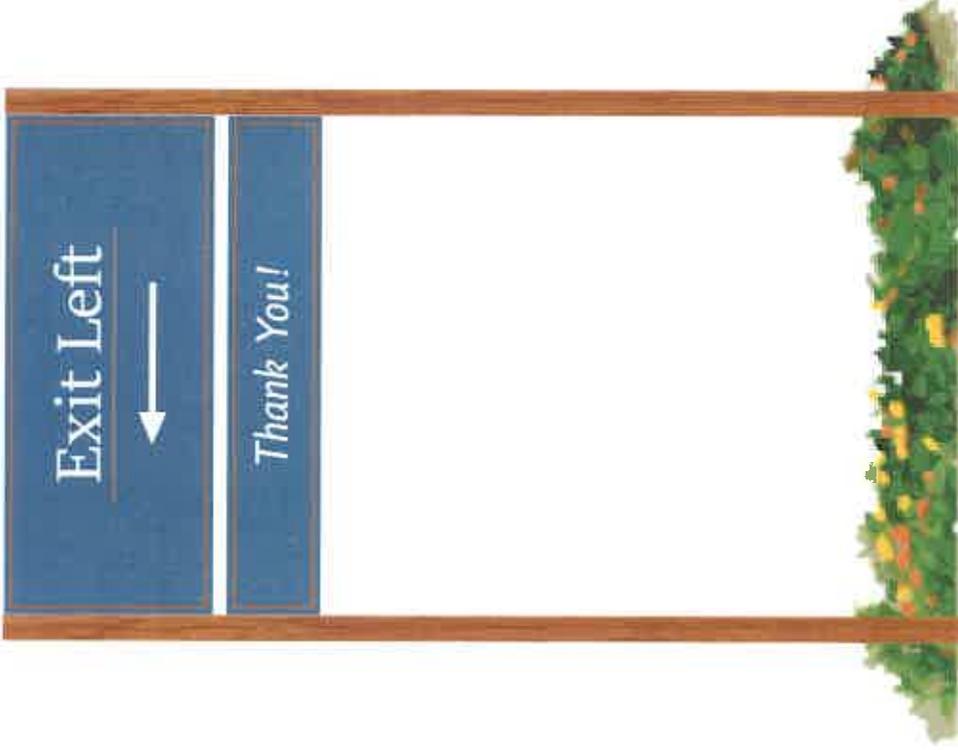
Stepping Stones
66 OAK ROAD
EXIT



FRONT



BACK



BM 804 Chicago Blue



Natural Cedar



Quality Sign Work
 SIGN SYSTEMS, INC.
 1100 W. 17th Street
 Raleigh, N.C. 27607

MATERIALS:
 CEDAR PANELS AND POSTS

PANELS PAINTED BLUE WITH WHITE
 COPY AND BROWN ACCENTS

POSTS STAINED BROWN



Stepping Stones
62 OAK ROAD

ENTER

STEPPING
STONES
WILSON

FRONT



BACK



PMS 412C Brown



Natural Cedar



Quality Sign Work
 10000 W. 10th Avenue
 Suite 100
 Golden, CO 80401
 303.440.1234

MATERIALS:
CEDAR PANELS AND POSTS

PANELS PAINTED BROWN WITH WHITE
COPY AND BROWN ACCENTS

POSTS STAINED BROWN




Quality Sign Work
 COMMERCIAL SIGNAGE
 2015 South 17th St. Palm Beach
 Gardens, FL 33480



Natural Cedar



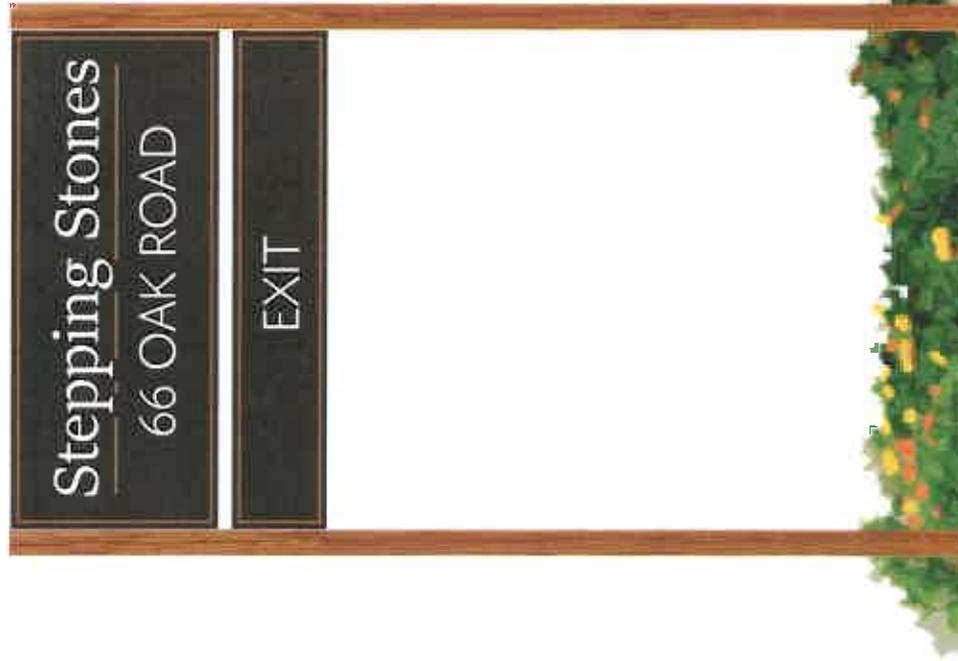
PMS 412c Brown



Stepping Stones
66 OAK ROAD

EXIT

FRONT



BACK



PMS 412C Brown



Natural Cedar



Cedar Sign Shop
 18400 Hwy. 111, 2007
 954-447-1111

MATERIALS:
CEDAR PANELS AND POSTS

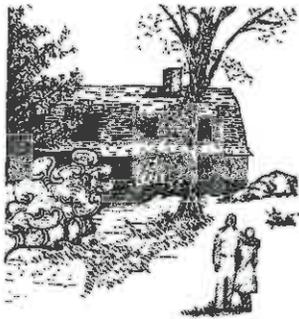
PANELS PAINTED BROWN WITH WHITE
COPY AND BROWN ACCENTS

POSTS STAINED BROWN



Above: Historic sign to be relocated to center of property





Stepping Stones

The Historic Home of Bill and Lois Wilson

MEMORANDUM

Board of Trustees

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Walter Stuart

December 23, 2015

TO: Deirdre Courtney-Batson, Chair, Town of Bedford Planning Board &
Jeff Osterman, Town Planner, Town of Bedford

FROM: Sally Corbett, Executive Director, The Stepping Stones Foundation *SC*

CC: Whitney Singleton, Esq.

RE: Revised site plan for Stepping Stones

Attached please find two drawings showing Stepping Stones' revised site plans with the changes discussed during the Preliminary Site Plan Approval of the Town of Bedford Planning Board earlier this year. Stepping Stones' landscape designer David Delucia revised the plans to reflect code compliant access and parking spaces and a planting list that only includes native, non-invasive plants. (The sour gums are not being added as noted on the planting list with "NIC" for "not in contract..")

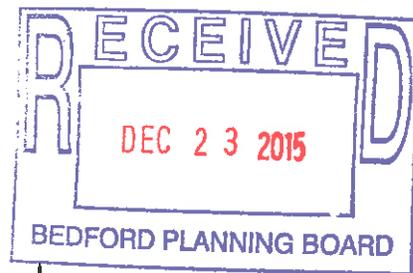
Please let me or Whitney Singleton know if you have any questions regarding this submission. We look forward to hearing from you to see if Stepping Stones will be scheduled on the Planning Board agenda for the upcoming meeting.

Happy holidays. Thank you.

Staff

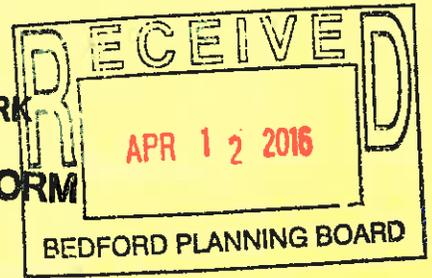
Sally Corbett
Executive Director

Kathryn Liszewski
Visitor Services



PLANNING BOARD
TOWN OF BEDFORD
WESTCHESTER COUNTY, NEW YORK

ENVIRONMENTAL CLEARANCE FORM
(This Side to be Completed by Applicant)



1. IDENTIFICATION OF OWNER

Name of owner: Anthony Longhitano, contract vendee
Address: P.O. Box 8197 White Plains, N.Y. 10602 Phone: 914-686-0800

2. IDENTIFICATION OF APPLICANT, IF OTHER THAN OWNER

Name of applicant: Anthony Longhitano
Address: P.O. Box 8197 White Plains, N.Y. 10602 Phone: 914-686-0800

3. IDENTIFICATION OF SITE INVOLVED, if any

- a. Name or other identification of site 329 Adams street, Bedford Hills, NY
- b. Roads which site abuts _____
- c. Bedford tax map designation: Section: 60.15 Block 1 Lot(s) 2
- d. Total site area _____
- e. Does the applicant have a whole or partial interest in lands adjoining this site? _____

4. IDENTIFICATION OF PROPOSED ACTION

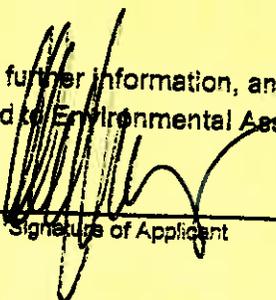
- a. Description of Proposed Action indoor car storage
- b. Relationship to other actions:
 - 1. List any further actions which may be undertaken, of which this proposed action is part or first step, e. g. further subdivision of a large parcel of land: _____
 - 2. List any related actions which may be undertaken, of which this proposed action, e.g. highway reconstruction to serve increased traffic: _____
 - 3. List any actions which are dependent upon this proposed action, and therefore should be reviewed as part of this action, e.g. house construction in the case of a residential subdivision: _____

All such actions must be reviewed in conjunction with the action proposed.

5. CLASSIFICATION OF PROPOSED ACTION (see lists of Type I, II, Exempt, Excluded Actions)

- Type I. An Environmental impact Statement is required unless the applicant demonstrates conclusively that one is not needed. Proceed to Environmental Assessment Form.
- Type II or Exempt Action. No Environmental Impact Statement is needed. Submit this form only.
- Unlisted Action. Pending Analysis of further information, an Environmental Impact Statement may be required. Proceed to Environmental Assessment Form.

04/05



Signature of Applicant

4/6/16
Date

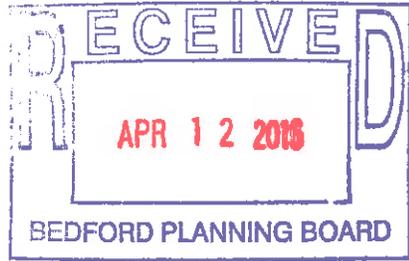
Waiver of Site Plan Approval

Date:

5 Hobby Lane
Applicant's Home Address

Bedford, N.Y. 10506
City, Town, Village

Town of Bedford Planning Board
Town House
Bedford Hills, New York 10507



Sir or Madam: contract vendee authorized by owner

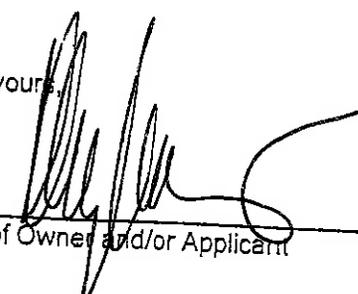
I/We am/are the owner (s) of property located on 329 Adams Street
Bedford, N.Y.

shown and designated on the Town Tax Maps as:
Section 60.15 Block 1 Lot(s) 2

It is my/our intention to Indoor storage of classic
cars. (see narrative attached)
(Describe proposal)

Because of the limited nature of the proposed development or change of use, or to special conditions peculiar to this site, I/we am/are requesting a waiver of the requirement of site plan approval pursuant to Article IX Section 125-93 of the Code of the Town of Bedford.

Very truly yours,



Signature of Owner and/or Applicant

April 6, 2016

Town Of Bedford NY

RE: Special Use Permit Application

To Whom it may concern:

I Anthony Longhitano am applying to the Town Of Bedford NY for a special use permit for the property located at 329 Adams Street, Bedford Hills NY, I have signed a contract to purchase the property from the seller Bill Burns who has also authorized this application under a separate signed letter attached.

The special use permit will be utilized to cover my indoor storage of a classic car collection. The cars will be for storage purposes only and there will be no auto related body work or any use of toxic materials associated with the car storage. I will also install a drip protector threshold on the perimeter of the access doors as a precautionary measure.

Your prompt attention to this matter is much appreciated.

Thank you

Sincerely,

Anthony Longhitano



April 6, 2016

Town Of Bedford NY

To Whom it may concern:

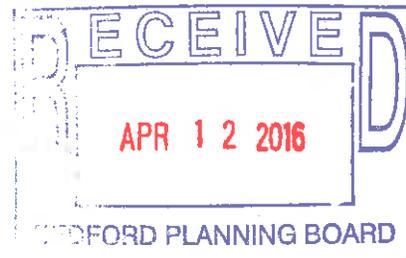
I Bill Burns the current owner of the property located at 329 Adams Street, Bedford Hills NY, authorize Anthony Longhitano of LDG Properties to apply to the Town Of Bedford NY for a special use permit for the indoor storage of a classic car collection. Mr. Longhitano is currently under contract to purchase the property.

Your prompt attention to this matter is much appreciated.

Thank you

Sincerely,

Bill Burns



EXISTING BUILDING
 DOME TOOL CO.

2-1/2 STORY WAREHOUSE BUILDING
 (NO EXISTING FOUNDATION)
 (NO EXISTING FOUNDATION)

WALKWAY
 TO
 TRUCKS & TRAILERS

TRUCKING AREA

ADAMS STREET

FOOTING	A	B
TRUCK	143	174
TRUCK	225	144
TRUCK	241	143

ACCEPTED
 AS FINAL PLANS
 HEALTH DEPT.
 DEPT. OF HEALTH



BIRDO

233 ADAMS ST. ASSI
 ADAMS ST. DEPT. OF H

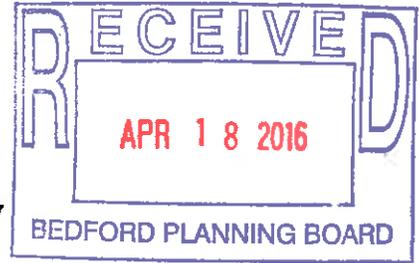
75 24
 17 24

HANOVER TOWN

8-1-17
 11-1-17

RECEIVED
 APR 12 2016
 BOARD PLANNING BOARD

PLANNING BOARD
TOWN OF BEDFORD
WESTCHESTER COUNTY, NEW YORK



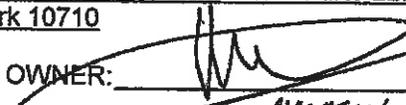
PRELIMINARY SITE PLAN APPLICATION

Submit to: Town of Bedford Planning Board, Bedford Hills, N.Y. 10507

1. IDENTIFICATION OF OWNER

Name of owner: Curco Operating Company Phone: 914-779-1100

Address: c/o Veneruso, Curto, Schwartz & Curto LLP, 35 E. Grassy Sprain Road, Suite 400, Yonkers New York 10710

SIGNATURE OF OWNER:  Date: 4/15/16

MANAGING PARTNER

2. IDENTIFICATION OF APPLICANT, IF OTHER THAN OWNER

Name of applicant: 748 North Bedford Road, Bedford Property Associates, LLC Phone: 973-214-1366

Address: c/o Open Road Auto Group, 1120 Route 22, Bridgewater, New Jersey 08807

Interest of applicant: Contract Vendee

3. PROFESSIONAL PERSON PREPARING SITE PLAN

Name: Insite Engineering, Surveying & Landscape Architecture, P.C. Phone: 845-225-9690

Address: 3 Garrett Place Carmel, New York 10512

4. IDENTIFICATION OF DEVELOPMENT

Bedford Tax Map Designation: Tax ID: 71.12-2-12 748 N. Bedford Road, Bedford Hills NY 10507

Zoning District: RB (Roadside Business) Proposed Use: Motor Vehicle Sales and Service

Number of parking spaces required by the Bedford Town Code: 82

5. SUBMISSIONS ACCOMPANYING THIS APPLICATION

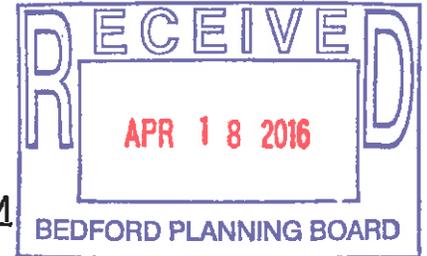
- a. Ten (10) copies each of one sheet showing data required by Article IX, Section 125-89 of The Bedford Town Code for approval of a Preliminary Site Plan.
- b. One (1) copy of any additional sketches, renderings, or other information which the Applicant may wish to present to the Planning Board.
- c. Fee in amount of \$500, plus \$25 per parking space required by the Bedford Town Code. (make check payable to the Town of Bedford).

(See reverse side of this form for information required with this application)



**TOWN OF BEDFORD
ENVIRONMENTAL CLEARANCE FORM**

(This Side to be completed by Applicant)



Identification of Applicant

Name 748 North Bedford Road, Address c/o Open Road Auto Group,
Bedford Property Associates, LLC Phone 08807 973-214-1366
1120 Route 22, Bridgewater, NJ

Identification of Property Owner, If Other than Applicant

Name Curco Operating Company Address c/o Veneruso, Curto, Schwartz & Curto
35 E. Grassy Sprain Road, Suite 400 LLP
Yonkers, New York 10710
Phone 914-779-1100

Identification of Site Involved, If any

- a) Name or other identification of site 748 North Bedford Road, Bedford Hills, NY
- b) Street which site abuts North Bedford Road
- c) Tax Map Section 71.12-2-12
- d) Total site area 1.394 acres
- e) Does applicant have a whole or partial interest in lands adjoining this site? No

Identification of Proposed Action

a) Description of Proposed Action Modification of building and amendment to
site plan approval to allow motor vehicle sales and service

b) Relationship to other actions:

- 1. List of further actions which may be undertaken, of which this proposed action is a part or first step, e.g. further subdivision of a large parcel of land: None
- 2. List any related actions which may be undertaken as a result of this proposed action e.g. highway reconstruction to serve increased traffic: None
- 3. List any actions which are dependent upon this proposed action and therefore should be reviewed as a part of this action, e.g. house construction in the case of a residential subdivision: None

All such actions must be reviewed in conjunction with the action proposed.

Classification of Proposed Action (see lists of Type I, II, Exempt, Excluded Actions)

- Type I. An Environmental Impact Statement is required unless the applicant demonstrates conclusively that one is not needed. Proceed to Environmental Assessment Form.
- Type II or Exempt Action. No Environmental Impact Statement is needed. Submit this form only.
- Unlisted Action. Pending Analysis of further information, an Environmental Impact Statement may be required. Proceed to Environmental Assessment Form.

Signature of Applicant: [Signature] Date: 4/18/2016

TOWN OF BEDFORD – ENVIRONMENTAL CLEARANCE FORM
(This Side for Official Use Only)

Classification Approved; Further Action Required:

- Type I Action. The proposed action will have a significant effect on the environment. An Environmental Impact Statement is required unless the applicant demonstrates conclusively that one is not needed. Proceed to Environmental Assessment Form.

- Type II or Exempt or Excluded Action. No Environmental Impact Statement is needed. No further action required.

- Unlisted Action. The proposed project may have a significant effect on the environment. Pending analysis of further information, an Environmental Impact Statement may be required. Proceed to Environmental Assessment Form.

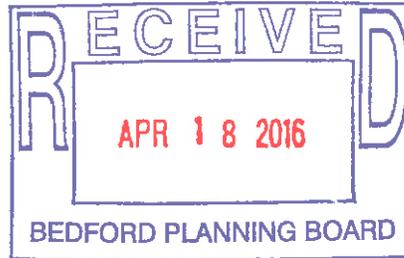
Comments:

Town Agency

Agency Signature

Date

CHARLES V. MARTABANO
Attorney at Law



9 Mekeel Street
Katonah, New York 10536
cmartabano@gmail.com
(914) 242-6200 Telephone
(914) 242-3291 Facsimile
(914) 760-9241 Cell

April 18, 2016

VIA HAND DELIVERY

Chairwoman Deirdre Courtney-Batson and
Members of the Planning Board
Town of Bedford
425 Cherry Street
Bedford Hills, New York 10507

Re: Application of 748 North Bedford Road, Bedford Property Associates,
LLC (Open Road Auto Group)
Property Owner - Curco Operating Company
748 North Bedford Road Tax ID: 71.12-2-12
Application for Amended Site Plan Approval to Reduce Size of Existing
Retail Building and Convert to Motor Vehicle Sales and Service

Dear Chairwoman Courtney-Batson and Members of the Planning Board:

I am pleased to present for your Board's review the application of 748 North Bedford Road, Bedford Property Associates, LLC (Open Road Auto Group) seeking amended site plan approval in connection with the property known as 748 North Bedford Road. Said property is currently owned by Curco Operating Company (the applicant is the contract vendee) and is presently improved, as it has been since 1981, with a retail building consisting of approximately 13,500 SF. The purpose of the application is, as set forth above, to obtain amended site plan approval to reduce the size of the existing retail building and convert such structure to motor vehicle sales and service. As members of the Board are well aware, motor vehicles sales and service facilities are also classified as public garages under the Bedford Town Code (hereinafter "Code"). Public garages are expressly permitted in the zoning district in which this property is located (RB- Roadside Business), subject to issuance of a special permit from the Zoning Board of Appeals (hereinafter "ZBA"). The Building Inspector reviewed the proposed amended site plan and determined that, pursuant to the Code, 82 parking spaces are required. As the proposed amended site plan provides for 54 off-street parking spaces, approval of the application will also require issuance of a variance from the ZBA. As your Board is further aware, pursuant to the Code, issuance of a special permit for a public garage by the ZBA is subject to prior review of such application by your Board so as to obtain a recommendation to the ZBA from your Board. Accordingly, the applicant's appearance before your Board is for the combined purpose of presenting to your Board the applicant's plans for use of this property for a motor vehicle sales

and service facility and to obtain your Board's recommendation to the ZBA. The applicant is scheduled to appear before the ZBA at its meeting of May 4 2016.

Who is Open Road Auto Group

Given the nature of this application, inclusive of its need for a variance in connection with required parking spaces, it is imperative for your Board to assess the representations made to your Board by the applicant as same pertain to issues of concern to your Board. In my opinion such assessment requires both evaluation of the appropriateness of such representations in an operational context and an evaluation of the ability of the applicant to follow through with respect to such representations once the use is established. As someone who has practiced before your Board in connection with multiple applications relating to motor vehicle sales and service and public garages, I have had the benefit of understanding the concerns that your Board has expressed in connection with such uses. It is for this reason that I am particularly pleased to present an application to your Board by an applicant who has been advised of the concerns of your Board in advance and has demonstrated to me and will demonstrate to you that this applicant is uniquely capable of following through on the representations made below relating to operational characteristics so as to adequately address the planning considerations demonstrated to be of concern to your Board.

In terms of future operations of the planned motor vehicle sales and service facility, the applicant in issue is Open Road Auto Group (hereinafter "Open Road"). Open Road has 40 years of automotive retail experience in the New York and New Jersey market. If possible, before the meeting, I invite members of the Board to visit Open Road's website at www.openroad.com so as to obtain an understanding of the strength and capability of Open Road, as well as Open Road's orientation with respect to Internet transactions¹ in recognition of the changing nature of automobile sales². As can be seen by reference thereto, at present, Open Road presently owns 16 automobile dealerships located in New York and New Jersey. Open Road represents many brands of motor vehicles, including (in alphabetical order) Acura, Audi, BMW, Cadillac, Honda, Mazda, Mercedes, Smart and Volkswagen. Some of these facilities are located in areas which represent challenges, most especially in connection with customer parking and vehicle storage such as is the case with Open Road's dealership facilities for Audi and Volkswagen (separate facilities) located in Manhattan. Open Road has demonstrated an ability to function in an extraordinary fashion despite such limitations applicable to such facilities. A clear indicator of Open Road's unique abilities in an operational context is demonstrated by the fact that Open Road consistently receives manufacturers' awards for excellence, not merely in terms of sales performance, but in terms of customer satisfaction, indicative of the fact that Open Road elevates customer satisfaction to the highest possible level as a corporate mission. Open Road has also been noted for its charitable giving as it is a fundamental belief of the organization that giving back to the host community is very important. Understanding the significance of Open Road's first initiative in the Northern Westchester marketplace, Open Road's President, Michael Morais, will be present at your meeting to confirm representations made on behalf of

¹ Through Open Road's website, customers can view any vehicle in inventory among any of the 16 dealerships; make service appointments etc.

² See e.g. the article entitled "Death of a Car Salesman" in The Economist, August 22, 2015 indicating how the Internet is changing the traditional car purchase transaction.

Open Road and to respond to any questions that members of the Board might have.

Understanding your Board's desire to speak to the people who will actually be responsible for this facility, the manager of the proposed Bedford facility will also appear before your Board.

Property History

As members of your Board may be aware, this property was previously home to a motor vehicle sales and service facility for many years. Prior to 1981 this property was the location of Bedford Chrysler Plymouth Inc. which was a Chrysler Plymouth and Peugeot dealer until approximately 1981. Prior to such time, this property was utilized as an automotive filling station. By reason of the foregoing, this property has previously been utilized for at least two uses classified as public garages under the Bedford Code. In 1981 an application was made to your Board to increase the size of the pre-existing building from approximately 6300 SF to approximately 13,500 SF for use for retail purposes. At such time it was determined that the required parking was 67 parking spaces. Notwithstanding the foregoing and apparently without benefit of a variance being granted by the ZBA³, this Board approved the construction of the expanded building as proposed with 55 parking spaces. This is the configuration that exists today.

Proposed Amended Site Plan

I now direct your Board's attention to the proposed amended preliminary site plan submitted by Open Road. For the purpose of supporting the motor vehicle sales and service use as proposed by Open Road, please note the following modifications, all of which have been made to facilitate the property's use as a motor vehicle sales and service facility:

1. The overall building size is being reduced, as the applicant desires to cut back the southern portion of the building so as to allow for the creation of a customer drop off/drive-through which allows customers to drive into the building to drop off their cars. While this significantly reduces the amount of square footage dedicated to active sales or service efforts, it eliminates the need for customers to park their vehicles and traverse an active driveway to arrange for the servicing of their vehicles. This enhances customer convenience and customer safety and promotes far better and safer traffic circulation around the site;
2. One way traffic circulation originating from the southbound access is maintained but, in an effort to cut down vehicle ingress and egress onto North Bedford Road, southbound one way return access is provided across the front of the building together with the addition of four (4) customer parking spaces directly in front of the building. Again, this has the benefit of facilitating safe customer access to the sales and service facilities as well as improving traffic circulation and traffic safety;

³ Alex Costello and I reviewed the records of the ZBA and could not find any determination by the ZBA authorizing the expanded retail use at this location without compliance with the required parking of 67 parking spaces.

3. A separate loading access area has been created contiguous to the southern portion of the building which allows the specialized (see below) delivery vehicles to be utilized by Open Road at this location to access the site in such a manner so as to eliminate any potential impediment to on-site or off-site traffic circulation. While this will, it is believed, not be accessed at any time during normal business hours (see below), it is nevertheless proposed to be installed in the manner shown on the proposed amended site plan simply to ensure no impediment to traffic circulation;
4. new curbing plans have been developed to enhance both traffic circulation and overall appearance;
5. a new landscaping plan has been designed to enhance overall appearance.

As can be seen from the foregoing modifications, a significant amount of what could otherwise be classified as active motor vehicle sales and service space has been eliminated to facilitate both customer access and convenience and overall site functionality.

How Will Open Road Operate Successfully Operate under These Circumstances

Open Road will utilize 748 North Bedford Road as what can best be described as a boutique auto sales and service facility. Open Road will use his facility as the new home of Cadillac sales and service in the area. Cadillac is presently represented in this market by Arroway Chevrolet Cadillac in Mount Kisco. Cadillac has no separate sales or service facilities at such location and average monthly unit sales are between 20 and 25 units. To understand the classification of this facility as a boutique auto sales and service facility, your Board should take into consideration relevant sales and market share statistics relating to Cadillac and other brands represented on North Bedford Road. Cadillac's market share⁴ for the US market for December 2015 was 1.3%. For comparative purposes:

- Ford's market share was 13.8%
- Chrysler Dodge Jeep Ram's market share was 13.1%
- Toyota's market share was 11.7%
- Chevrolet's market share was 11.5%
- Honda's market share was 8.2%
- Nissan's market share was 7.6%
- Buick GMC's market share was 5%

⁴ These market share figures are based on national sales and it is to be expected that sales in Northern Westchester might be somewhat different. Northern Westchester has a very high percentage of what is referred to as an import penetration rate with the result that, generally speaking, Northern Westchester sales figures show larger market shares for imported vehicles such as Honda, Toyota, BMW etc.

While these figures can, of course, vary on a regional basis, the point is that Cadillac's market share is very small as compared to other brands and, as Mr. Morais will relate to the Board, Cadillac's new management philosophy is such as to further enhance the concept of a high end boutique facility for sales and service focusing on the quality and exclusivity of the product and enhancement of the customer experience. While this might not necessarily result in high volume sales as evidenced by the 2015 market share facilities figures referenced above (and may, in fact, result in fewer sales of higher end product), it is anticipated that Cadillac's image and quality of product will continue to increase while possibly attracting a slightly different market segment of purchasers with a focus on exclusivity as well as high-performance.

In addition to anticipated low volume of the exclusive Cadillac sales and service facility based on market share and manufacturer philosophy on a go forward basis, Open Road is prepared to address the practical considerations applicable to motor vehicle sales and service operations at this location with the planned parking facilities. As members of the Board are well aware, the vast majority of parking spaces required and utilized in connection with motor vehicle sales and service are not customer or employee parking spaces but are instead utilized for motor vehicle display for new and used vehicles. As I am certain that members of the Board will recognize, where, as here, projected sales volume is low, resultant inventory levels are correspondingly low. As members of the Board are also aware, numerous other existing dealership facilities utilize off-site storage for their new vehicles as a practical reality, given the size and cost of properties located on North Bedford Road. The ZBA has taken this into account and has authorized parking variances where applicants have shown the availability of off-site storage. Indeed, your Board and the ZBA were instrumental in approving a public garage application, the specific purpose of which was to provide for off-site delivery and storage of motor vehicles (the Vail facility on Adams Street).

As indicated above, Open Road has 16 dealership facilities in New York and New Jersey. As might be expected from an auto group of this magnitude, Open Road has also obtained an off-site vehicle storage facility located in North Bergen New Jersey. At this location Open Road maintains a more than 60,000 SF warehouse facility for the purpose of vehicle storage and this location alone has storage capacity for more than 400 vehicles. To put this into perspective, this vehicle storage facility is approximately four times larger than the building at the Vail Adams Street facility. With the sales volume applicable to Cadillac as referenced above, inventory requirements are minimal and necessary off-site vehicle storage at the Bergen warehouse can easily be accommodated. Moreover, as indicated above, Open Road currently operates a Cadillac dealership which is located at 334 Columbia Turnpike, Florham Park, NJ 07932. This facility, in terms of its building size and associated parking areas, is much larger than the currently proposed facility and, as a consequence, its parking and storage areas are *significantly* underutilized. Off-site storage of Cadillac inventory for the Bedford facility can *easily* be

accommodated at this facility⁵ and viewed remotely from the website. Finally, in terms of customer convenience at the North Bedford Road facility, Open Road will demonstrate to your Board a system that Open Road has developed to enable any in facility customer on any given day to view a specific make, model and color of a vehicle in inventory on any given day in yet another manner (other than through the Open Road website). Open Road staffs its warehouse and maintains within the warehouse video facilities which allow remote viewing of stored inventory. Accordingly, if a customer would like to see a particular car in inventory which is stored off-site, Open Road has a video stage upon which the vehicle can be driven at the warehouse and a full video presentation be given to the customer on a remote basis. This is yet another way that Open Road will enhance the customer experience without the necessity for a significant number of vehicles being stored on-site.

As can be seen from the foregoing, Open Road has the ability to provide off-site storage at *two* locations presently owned by Open Road. In addition thereto and solely as a matter of convenience, Open Road has made contact with the owners of the Vail facility to explore the possibility of renting a significant portion of the Vail facility for drop off and vehicle storage⁶. Open Road is most willing to accept a condition to be imposed upon approval of its special permit, parking variance and site plan relating to an obligation on the part of Open Road to demonstrate the existence of sufficient off-site vehicle storage in an amount equal to 100% of the parking shortfall (28 vehicles).

In my discussions with Open Road I made Mr. Morais aware of the Planning Board's concern regarding car carrier traffic on North Bedford Road. As you might expect, simply by reference to existing site constraints, Mr. Morais understood the significance of addressing this issue to the satisfaction of the Planning Board. By reason of the foregoing, the applicant will represent to the Planning Board that in terms of vehicle deliveries (which will be minimal by reason of the sales volume as aforesaid):

- to the extent vehicle deliveries are made to the facility by any car carrier, such deliveries will be made by ***vehicles owned and/or controlled by Open Road*** so that the applicant can be held directly responsible and the Planning Board will not hear, as it has in the past, that the car carrier deliveries are not subject to control by Open Road. Such deliveries will be controlled by Open Road and they will be in vehicles owned and/or controlled by Open Road and driven by Open Road employees;

⁵ As you can see from the website, Open Road provides access to inventory at all locations from its website. Customers could identify a vehicle that they desire from inventory of other locations and transfer between facilities is readily accommodated.

⁶ As previously discussed with your Board and the ZBA, there may also be the possibility of utilizing the Vail facility solely for car carrier vehicle deliveries if this is deemed necessary, although it is unlikely that this would be necessary as a consequence of the specialized delivery procedures referenced herein.

- to the extent that vehicle deliveries are made to the facility by any car carrier, such *carrier shall be of the pickup-type vehicle with a maximum capacity of three vehicles* so that it will be accommodated by the on-site loading area shown on the site plan;
- to the extent that vehicle deliveries are made to the facility by any car carrier, *such deliveries will be off-hours* so as to not pose the possibility of on-site conflicts with customer vehicles as well as to traverse North Bedford Road at times when traffic is at a minimum;
- if Open Road is successful in obtaining local off-site storage, such as would be accommodated by the Vail facility if feasible, all car carrier deliveries would be made to the off-site location and vehicles driven to the sales and service facility.

Obviously, Open Road anticipates and voluntarily offers the imposition of conditions based upon the aforementioned representations and restrictions.

Recommendation for Special Permit

In reviewing the arguments advanced below on behalf of Open Road, all such statements are made with the understanding that the conditions referenced above will be imposed on this application. As members of the Board are aware, the Code specifies the procedure by which the ZBA may proceed to grant the requested special permit. Section 125-59 provides for Planning Board review of the application. The Planning Board is required to make the specific findings required to be made pursuant to the Code in connection with the applicant's application to the ZBA for issuance of a special permit for a public garage. In this regard, the Code provides that the Planning Board shall review Open Road's application and plans in accordance with the standards and requirements set forth in § 125-60 below and other applicable requirements of Article VIII of the Code, if any, and submit its findings and recommendations to the ZBA. The applicable standards include the following:

§ 125-60. General standards.

A. The proposed use will serve a community need or convenience and will not adversely affect the public health, safety and general welfare.

B. The location and size of the use, the nature and intensity of the operations involved in or conducted in connection with it, the size of the site in relation to it and the location of the site with respect to streets giving access to it are such that

it will be in harmony with the appropriate and orderly development of the area in which it is located.

C. The location, nature and height of buildings, walls, fences and the nature and extent of existing or proposed plantings on the site are such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings.

D. Operations in connection with any special permit use will not be more objectionable to nearby properties by reason of noise, fumes, vibration, light or other characteristics than might be the operations of any permitted use not requiring a special use permit.

E. Parking areas will be of adequate size for the particular use, properly located and suitably screened from adjoining residential uses; and the entrance and exit drives shall be laid out so as to achieve adequate safety.

It is respectfully submitted that, in making the specific findings referenced above, your Board should take into consideration the characteristics of the RB Roadside Business zoning district both in terms of permitted and existing uses. In the town of Bedford alone are numerous automobile dealerships along the same road in the same zoning district including Ford, Honda, Acura, Chrysler Jeep Dodge Ram and Buick GMC. In terms of sales (and presumably service) volume, each of these facilities can be anticipated to have levels of activity in multiples of that anticipated in connection with Open Road's proposed Cadillac facility. Even aside from the benefits of the anticipated low volume of activity, Open Road has demonstrated the existence of technological innovations and proposed multiple conditions which would mitigate any perceived impacts associated with the issuance of the special permit. Taking all of these factors into consideration, I believe that your Board has before it sufficient facts to support a determination to the effect that all of the standards applicable to issuance of the requested special permit have been met.

Initially, in connection with the requirement set forth in section 125-60 A, there is no doubt that the proposed use at this location will serve a community need or convenience and will not adversely affect the public health, safety and general welfare. There is a demand for Cadillac sales and service in the area as there has been for almost seven (7) decades⁷ and Cadillac sales and service facilities have always been located on North Bedford Road with the result that any impacts arising therefrom are impacts which (1) have previously existed with respect to North Bedford Road for seven decades as aforesaid; and (2) have actually decreased over time as Cadillac sales have decreased during that same period. Subsections 125-60 B through E all relate to the suitability of the site for the proposed use and the appropriateness of the use at the proposed location. In this regard, as set forth above, subsection 125-60 B requires a

⁷ As some of you may know, my father was the Cadillac dealer at 271 North Bedford Road for 54 years before Cadillac sales and service was relocated to 175 North Bedford Road where it exists today.

determination by your Board that “[t]he location and size of the use, the nature and intensity of the operations involved in or conducted in connection with it, the size of the site in relation to it and the location of the site with respect to streets giving access to it are such that it will be in harmony with the appropriate and orderly development of the area in which it is located”. Subsection 125-60 C requires a determination that “[t]he location, nature and height of buildings, walls, fences and the nature and extent of existing or proposed plantings on the site are such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings”. Subsection 125-60 D requires a determination that “[o]perations in connection with any special permit use will not be more objectionable to nearby properties by reason of noise, fumes, vibration, light or other characteristics than might be the operations of any permitted use not requiring a special use permit”. Finally, Subsection 125-60 E requires a determination that “[p]arking areas will be of adequate size for the particular use, properly located and suitably screened from adjoining residential uses; and the entrance and exit drives shall be laid out so as to achieve adequate safety”.

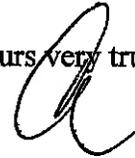
It is in these related respects that I believe that when your Board takes in the consideration the characteristics of the site and the permissible and existing uses in this portion of the Town, your Board should come to the determination that the requirements of each of these subsections have readily been met. With respect to site-specific characteristics, the site consists of approximately 1.4 acres which is appropriately sized for the proposed activity. Indeed, as the Board is aware, dealership facilities on North Bedford Road have functioned extraordinarily well with less than half of the land area in issue. The building, as proposed to be modified, will be more than adequate to meet the facility demands for a Cadillac dealership. The proposed modifications to the site plan are unique and well-suited to the purposes for which approval is sought.

In respect of appropriateness for the area and the absence of a deleterious effect on other uses established on nearby properties or the appropriate and orderly development of the area, initially it should be recognized that in view of the multiplicity of motor vehicle sales and service facilities and other public garage uses already approved along North Bedford Road, it is clear that establishment of this use at this location will be in harmony with the appropriate and orderly development of the area in which it is located, a point which will be further emphasized and demonstrated by reference to existing uses when the applicant appears before your Board. Accordingly, I believe that it is clear that this use will be in harmony with the appropriate and orderly development of the area in which it is located and that operations in connection with this proposed use will clearly not be more objectionable to nearby properties by reason of noise, fumes, vibration, light or other characteristics than might be the operations of any permitted use not requiring a special use permit.

In sum, I believe that with the proposed site modifications combined with the conditions that the applicant has voluntarily offered for your Board’s consideration, this application is appropriate for recommendation for approval to the ZBA and, subsequently, for approval in

connection with the proposed amended site plan. We look forward to appearing before your Board at which time the applicant, the undersigned and Insite Engineering will be present to review with the Board both the proposed site plan modifications and the operational characteristics of the proposed use. In the interim, should any Board member desire to make known to me any issues or concerns they would desire to be addressed at such meeting, kindly let me know in advance so that I may ensure that such issues or concerns are addressed at the meeting on April 26.

Yours very truly,



Charles V. Martabano

cc: Open Road Auto Group
Insite Engineering

Town of Bedford Planning Board

**2nd Floor Conference Room
425 Cherry Street
Bedford Hills, New York 10507**

Tuesday, October 27, 2015

Minutes

A meeting of the Planning Board was held on October 27, 2015, starting at 8:00 P.M., at 425 Cherry Street, Bedford Hills, New York. Present were Chairman Deirdre Courtney-Batson, Board Member William Colavito, Board Member Diane Lewis, Town Counsel Joel Sachs, Planning Director Jeff Osterman and Secretary Anne Paglia. Absent was Board Member Felix Cacciato. *[All Planning Board meetings are recorded. A CD copy of this recording may be obtained from the Planning Board Office.]*

Public Hearing:

**Special Use Permit – Creation of a Cottage in an Existing Barn
Section 61.6 Block 1 Lot 10, R-4A Zone
49 Girdle Ridge Road, Katonah
Owners/Applicants: Alfred and Sandra Luposello
(Consider Special Use Permit.)**

Present:

Barry G. Naderman, P.E., Naderman Land Planning & Engineering, P.C.

Mr. Naderman described the property and the proposed cottage to the Planning Board. He stated that the cottage would be 879 square feet. He also stated that since the existing residence is 2,001 square feet, they would be going to the zoning board of appeals for a variance for the requirement that the cottage not be more than 25 per cent of the principal residence.

Mrs. Courtney-Batson asked if there were any comments or questions from the audience. Mr. Cousens asked for an explanation of the cottage law and Mrs. Courtney-Batson provided it.

Mrs. Courtney-Batson asked if there were any other comments or questions from the audience. *[There were none.]*

Mr. Colavito asked what the plans were for the remaining portion of the barn. Mr. Naderman stated that it would remain as a horse/equestrian stable.

Mrs. Courtney-Batson asked about the “attic area” which goes above the barn and the cottage.

The Planning Board expressed concern about the fire separation between the cottage “attic area” and the barn “attic area.” Mrs. Courtney-Batson said that some sort of a pull-down ladder to the

“attic area” above the cottage may be needed. Mr. Osterman said that the Building Inspector would know what the building code required.

Mr. Colavito asked about the outdoor lighting. Mr. Naderman stated that there would be wall-mounted lighting by the front door. There was a question about the lighting by the barn door. Mrs. Courtney-Batson asked that all lighting be shown on the next plan submitted.

Mrs. Courtney-Batson stated that the Planning Board will have to deny the application because the proposal does not meet the standards for approval as specified in the Town Code as follows:

1. The cottage shall not contain more than 800 square feet of gross floor area,
2. The cottage shall not exceed 25% of the total floor area of the principal residence structure.

Mrs. Courtney-Batson asked if there were any other comments or questions from the audience. *[There were none.]*

Mr. Colavito made a motion to close the public hearing. Mrs. Lewis seconded the motion.

Vote: Ayes: Courtney-Batson, Colavito, Lewis
Nays: None

Mr. Colavito made a motion to deny the Special Use Permit for the cottage, based upon the two issues listed. Mrs. Lewis seconded the motion.

Vote: Ayes: Courtney-Batson, Colavito, Lewis
Nays: None

Public Hearing:

Preliminary Subdivision Approval – Two Lot Subdivision

Section 84.08 Block 1 Lot 31, R-2A Zone

9 Indian Hill Road, Bedford

Owner: Edward Musal

Applicant: Kellard Sessions Consulting, P.C.

(Consider Preliminary Subdivision Approval.)

Present:

Edward Musal, Owner

David Sessions, RLA, AICP, Kellard Sessions Consulting, P.C.

Mr. Sessions placed the plan on the bulletin board and described the subdivision to the Planning Board and the audience, and explained both the existing and proposed plans. He stated that the Musal family secured a zoning variance in 1957 to subdivide the two acre property into two lots. He stated that the owners never acted on the variance, but are here now to act on it. He described Lot One as having 1.35 acres and Lot 2 as having 0.65 acres. Lot 1 would have a four-bedroom house and a new septic. Lot 2 would have the existing two-bedroom house and a new septic.

Mr. Sessions stated that the suggestions made during the Planning Board’s site visits on 8/21/15 and 11/13/15 were incorporated into the plans. They are:

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1. The small trees and shrubs at the entrance of the driveway to be eliminated to increase the site distance.
2. The driveway to be widened at the entrance to Indian Hill road. The proposed width at that part of the driveway is eighteen feet; the rest of the driveway is about twelve feet.
3. Locate the driveway within the grounds of Lot One.
4. New access easement – the size of the easement has been increased to about 30 feet.
5. Trees to be removed and trees to remain are shown on the plan.
6. The applicant shall consider planting some evergreen trees along the right-of-way. This planting plan has not been shown yet, but the applicant has no objection.

Mrs. Courtney-Batson stated that the memorandum from the Town Engineer dated 10/27/15 states that a Steep Slopes Permit will be required. Mr. Sessions then discussed the need for disturbing the existing slopes by regrading. Mrs. Courtney-Batson stated that anything that minimizes the disturbance to the slopes would be preferable.

Mrs. Courtney-Batson stated that this is a Public Hearing and asked if there were any questions or comments from members of the audience.

Joan Phares of 11 Indian Hill Road stated that the background of the information that led to the subdivision was not available until a couple of minutes ago. She wanted more time to study this. Another issue she has is the easement and the maintenance of the easement which has not been worked out. She requested that the meeting be adjourned at this point.

Ellis Cousens of 45 Clifffield Road stated that the property that is proposed as Lot One is now in poor condition. He asked what restrictions were placed on the property at the time the variance was granted in 1957.

Mrs. Courtney-Batson stated that the Planning Board shares some of the concerns about the subdivision granted in 1957.

Mr. Sachs state that he has looked at the variance, and even though it was not signed by the Chairman of the Board, according to the research done by Mr. Osterman, none of the variances approved that year were signed by the Chair Person, but they were signed by the Town Clerk. Mr. Sachs stated that it looks like a valid variance which travels with the land.

Mr. Cousens asked what the Planning Board will do if this is a valid variance. Mrs. Courtney-Batson stated that they would look at it as a valid subdivision and, perhaps, place conditions on it. Mr. Sachs stated that approval of the subdivision could not be denied based upon the fact that the lot is less than two acres.

A question was asked whether or not the existing house is on the Historic Building Preservation Commission's survey. Mr. Sachs stated that it is not on the existing 2010 survey, but it is on the proposed new survey. Mrs. Courtney-Batson stated that the board would have to have more information from the Historic Building Preservation Commission.

Thomas Wilson of 17 Indian Hill Road, a neighboring property, expressed his concern about the location of the proposed well in relation to his existing septic system. He was also concerned

about a four-bedroom house being built in an area of two-bedroom houses. He was also concerned about erosion and site lines. Mrs. Courtney-Batson stated that the size of the house is not under the Planning Board's purview, but the location of it is. Mr. Osterman asked Mr. Wilson to submit any information about where his septic system is located.

Mr. Musal asked if the existing house was demolished, would that create an unbuildable lot because it is less than two acres. Mrs. Courtney-Batson stated that, as she understood it, the variance granted is for the continued existence of the then existing house. She stated that this, too, should be investigated further.

Ms. Phares then expressed her concerns about the driveway. Mrs. Courtney-Batson requested the applicant look at the possibility of an alternative driveway and a different orientation of the house.

Mrs. Courtney-Batson asked if there were any other comments or questions from the audience.

Peter Woytowich of 15 Indian Hill Road requested that the town hold a bond on the driveway. Mr. Osterman stated that this is a standard condition to insure that the driveway remains intact for the owners in the back.

Mrs. Courtney-Batson suggested that instead of closing the public hearing that the public hearing remain open by adjourning it.

Mr. Colavito made a motion to adjourn the public hearing. Mrs. Lewis seconded the motion.
Vote: Ayes: Courtney-Batson, Colavito, Lewis
Nays: None

When the public hearing is reconvened, Mr. Osterman said that the members of the audience would be notified the same way they were notified of tonight's public hearing.

Conference:

Waiver of Site Plan Approval

Section 72.5 Block 1 Lots 9 and 10, RB Zone

527 Bedford Road, Bedford Hills

Owner: Shullman Family L.P.

Applicant: Russell Speeders of Bedford Hills, LLC

(Continuation of consideration of Waiver of Site Plan Approval.)

Present:

Robert A. Spolzino, Attorney at Law, Wilson Elser Moskowitz Edelman & Dicker, LLP

Mrs. Courtney-Batson stated that the board is here tonight to consider the latest iteration of the noise reports.

Mr. Spolzino stated that he was unable to have the consultant attend tonight's meeting. He then discussed the noise report with the board.

Mrs. Courtney-Batson stated, for the record, in general, when the board is reviewing an application of this sort, it [*the blower*] has not already been installed and the board relies, to some extent, on the manufacturer's specifications for what they say the noise produced is. This is a piece of information that the board has requested [*from the applicant*] but has not gotten.

After further discussion, it was agreed that the noise level of the blower would be measured at 3:00 Am in the morning. Mr. Osterman also suggested that if the applicant's consultant wishes to speak with the town's consultant, they should speak with each other.

Discussion:

Update on Master Plan Review

The board discussed the process of updating the Master Plan and what the Planning Board would be doing.

Approval of Minutes:

May 26, 2015

June 9, 2015

Mrs. Courtney-Batson requested that the approval of the May 26, 2015 and June 9, 2015 minutes be tabled until the next meeting.

There was a discussion of the Planning Board meeting dates for November. It was decided to eliminate the November 10, 2015 meeting and to keep the November 17, 2015 and November 24, 2015 meetings.

The next meeting will be on Tuesday, November 17, 2015.

Mrs. Lewis moved to close the meeting. Mr. Colavito seconded the motion.

Vote: Ayes: Courtney-Batson, Colavito, Lewis

Nays: None

The meeting was adjourned at 9:35 PM.

Date these minutes were approved by the Planning Board: _____

Respectfully submitted,

Anne Paglia, Secretary
Town of Bedford Planning Board

Date