

Minutes

Work Session of the Planning Board
Village/Town of Mount Kisco
Tuesday March 22, 2005

Attending Member:

Joseph Cosentino
Anthony Sturniolo
Stanley Bernstein
Doug Hertz

Attending Staff

Whitney Singleton
Nanette Bourne

Members Absent:

Ralph Vigliotti
Joseph Morreale

This meeting took place on March 26, 2005 due to the cancellation because of no quorum.

This meeting was called to order at 12:00p.m.

Joseph Cosentino: We have the minutes of March 1, 2005.

Stanley Bernstein: I make a motion to accept the minutes of the special meeting of Tuesday March 1, 2005.

Joseph Cosentino: Second by the Vice Chairman. The motion was made by Stanley Bernstein. Board All Ayes. Continuing review is Saw Mill Club.

Continuing Review:

**1. Saw Mill Club – 70 Kensico Drive
Dan Hollis counsel for the applicant, Paul Berta from Schoor Depalma.**

Dan Hollis: We were last here February 8, 2005 on this application. There was reference made by you Mr. Chairman to invoke, on a prior Bedford application, subject for their review. According to that note we went to Bedford and they agreed with us that their authority was a reviewing authority not an approval authority. I appeared before the Bedford Planning Board on March 15, 2005 and at that time the Bedford Planning Board voted to send a letter to your planning board. I don't know if it has been received yet. I can tell you the conditions that will be imposed, number one: that the review authority be continued on any resolution of approval that we might receive from Mount Kisco down the line. Number two that lights in the bubble (if the bubble is approved) over the swimming pool are turned off during hours when the club is not in operation. Thirdly that they will hold off on waiving site plan approval until this plan is ready to be approved by you. They don't want to give up that right quite yet because they want to make sure that the plan that you approve is in pretty much compliance with the plan that they saw. So if the plan gets tweaked a little substantially, then I have to go back to

1 them, and if it is a minor change from what they have already seen then I
2 don't have to go back. I believe that would be fair representation.

3
4 Joseph Cosentino: I think we should get a final approval from them
5 regardless.
6

7 Dan Hollis: Well they will give it you.
8

9 Joseph Cosentino: I hope you get their blessings at the end.
10

11 Whitney Singleton: They said that they wouldn't give you approval if you
12 weren't turning your lights off in Mount Kisco?
13

14 Dan Hollis: I said from my understanding of the plan and correct me if I
15 am wrong that the design of the bubble is ok. That because of the design
16 of the bubble you won't be able to tell whether the lights are on or off
17 anyway.
18

19 Nanette Bourne: Looking back over the better part of the year that this
20 has been before the board. The board has been requesting an applicant
21 to bring to you enough information and adequately provide sufficient
22 information on what it is they want to do. What their existing conditions
23 are and what they're proposed conditions are. You have asked them to
24 provide information concerning storm water concerning parking demands,
25 concerning interior use of building exterior use, wetlands information,
26 DEP information and information from Bedford. From my review and the
27 understanding of what it is that they have provided, which is probably
28 maybe 25% more than the application material that is in front of you, I
29 think that there is sufficient information that you could begin your review,
30 so that you can make a determination whether or not this application is
31 acceptable. I think that its sufficient information for you to make a SEQR
32 determination. Whether or not you find that the potential impacts have
33 been adequately acknowledged and mitigated. Based on the information
34 they provided you, you can either issue a Positive Declaration requiring
35 that an Environmental Impact Statement be prepared, a Negative
36 Declaration saying that you are satisfied that what they have provided
37 adequately mitigates potentially adverse impacts or a Conditional
38 Negative Declaration, similar to what you did for the Premier Auto, saying
39 that with certain things incorporated as site plan impacts must be of
40 mitigated. I would urge you to make that SEQR determination today or
41 soon. The only outstanding information that you don't you have before
42 you is going to come from DEP. DEP is going to review their storm water
43 prevention plan and provide you with information whether or not their
44 design and the way it functions is adequate. Similar to what we saw with
45 the project on Lexington Avenue. DEP's review requires substantial
46 design. So I would urge you to make that determination so that DEP can
47 begin theirs. DEP rules and regulations state that they cannot do their
48 through review without having the SEQR determination done by the
49 approving agency. It is a little bit of a catch 22.
50

51 Joseph Cosentino: This is difficult and let me tell you how. They are
52 putting in a parking area for 73 cars.

1 Dan Hollis: Well it is an increase in the end of 68 spaces. One of the
2 things we did is reconfigured the existing to make it compliant with the
3 code as it is today.
4

5
6 Joseph Cosentino: We would have to see that. It is fine you are making
7 more parking spaces. You are not making more parking spaces than what
8 exists today. What is being put into the club? At the end is this going to
9 be a wash? What extras are going to be put into this club? Do you
10 understand what I am trying to say, Nanette? What more is going into
11 the club more? This man is not going to build a parking lot and take a
12 very valuable piece of property to put 68 cars and not get something
13 back from within the club. What is going within that club to pay for this?
14

15 Nanette Bourne: That is what I am saying.
16

17 Joseph Cosentino: Economically he needs something for that and what is
18 it going to be? At the end of what he needs do you think he will have
19 enough parking after that?
20

21 Nanette Bourne: That is why I am saying that if you can agree that what
22 the applicant has provided to the board is now the starting point for you
23 to look at what it is that they are putting in and what their providing
24 parking for. So now that we are at this point, where the application is
25 complete. It doesn't mean that it is approval able. It doesn't mean they
26 are asking for resolution to approve. It just means that they provided
27 everything that you want.
28

29 Joseph Cosentino: Right now you go down there on the weekend and it is
30 jammed. There is no doubt about it. What Nanette just said makes sense,
31 but my problem is that 63-68 cars may not cut the mustard down there
32 because of what you are going to be adding down there.
33

34 Dan Hollis: That is a topic for a future date. We will be glad to have that
35 discussion with you at a future date.
36

37 Nanette Bourne: What you need to hear to make an intelligent review of
38 this is to find out if the number of parking spaces that they are proposing
39 here is going to be what DEP permits them to provide. If DEP cuts it off
40 by two then it will affect them.
41

42 Joseph Cosentino: How can you honestly say on the SEQR what we need
43 right now without all of that?
44

45 Anthony Sturniolo: If we do the SEQR the determination that will force
46 the DEP to start their review and then using the example Nanette just
47 said then you will know do you have 20 spaces there or none based on
48 the DEP.
49

50 Joseph Cosentino: Ok.
51

1 Dan Hollis: You can issue a Negative Declaration I am not saying I am
2 advocating this. A Negative Declaration can be issued and a disapproval.
3 without its being of the project an inconsistent position.
4

5 Nanette Bourne: Besides doing the SEQR determination this does require
6 permit to disturb natural resources. I think your special permit
7 requirement requires a public hearing. So there is another one that
8 requires a public hearing.
9

10 Joseph Cosentino: So what do you need from us right now?
11

12 Nanette Bourne: To make a SEQR determination based on the
13 environmental assessment form. Stan you had mentioned a few nights
14 ago.
15

16 Stanley Bernstein: Is this the same as what I have in my package?
17

18 Dan Hollis: It should be from December 28th.
19

20 Nanette Bourne: I don't think that is in your packet because it is
21 something that was included many meetings ago.
22

23 Stanley Bernstein: It is not in this packet but it was in a previous packet.
24 This is a duplication of what I already received. I can't really make an
25 assessment without looking at this. I have it at home. I probably
26 remember some it but not most of it.
27

28 Whitney Singleton: Do you want to walk them through? We had
29 mentioned early on that you were going to have to choose the previous
30 site of your one site plan. You don't have anything in your application to
31 merge the two separate plans. Are you eliminating the walk line?
32

33 Dan Hollis: We didn't get it under a common ownership. I think what you
34 and I talked about at one time that you could make it a condition of
35 approval. That there has to be the common ownership and any further
36 change of use for 70 Kensico would be subject to further review. It is a
37 tax issue and a basis issue.
38

39 Whitney Singleton: What do you mean?
40

41 Dan Hollis: Tax issue because 70 was acquired at a different time than
42 77.
43

44 Whitney Singleton: That does affect your basis and property.
45

46 Dan Hollis: It affects it. It is a complicated tax issue because of gifting
47 and a few other things. I think it is private and I don't think I need to
48 explain.
49

50 Whitney Singleton: You need to do one of two things. You need to either
51 file under the tax law for that lot line or you need to submit a subdivision
52 application to eliminate that. Those are your two choices.

1 Dan Hollis: You don't think you can do with the condition of approval.

2
3
4 Whitney Singleton: Then you will find you will bring up a subsequent
5 application for subdivision?
6

7 Dan Hollis: No. Right now they are two separate lots and in common
8 ownership. We have indicated that we will merge it if you want. For
9 purposes of ownership we want it separate ownership. For purposes of
10 pact lot designation so they are merged lots for purposes of planning and
11 zoning I have no problem with that.
12

13 Whitney Singleton: The purposes of merger for tax assessment purposes
14 are completely different. I explained these purposes. For purposes of
15 having this on the Westchester County Clerks record I need to have one
16 article of land. I need to have that done. Whether you do it by a
17 subdivision of abandonment under the tax law or whether you do it under
18 the village law for the subdivision. I don't really care. I have to have
19 these become one parcel of land. Otherwise you are proposing a use on a
20 parcel of land.
21

22 Dan Hollis: We will probably do it by the abandonment.
23

24 Whitney Singleton: As long as it is part of the common sub division that is
25 fine by me.
26

27 Dan Hollis: I think we can still do it that way as the abandonment of any
28 right we have it has a separable developable lot. I have done that in
29 other instances. It is doable. Make that a condition of approval when we
30 get down to that point. On the Neg. Dec I think that is very important
31 because I don't think it makes any sense to schedule a public hearing
32 correct me if I am wrong, Nanette and Whitney, until we have the DEP
33 point of view in hand. Unless their point of view is announced to come and
34 try to fine tune this plan without the DEP having told us where the
35 parameters of their approval are, could be counter productive.
36

37 Nanette Bourne: I could argue it either way. If you get the public's
38 comments on this.
39

40 Joseph Cosentino: You are not going to get much public comment on this.
41 They could care less as to what is down there.
42

43 Nanette Bourne: Then it becomes part of all the comments that the
44 Planning Board receives to form a decision of your review.
45

46 Dan Hollis: Because of the location of this property it is at the extreme
47 end of the village on a dead end street. No traffic other than the traffic for
48 the club. There will hardly be any citizen reason to comment. That is why
49 in this case, while Nanette is right you can argue both sides equally. In
50 this case because you are not going to get that public input. I think if we
51 can get the DEP on board, in my opinion, it might be the best way. Either
52 way it is fine with me.

1 Joseph Cosentino: I agree. What do we have to do now?

2
3
4 Nanette Bourne: It is a SEQR determination that sends it off to DEP.
5 I have worked with them and sat with them on several occasions to
6 revise the EAF. I do not have any more revisions that I would like made
7 to it.
8

9 Stanley Bernstein: Do you think you will be happy with the Neg Dec?

10
11 Nanette Bourne: I think you can be protected with the Neg Dec.
12

13 Stanley Bernstein: My only problem is the fact that the wet land it has
14 been filled. Now they are talking about a K31 wet land, which is three or
15 four hundred feet from borderline where it was originally. We all saw that
16 filled. I spoke to the state on numerous occasions to try and get some
17 reason, who did it and why it was done, or to determine if there was a
18 violation. They fluffed it off. DEP sent me to the state and I have all my
19 notes on it. It is like banging your head against the wall. We all know it
20 has been filled. We saw it. I remember one of the first applications for the
21 bow wow dog thing. At that time the bow-wow dog thing was in the wet
22 lands. Before it was filled. How long ago was that, four years? Between
23 the time of bow-wow and now there is no longer a wet land. The wet land
24 goes over to where the slope drops down. Now that becomes a wet land
25 buffer rather than a real wet land. The road itself was in the buffer years
26 ago. I have a problem with that. Not that there is much you can do about
27 it as a board. The agencies that take care of that turned their back on it.
28 That fact is that it was filled. We all saw it being filled. Of course I was
29 too naïve at that time to say something that could have helped. I don't
30 know what we have to live with on this board. Do we have to live with
31 this situation?
32

33 Paul Berte: You have a very extensive wet land mitigation plan.
34

35 Stanley Bernstein: Where is that going to take place?

36
37 Paul Berte: Right adjacent to the existing buffer here. This whole area is
38 going to be planted for wet land plantings. Which is a vast improvement
39 over what is there now. Right now it is a site with no enhancements.
40

41 Stanley Bernstein: The slope going down, are there any enhancements on
42 that?
43

44 Paul Berte: A wet land scientist did all this. This is all wet land grasses.
45

46 Nanette Bourne: We did review this. This is considered wet land
47 condition.
48

49 Stanley Bernstein: WE are also missing something else looking at this
50 pond over there.
51

1 Paul Berte: We have gotten as far as we can with the DEP without the
2 response.

3
4 Dan Hollis: An official response.

5
6 Paul Berte: We have addressed all their comments.
7

8 Doug Hertz: Going through this EAF there is an awful lot of things that
9 are checked "no impact" that I'm curious about. Will proposed action
10 affect surface or ground water quality or quantity? That is a no?
11

12 Nannette Bourne: Will it have a significant impact, will it meet or exceed
13 any threshold, no.
14

15 Doug Hertz: Ok. Is that the no or yes here? Because there are also some
16 moderate, or small impacts, so wouldn't that be a yes but small? I am
17 looking at item five.
18

19 Anthony Sturniolo: Where are you looking Doug?
20

21 Doug Hertz: This is the EAF. This is about the eighth or ninth page. The
22 page numbers are missing.
23

24 Nanette Bourne: This is not the most recent EAF, Nancy.
25

26 Dan Hollis: The most recent does say yes. That was filed on December
27 28th.
28

29 Doug Hertz: I don't have a date on this. This is an older one that is pre
30 your revisions.
31

32 Dan Hollis: Nanette had comments on the original EAF.
33

34 Doug Hertz: What are we trying to prove?
35

36 Dan Hollis: To get a SEQR determination is all it is.
37

38 Doug Hertz: I do not have the documents.
39

40 Nanette Bourne: You don't have the one that is revised. The one that is
41 revised was in your packet but it is not the one that was given to you
42 today.
43

44 Doug Hertz: Which packet?
45

46 Nanette Bourne: It was the meeting from January 13th.
47

48 Anthony Sturniolo: So it should have been re-duplicated and inserted in
49 this agenda.
50

51 Nanette Bourne: The one that was included is a previous version.
52

Doug Hertz: It is not in here right? Just reference the agenda that it was on so we can just pull them for the appropriate meeting. I just didn't realize it was in there. I assume then that it was more complete and those things were checked to your satisfaction. Can we just talk for a second about a conditional NEG DEC?

Nanette Bourne: A conditional NEG DEC is something that SEQR provides for if there is a component of the plan that incorporates certain mitigation that addresses fully a potential environmental impact, an adverse impact that is incorporated into the plan. You see for instance if this such as Premier Auto.

Doug Hertz: Or the whole pond there.

Nanette Bourne: That is really addressing water quality. It is different. If there was an adverse impact concerning traffic that is coming from this and in order to mitigate that you require that they put in this driveway. In your consideration you thought this really adequately mitigated any potential environmental impact. Because it was an issue for you, and something that you required the applicant then you could do a conditional NEG DEC. What that would require then is that you acting as the lead agency would send this out to other involved agencies that you asking them to have a look at. If they come back to with comments that no this is adequately addresses this adverse impact because of the following reasons. For that reason we would like this to be a positive declaration and the then that would be the information that you would be getting back and you would have to act on that.

Doug Hertz: So the conditional triggers an additional review by other concerned agencies for that specific issue?

Nanette Bourne: Additional circulation. They would be acting but not requiring that they contact you.

Dan Hollis: It is the same time frame again.

Doug Hertz: The NEG DEC as is custom doesn't simply state the mitigation actions that is proposed to address the issues.

Paul Berte: There is no significant adverse environmental impact.

Doug Hertz: After mitigation?

Paul Berte: Right.

Stanley Bernstein: Environmental impact stands at the beginning of the application. Mitigation comes within the DEIS.

Dan Hollis: If there were a finding of significant adverse impact.

1 Stanley Bernstein: If there were a finding of significant adverse impact
2 before mitigation that would trigger other things and the mitigation would
3 be shown in the DEIS.

4
5 Nanette Bourne: That is where you get the thresholds. There are certain
6 thresholds based on the size of the project automatically trigger the
7 DEIS. This is well within the thresholds.

8
9 Doug Hertz: I have issues with night lighting adjacent to a wet land.

10
11 Nanette Bourne: That is an important issue that was brought up with the
12 outlet center and there were shields that were put on the light poles that
13 are adjacent to the wet land on the back of the building. So that there
14 was no spill over.

15
16 Anthony Sturniolo: Talking about the DEP letter to Mike Stein dated
17 February 11, 2005, under correspondence in the agenda packet March
18 8th, 2005. The DEP letter the one that refers to the sump pump that
19 appears to discharge water for the parking lot. The applicant should
20 clarify where it is going to be discharged.

21
22 Paul Berte: We modified that.

23
24 Anthony Sturniolo: This should not receive complete project plans or part
25 three of the full EAF.

26
27 Dan Hollis: That all happened subsequent to the letter. Mike Stein wrote a
28 letter that Schoor DePalma responded to and full sets of plans were given
29 to the DEP after that.

30
31 Anthony Sturniolo: So we need to now look at the Mike Stein response
32 letter.

33
34 Dan Hollis: No Mike Stein wrote a letter to Schoor DePalma that
35 contained some of his concerns and concerns that he reiterated and
36 included a copy of that letter I believe.

37
38 Paul Berte: This last submission addressed all of those concerns.

39
40 Doug Hertz: Do we know if Mr. Stein has reviewed that.

41
42 Nanette Bourne: The time line for this is so long.

43
44 Dan Hollis: We were first here March 8th of '04.

45
46 Nanette Bourne: There is a letter of Mike Stein's in response to their
47 resubmission and it is dated March 25th.

48
49 Anthony Sturniolo: That is March 25th and is not in the March 22nd packet.
50 Maybe we should put this over for another meeting when Mike Stein is
51 here and we can get all this pulled together. It is confusing that we don't
52 know there is a letter and I am not questioning the validity or the

integrity of Mike Stein responding or DEP or you making the constructive suggestions. But to use Nanette's time line term its hard to follow where and who did what. We are piecing together between two agenda packets. We don't even have the revised Full EAF. As much as I would like idea of making a SEQR determination to get DEP to move on it.

Dan Hollis: What about April 12th? I am pretty confident that once you see and talk with Nanette and talk with Mike Stein and get a chance, Doug, to look at the revisions. I have to wait 14-15 more days to get a NEG DEC that is fine. I think that is what will happen. So if you want put over until the 12th that is fine.

Nanette Bourne: I think that is fine. My recollection the last time we went through this EAF you had a number of comments. Including comments that we waited to document that the applicant has submitted a long time ago. You wanted them appended to this. The traffic studies for instance, the demand study. All of that stuff. I know it is there and know it is in my files and in Nancy's files. We have looked at it.

Joseph Cosentino: So why don't we wait and put this on for the 12th?

Dan Hollis: It is still continuing review and is that ok for the 12th?

Nanette Bourne: What I suggest is that the applicant either provide brand new info or go into village hall and make sure that there is one packet that has the environmental data and has all of the studies that are referenced to here. I don't think you have to do it anew. I think you can just go into village hall and make sure there is one complete set of environmental documents. We are not asking you to reproduce everything.

Dan Hollis: Maybe we can, with Nancy, tag what Nancy needs to have available for the board.

Nanette Bourne: That is fine.

Dan Hollis: So April 12th?

Paul Berte: WE produced that storm water management report and a substantial amount of it routed to calculations. I don't know how useful that information is. The storm water calculation routings. In the essence of saving paper is there somehow we can supply the professionals with this appendix and just reproduce in the mass quantities for submission to the board?

Dan Hollis: We are not resubmitting. You are just going to Nancy and flag her file.

Paul Berte: I thought we might need to revise that report.

Dan Hollis: Perhaps only if we address the revisions.

1 Nanette Bourne: I don't think that what Michael Stein is asking you to
2 revise is going to have much bearing on their SEQR determination.

3
4 Paul Berte: I understand.

5 Stanley Bernstein: Just address the changes.

6
7 Joseph Cosentino: April 12th

8
9 Dan Hollis: Thank You.

10 11 12 **2. Site Plan Compliance**

13 14 **a. Mount Kisco Ambulance – 310 Lexington Avenue** 15 **Joe Palumbo Architect for the applicant.** 16

17 Joseph Cosentino: I understand you got your approvals from the ZBA?

18
19 Joe Palumbo: We did. The approval was for the depth of the parking
20 spaces which were designed an installed as 16 ½ foot depth. As per
21 review with the town officials and apparently it was in the original code
22 and that is why we were told this was appropriate. Apparently the original
23 code called for 16 ½ and allowed for a 16-½ foot as long as you could
24 provide wheel stop or curb. So you're were not encroaching on a sidewalk
25 or wall right up against it.

26
27 Joseph Cosentino: Then the building inspector came in and said you could
28 not do that right?

29
30 Joe Palumbo: What was discovered according to Austin was that in a
31 republication of the code something was left out. Meaning that there was
32 a diagram in the original code. That being said the Planning Board
33 approved the 16-½ foot initially. When Michael and we applied for final
34 CO Michael went into the code and in the new publication does not have
35 the 16-½ foot allowance.

36
37 Nanette Bourne: When we are talking about new publication we are
38 talking about 6/87. What Austin and I discovered is that this allowance
39 had been permitted and was part of the code pre '87. For some reason
40 when the diagram was redrafted it didn't include this overhang. Since '87
41 Austin has been applying this allowance but technically it is not a part of
42 the code. Even though this has been his practice.

43
44 Anthony Sturniolo: So now that practice has been flagged or come to the
45 surface or whatever?

46
47 Joe Palumbo: Correct.

48
49 Anthony Sturniolo: So therefore you had to go to the ZBA?

50
51 Joe Palumbo: Correct. Further more we had to go to the ZBA for an
52 undersized aisle width in the rear of the property. Which in my letter to

1 the Zoning Board clearly stated that had there been an oversight from
2 the engineer, where 24 feet is required there was 23 on the plan. It was
3 on the original planning board plan and Michael Stein going for a final
4 review picked it up and they granted the variance with that regard.
5

6 Anthony Sturniolo: You said the original engineer. Referring to whose
7 engineer?
8

9 Joe Palumbo: My engineer. All of which was on all approved plans by the
10 village, by the planning board, by the zoning board. So we have received
11 from the zoning board variances on those two items. We have some other
12 changes to the site plan that occurred. Some occurred during
13 construction, some were I think misrepresented on the original plan, with
14 regard to retaining walls which I will clarify. My letter from Mike originally
15 dated November 12, 2004 stated the following that a back flow
16 prevention device must be submitted. That application has been done.
17 Our intent today is the hope that the planning board will, based on this,
18 approve the final plan knowing that we will still require our back flow
19 prevention approval from the county. Some other things which at that
20 point would be through the building department and would not have to
21 come back before the planning board again, is from what I understand it
22 in my conversation with Michael, number two on Michael's letter, was the
23 aisle width and the 23-foot parking depth. Those have been taken care
24 off.
25

26 Anthony Sturniolo: Where is this Michael letter that you are talking
27 about?
28

29 Joe Palumbo: I have my copy.
30

31 Joseph Cosentino: Right now you have a temporary CO and what you are
32 saying is that you want us to give the blessing on a CO?
33

34 Joe Palumbo: What we are looking for so that we can continue in the
35 process in obtaining our CO. I don't believe this board approves the CO.
36 This board will approve the final and then goes to the building
37 department for any other building issues that may have occur. Then we
38 get the CO from the building department and that is the way I understand
39 it. What I am looking for from the board today is to review these
40 changes, and the approval and the final sign off goes through the building
41 department.
42

43 Joseph Cosentino: All changes have not been completed?
44

45 Joe Palumbo: Yes they have.
46

47 Joseph Cosentino: What about the back flow?
48

49 Joe Palumbo: That is not a change that is just an application. That is not
50 a change to the site plan.
51

1 Joseph Cosentino: But the back flow preventor that has not been installed
2 yet?

3
4 Joe Palumbo: The back flow prevention device was installed for both
5 systems, however the contractor and the engineer have not filed with the
6 county.
7

8 Anthony Sturniolo: It has not been certified and therefore using Target as
9 the example when we made a recommendation to the building inspector
10 for TCO it had to be certified before that recommendation.
11

12 Joseph Cosentino: This was an issue with Target. Their back flow
13 preventor wasn't certified so we wouldn't give them the CO until it was
14 certified. We have the same problem here. It has to be certified.
15

16 Joe Palumbo: Right and we understand that. After we are done with you
17 here today we know there are these other issues in order for them to get
18 their final CO.
19

20 Anthony Sturniolo: Nancy could we get a copy of the actual ZBA filing
21 that granted the relief on the parking issue.
22

23 Joe Palumbo: Of Course with the building codes the approved and state
24 code. The approved handicap spaces were approved on the original
25 planning board plan as an 8-foot space with a 3-foot aisle width. Michael
26 raised the issue that the state requires an 8-foot with a 5-foot aisle width.
27 So on a plan that we submitted for Michael's approval and for the board's
28 approval we without loosing a parking space we have space in the rear of
29 the building to re-stripe the area to obtain the proper state code. So that
30 is on your plan tagged item three. There is no loss of spaces. We have
31 some area behind the rear door that does not encroach in the path of the
32 door or any vehicles going in the rear door. It is just a matter of re-
33 striping it to meet the state code.
34

35 Anthony Sturniolo: Is that is the best place, forgetting the width and t
36 the code, but is that the best place for the location of a handicap space?
37

38 Joe Palumbo: We have the requirement being as close to the building as
39 we can get. We did initially have one on the side by IFCO. That was how
40 it was designed. IFCO is not actually handicap assessable building
41 whereas the Independent firehouse is handicap assessable building. So
42 we are taking the two spaces and putting them over by the rear of where
43 we have the curb cuts on each side. We still have curb cut over here.
44 Technically we can leave the striping in there it wouldn't be a legal space.
45 I think that it makes sense to just take the blue striping out and put it in
46 as this here.
47

48 Whitney Singleton: Where are you talking about? Behind the Ambulance
49 Corps building or next tot he firehouse?
50

51 Joe Palumbo: Behind the Ambulance Corps building. We were well over
52 our parking requirements to begin with, so even if we had to loose a

1 space knowing the demand for both buildings required we like to try and
2 do it without loosing a space. The addition on that note, the contractor
3 has some curb cuts that are above the state code. So it has been agreed
4 with Michael and the contractor that they will be dropping by for a field
5 inspection with Michael and we will grind down accordingly to the proper
6 finish. To make sure that is met. One of the biggest items that came up
7 was the retaining walls. Which I also know is an issue with the town. I
8 just wanted to note that I brought my original presentations and study
9 models, showing high grade on this side and representing a sloped area
10 where the wall would be. This was also on the original. This was clearly
11 what we presented to the board and to the town. However on the plans
12 there was a note that had been carried over from my site engineer plan.
13 Where he had retaining wall detail calling for a 48 inch to 54 inch high
14 maximum. That was a structural note. It wasn't a note based on the
15 height of the wall. If you went by the grades on the plan the height of the
16 wall actually would have been allowed the 5 foot 9 or as designed. The
17 bottom line is that we are greater than all of those dimensions. We have
18 installed as it was designed. That is what I presented here this is the wall.
19 If I go by the 48-inch and if I take the most restrictive line from the note
20 that was on the plan. This is 48 at this point it is 43. So you can see the
21 red line is a little high here. So at the worst case this is what in essence is
22 built above what was on the plan. If you go by the elevation on the plan
23 with regard to grade, the grade said it would be 5 foot 9 inches high. The
24 reality at this point is 93 1/2 inches high. So Michael's concern was as
25 follows. The same thing in the rear of the building where we came up
26 high. Recognizing that we knew it was always going to be high because
27 we have the back of the building is where the second means of egress is.
28 There was a discrepancy on the plan. This was built as what were
29 intended but there were definitely incorrect notes on the plan. We have
30 documentation to show Michael A the walls are structurally sound. We are
31 saying to you the as built condition.

32
33 Joseph Cosentino: You certainly cannot take the wall down.

34
35 Anthony Sturniolo: What happens seems like there is so much of a
36 difference. I am talking of the space misunderstanding, the overhang, the
37 printing of the code, and the village thing.

38
39 Joseph Cosentino: The contractor, I think, and not a feather in Joe's hat
40 or anything like that, the contractor just did what he felt was best and
41 doing his job. He felt the wall should be there so he put it there and went
42 along.

43
44 Stanley Bernstein: Is that a retaining wall?

45
46 Joe Palumbo: It is a retaining wall.

47
48 Stanley Bernstein: The way the picture shows it is correct where the
49 grass mall comes in and intersects the wall. There were two different
50 elevations there between the adjacent property and there had to be a
51 wall regardless.

1 Joe Palumbo: There is no question there had to be wall.
2

3 Stanley Bernstein: There is a question of the height. The height now
4 conforms to the contour of the adjacent property. So why is there a
5 problem?
6

7 Joe Palumbo: It conforms. The rear exit met the height over here, then
8 we had to slope down so at this point as you can see in the picture. Up in
9 here this had started sloping down. So in order to, we always knew there
10 was a retaining wall: there was no question about it. I personally think
11 that esthetically you are looking at the wall like that. You don't see the
12 property that way even out here. I don't think with the grading
13 disappearing the cabling and things I don't think in context it is over built
14 or to high. It is done in grades. That the worst case the viewers take on
15 the plan the 48, the structural detail plan said 54. So I can even notch
16 that up., but I wanted to show you the worst and the elevation showed
17 that it would be 5 foot 9.
18

19 Stanley Bernstein: If that conforms to the contour of the adjacent
20 property there is absolutely no reason why it can't stay. That would
21 deteriorate over years.
22

23 Doug Hertz: There looks like there is a planting area between the edge of
24 the drive.
25

26 Joe Palumbo: Yes that is the two foot space you have to have to have the
27 16 1/2 foot.
28

29 Doug Hertz: To me the only real issue there: obviously they built it to
30 that height to preserve the property on the other side. The only issue is
31 there any way we can mitigate this visual impact of this large expansion
32 of concrete. You can't put any significant plantings there because you
33 need for overhang, for the cars to get in.
34

35 Whitney Singleton: At the high point there is no parking over there.
36

37 Joe Palumbo: It is the concrete apron in front the garage doors.
38

39 Whitney Singleton: You can't have anything that drapes down.
40

41 Doug Hertz: Esthetically?
42

43 Joseph Cosentino: Instead of seeing one big thing of concrete.
44

45 Doug Hertz: This area is all plantable. Just not that. This is what faces the
46 road.
47

48 Whitney Singleton: I have to raise another issue. I happen to be up there
49 the other day on another and related issue. With regard to a lawsuit
50 against the village and every other municipality in Westchester for
51 election law violations. I was up there measuring door widths, handicap
52 parking space, ramps in the parking lots. I noticed one of the things you

1 are proposing is taking off the handicap space that is currently next to the
2 Independent Fire house, is that correct?

3
4 Joe Palumbo: That is correct.
5

6 Whitney Singleton: That is going to be a major problem for the village if
7 that is done. Secondly as far the visual impacts when I was up there, I
8 didn't see the walls problem. Its more so the fence on top of the
9 wall, visually.
10

11 Joseph Cosentino: The lady put the fence up.
12

13 Joe Palumbo: Which fence? The fence on the property line?
14

15 Whitney Singleton: The black fence that goes around.
16

17 Doug Hertz: Just let me finish my thought. Which is it would be and I
18 think it is in this boards purview to specify landscaping and things like
19 that. I am wondering if there is some level if we can have vines, or
20 something else that could somehow dress that wall up. That won't
21 encroach into the parking set back.
22

23 Anthony Sturniolo: What we asked for at Chase. The green wall.
24

25 Doug Hertz: That to me would go a long way. You are going to have that
26 expanse where the pad is that you can't touch. That is visual that is
27 pretty far in from the road. There are going to be cars parked in front of
28 it. I would love to see plantings, because this all did get higher. It would
29 be nice. This to me is very attractive. Anything we could do to dress that
30 up. I think it is a fairly minimal expense and requirement.
31

32 Joe Palumbo: I am sure that there are frequent amount of work on the
33 landscaping requirements. I am sure we could get something proposed.
34 We have the ability to do that in the back also. Even though it's not as
35 visible from the road. We have the opportunity; we have some planting
36 areas in there too.
37

38 Anthony Sturniolo: Whatever the term is this is the bollard to protect the
39 corner of the building. If this is the edge of the door does the ambulance
40 back in or drive in?
41

42 Joseph Cosentino: You have to back in.
43

44 Anthony Sturniolo: Ok. This poured in place concrete wheel stop here.
45 Could that and the distance from here to the wall is 2 feet. There could be
46 plantings in there.
47

48 Joe Palumbo: There would have to be plantings that in essence are flush
49 to the wall. As the gentleman said it was ivy that would come up the wall.
50 You couldn't put something down because the cars would back over it.
51

1 Anthony Sturniolo: Let's just say there is some type of trellis ivy growing
2 up the wall and this fence is sitting on top of the wall, the black fence.
3

4
5 Joe Palumbo: Here is the black fence that Whitney was bringing up.
6

7 Joseph Cosentino: Aren't there trees there now?
8

9 Joe Palumbo: There are trees along the edge. These are the trees here.
10

11 Joseph Cosentino: I don't think there is enough there though.
12

13 Anthony Sturniolo: So there could be some more plantings to come over
14 the wall as well putting something here going up. The curb, could it
15 continue and meet the baler?
16

17 Joe Palumbo: Well that is item number six. Originally this came out here
18 and during construction the ambulance members said that on paper it
19 worked. You could back in, but it is going to be difficult to back in. On
20 Michael's final site plan we made a field change so that this would come
21 here, as you can see we painted it so there would be no parking here.
22 Now this is fine here if approved by the board. This could come in it
23 certainly is a great deal of work to cut that out and put a curb in etc.
24 I'd rather from the Corps perspective I'd rather see if we could propose
25 something to the board that would allow some kind of plantings that
26 come over. The thing with vines and I would be frank to give you feed
27 back but in the wintertime it is dead and ugly. That being said if you have
28 concerns as to how it looks which is the lesser of two evils.
29

30 Joseph Cosentino: If you did stone facing it would be a lot of money.
31

32 Joe Palumbo: Stone facing would be a tremendous amount of money. I
33 think if we could address the board's concerns with some landscaping it
34 would be appropriate.
35

36 Anthony Sturniolo: So this photograph is representative of the quote
37 unquote field adjustment? After the Corps members said that the other
38 thing doesn't work?
39

40 Joe Palumbo: That is correct. In this photo here. If I may this is the detail
41 looking out.
42

43 Doug Hertz: I guess the concern you can't plant trees because as it's
44 been talked about these are already 16 1/2 feet so you need the overhang.
45

46 Stanley Bernstein: A tire stop a wheel stopper. There are some very nice
47 plantings you could put there. Even though the leaves are off there are
48 things that can be planted.
49

50 Joe Palumbo: On the far end it is possible if it is a vine that could be used
51 that doesn't have any problems with the structure of the wall. It might be

1 something that can be worked until it comes down. Is the board concern
2 saying this whole thing has to be covered now? That is my question.
3

4 Stanley Bernstein: Just to break it up.
5

6 Chairman Cosentino: I think Doug started the conversation on that, in all
7 fairness what would you like?
8

9 Doug Hertz: It is my feeling that the size of the wall has increased
10 significantly and I understand why. I would love to mitigate the fact that
11 we have that much-unadorned cement. Without creating a hardship for
12 the Ambulance Corps, and ask them to do anything totally outrageous,
13 like gilding it.
14

15 Joseph Cosentino: Do you want them to do the whole wall?
16

17 Doug Hertz: I certainly would like to see as much as is reasonable. If
18 plantings along the parking area and Stan's suggestion of plantings that
19 may be able to come down whether it is vines or something else. If there
20 is anything that can be addressed to that far end whether it is extending
21 trelliswork on there so that might be a possibility. I can't believe you
22 could grow it that far in the next fifty years. You can't grow it sideways
23 that far away from the base. Perhaps something that dangles down and
24 mitigates that. Because this is the area that grew that significantly and
25 this can be planted up to here. This can be planted in a much more
26 significant way. What does anyone feel about requesting? I think a
27 landscape designer needs to come in with some suggestions on how to
28 mitigate this wall. From the front if you planted any of this with
29 something (evergreens) far enough away that it wouldn't get into
30 anyone's view. On this little island maybe there is some small evergreens,
31 that could also block your view from that wall from the front.
32

33 Joe Palumbo: They are going to start their approved sign plan and once
34 they do that they will be doing some further planting. They will have
35 signs out by the road, which was approved by the ARB.
36

37 Stanley Bernstein: A sign?
38

39 Joe Palumbo: Yes a sign.
40

41 Joseph Cosentino: ARB approved it?
42

43 Joe Palumbo: Yes.
44

45 Doug Hertz: Is the flagpole there?
46

47 Joe Palumbo: The flagpole is not there.
48

49 Doug Hertz: So a flagpole and a sign and a flood light?
50

51 Joe Palumbo: Yes.
52

1 Anthony Sturniolo: To light up what?
2 Joe Palumbo: The sign and maybe the flag.
3
4 Anthony Sturniolo: The sign should be an internally lit sign.
5
6 Joe Palumbo; Why?
7
8 Anthony Sturniolo: To eliminate the floodlight.
9
10 Joe Palumbo: We got approved to build a sign that matches the brick on
11 the building. It is not a cheap thing that they are doing.
12
13 Doug Hertz: I think the ARB is trying to eliminate internally lit signs. They
14 are moving in exactly the opposite direction.
15
16 Nanette Bourne: Either up lighting or backlighting not the internal
17 lighting.
18
19 Joe Palumbo: We did get approval for all of that. The lights and flagpole
20 were on the original plan.
21
22 Anthony Sturniolo: So if you have a flagpole and a flag you have to have
23 the flag illuminated at night.
24
25 Stanley Bernstein: If it is not taken down.
26
27 Anthony Sturniolo: If it is not taken down. You make the assumption the
28 flag is never going to come down. You are going to have the flood light on
29 the flagpole and this will get into the next subject when we talk about
30 lighting.
31
32 Joseph Cosentino: It looks like you have some work to do.
33
34 Joe Palumbo: The board wants to see a plantings drawing?
35
36 Joseph Cosentino: That is what they want.
37
38 Whitney Singleton: What can you do to save the handicap space?
39 That creates a real hardship for some litigation if that is removed.
40 The Independent firehouse is a poling place that requires a handicap
41 space.
42
43 (To many people speaking)
44
45 This is part of a combined complex and this new guide law, which
46 involves new paved parking lot, there are handicap spaces, and there are
47 ramps and that the accessibility is completely there. Now if you are going
48 to take out the handicap spots that is there and put it as far away from
49 the poling place as possible it is no longer going to be compliant.
50
51 Stanley Bernstein: Is this a poling place? I thought only Green Street
52 firehouse was.

1 Anthony Sturniolo: Why is the handicap space being taken away?

2
3 Joe Palumbo: Because it was approved with a three-foot aisle width,
4 which is not the state code.
5
6

7 Whitney Singleton: What are you replacing it with that is what I can't
8 understand.
9

10 Joe Palumbo: It would be just a regular parking spot. Or we would just
11 leave it with the three-foot aisle. We can leave it there but it is not a five-
12 foot aisle. Those are the emergency response spaces for the IFCO. If we
13 take the spot out of there we will have a problem.
14

15 Whitney Singleton: I have to see as to emergency, I mean the handicap
16 spaces. How wide is the space itself?
17

18 Joe Palumbo: It meets the state code.
19

20 Whitney Singleton: Eight feet plus an additional five feet?
21

22 Joe Palumbo: No. It is six feet plus three.
23

24 Doug Hertz: Your diagram says nine feet typical. Right through there.
25

26 Joe Palumbo: Not for the handicap space. The handicaps were designed
27 eight foot with a three foot aisle. In the field if it is bigger I don't know.
28 That is taken from this plan. That same aisle width was approved for the
29 building I did up across from the diner. Which is similar to the parking
30 space situation.
31

32 Whitney Singleton: So you are saying it is illegal for one of those
33 handicap spaces. So you are going to lose additional parking spaces?
34

35 Joe Palumbo: Without cutting out curbs or doing anything you can see
36 there is a light there so that would be a bigger deal. There is a drain
37 there, but without it would be non-code space. To make it code space we
38 would lose a parking space.
39

40 Joseph Cosentino: You need that parking space for other reasons, right
41 Whitney?
42

43 Whitney Singleton: We need it for litigation.
44

45 Joseph Cosentino: If you need it for litigation, you need it for litigation.
46

47 Joe Palumbo: We are over by ten or thirteen. We can lose the space and
48 just say we have to do it. I know we are in public meeting but politically
49 this has been a problem with the space. I am not afraid to say that. So
50 any space we lose here in particular with a response space we are going
51 and I understand there are greater powers here, but we are certainly
52 going to hear from this group here.

1
2 Anthony Sturniolo: What are group are you talking about, The
3 Independent firehouse?
4
5 Nanette Bourne: Have you heard from them that they don't want it lost?
6
7 Joe Palumbo: We never provided enough in their minds for anything
8 there. If legally someone told us we have to do it then that is what we
9 have.
10
11 Nanette Bourne: But if you are code compliant why don't you just leave
12 it?
13
14 Joseph Cosentino: Because you need the handicap parking space. The
15 one that is there now because of litigation reasons Whitney needs it
16 there.
17
18 Nanette Bourne: That is what I am saying.
19 Joe Palumbo: But it only has a three-foot aisle width. It doesn't have a
20 five-foot aisle width.
21
22 Stanley Bernstein: Then you need to get a variance.
23
24 Whitney Singleton: Your application is tying in with this memorandum
25 from Austin. It's tying in with the lighting. (Too many people speaking) I
26 am reading a memo here from Austin on an unrelated issue. It says that
27 the state requires an eight-foot space together with a five-foot aisle
28 width.
29
30 Joe Palumbo: We are eight foot with a three-foot aisle. It might be nine in
31 the field but I believe it is eight. It was made a three foot aisle not a five
32 foot aisle.
33
34 Nanette Bourne: I can see if it was one of the required handicaps spaces
35 being left the way it should be. Then it needs to be increased, but it is an
36 extra space.
37
38 Joe Palumbo; With regard to the site then it is an extra space.
39
40 Nanette Bourne: But it is sub standard.
41
42 Joe Palumbo: However I don't know if you are talking about litigation and
43 someone uses that space and something happens.
44
45 Whitney Singleton: You have a ramp right there, which is nice. If they
46 come out and say "its two feet shorter," and we have measured it and it
47 is two feet deficient.
48
49 Anthony Sturniolo: If there is more parking spaces then you require why
50 is it a big deal?
51

1 Joe Palumbo: The way it was designed was that we could provide IFCO
2 with emergency response spaces adjacent to their building. I believe at
3 the time this is over two years ago that they requested seven spaces and
4 we designed it accordingly.
5

6 Anthony Sturniolo: So the two parties are warring together, one wants
7 more spaces at their building and you are trying to accommodate.
8

9 Joe Palumbo: We thought that we were providing it to code. If it wasn't a
10 poling place then I think we would all say ok do this leave that and do
11 whatever.
12

13 Joseph Cosentino: When we pull in on an ambulance call they have a fit.
14 That is why Joe says politically it is going to be a problem and he is right.
15

16 Whitney Singleton: This is a common site plan correct? Two buildings on
17 one site.
18

19 Joe Palumbo: Two separate tax lots. It wraps around IFCO and there is
20 some space here Whitney. Here is the lot line and all of this is one lot that
21 was purchased from Oakwood and then here the other.
22

23 Whitney Singleton: Where is IFCO required parking for their site.
24

25 Joe Palumbo: They have just an open lot.
26

27 Whitney Singleton: All parking on your lot. Is all parking on your lot more
28 than sufficient for your building or more than sufficient for both?
29

30 Joe Palumbo: It is more than sufficient for our building.
31

32 Whitney Singleton: I can't tell you what to do. As far as I am concerned
33 utilizing the IFCO as a poling place. You should have handicap spaces that
34 will be accessible for both location entrances into the building. I was very
35 pleased to see the ramp curbing to see the handicap spaces, one at each
36 site.
37

38 Joseph Cosentino: That was only because the Ambulance Corps did it.
39

40 Whitney Singleton: I understand that. New concrete walkways, it made
41 me responding to their allegations very easy. Now I have to turn around
42 and notify them that the handicap spaces are being pulled out. Not just
43 putting in more but we are pulling them out.
44

45 Anthony Sturniolo: How many are there currently?
46

47 Whitney Singleton: just one.
48

49 Joe Palumbo: One by IFCO and one by the Ambulance Corps.
50

51 Anthony Sturniolo: That satisfies them.
52

1 Whitney Singleton: I am not saying it satisfies them Their allegations that
2 the door width is insufficient. That is the only way you could get in
3 through the bay. There were no handicap spaces and that the access way
4 or the access to the property involves a lot of broken up gravel and dirt
5 and other things. So now you have completely accessible with new
6 sidewalks that are ramped and you have handicap parking. You have it
7 newly paved and a thirty eight inch doorway.
8

9 Anthony Sturniolo: That addresses that concern?
10

11 Joe Palumbo: I don't know if the entrance to IFCO is handicap accessible
12 not just the doorway, aren't there curbs, or is there a long way in?
13

14 Whitney Singleton: You can build from parking space.
15

16 Joe Palumbo: Inside this bay isn't it the garages bay? So the door from
17 the foyer of entrance in the IFCO then you go into the bay?
18

19 Whitney Singleton: You go out to the sidewalk and there is no step-ups or
20 anything to get to the front door.
21

22 Joseph Cosentino: The problem is what you just said. The one handicap
23 parking space that you say is there is inadequate. In order to make it
24 comply you have to get rid of one parking space.
25

26 Anthony Sturniolo: Inadequate in the eyes of the Board of Elections?
27

28 Whitney Singleton: When they observed this site it was dirt. It was dirt
29 and gravel right?
30

31 Anthony Sturniolo: Who did all that renovations?
32

33 Joseph Cosentino: The Ambulance Corps.
34

35 Anthony Sturniolo: No, by the firehouse?
36

37 Whitney Singleton: There were no real renovations on the firehouse itself.
38

39 Joseph Cosentino: The answer to what Tony is saying the Ambulance
40 Corps did it. On the whole side of their building.
41

42 Joe Palumbo: We developed the entire site. We made it a legal site across
43 the board and that was part of the process.
44

45 Joseph Cosentino: Getting back to what Whitney is saying. In order to
46 make that handicap parking space compliant, you need to take one
47 parking space and go from three foot to five foot.
48

49 Anthony Sturniolo: Show me which one you need to make compliant.
50

51 Whitney Singleton: Number eight.
52

1 Anthony Sturniolo: So that is the handicap space that is needed for the
2 poling place?
3
4 Joe Palumbo: Now it is needed for the poling place. It was never
5 discussed. We were just putting one over there.
6
7 Joseph Cosentino: To make this comply you need to take this parking
8 space and go from three foot to five foot.
9 Joe Palumbo: Right.
10
11 Whitney Singleton: It really has to do with IFCO not with the Ambulance
12 Corps. This is all predicated on deficiencies not with their building. It is
13 deficiencies with the independent Fire Co.
14
15 Joseph Cosentino: Right, but what they are saying is that doesn't take
16 anymore parking away from you. Park in that one area.
17
18 Anthony Sturniolo: What is the deficiency with IFCO?
19
20 Joe Palumbo: They had no accessibility from the parking lot before. The
21 town had purchased part of the property as big item four lots.
22
23 Anthony Sturniolo: The fire people were happy with that?
24
25 Joe Palumbo: There was no litigation coming before the town saying you
26 have to change this for the poling place.
27
28 Doug Hertz: Now that we have the Ambulance Corps building obviously
29 this is a political question. If you have one building that has great
30 handicap access right next to it that are literally adjacent (interruption)
31
32 Whitney Singleton: They needed spaces to get into the building and they
33 need not park farther from.
34
35 (Too many people speaking)
36
37 Joe Palumbo: The Ambulance Corps building by code has a four inch step
38 between the bay area so you can get into the building. Handicap
39 accessible to means of entrance etc to get to the elevator. Inside the
40 building by code I've got a four-inch step. I do not have to make the bay
41 area accessible. I have a four-inch step there so they could come in here,
42 no problem, but then they can't go into the bay area which is where they
43 want have the poling area.
44
45 Stanley Bernstein: Let me ask you something. You have two catch basins.
46 (Number seven)
47
48 Joe Palumbo: That is the lighting pole.
49
50 Stanley Bernstein: Do you know how far it is from the curb? How far do
51 you have to be from the lighting pole?
52

1 Joe Palumbo: I can't tell you from the field position.
2

3 Stanley Bernstein: Is it a possibility of taking down this curb moving the
4 curb here and utilizing this for handicap. Do you think you have enough
5 room? You have nine feet plus whatever it is.
6

7 Joe Palumbo: If we had to get to the point of doing reconstruction, which
8 is a whole, other issue. I would try to do it at this end just so you don't
9 make this distance here coming in from the driveway shorter. You could
10 possibly do it.
11

12 Stanley Bernstein: One space can do the job and keep them happy.
13

14 Joe Palumbo: It should be two feet to get the five-foot aisle width.
15

16 Joseph Cosentino: So what he is saying could you take some feet from
17 here?
18

19 Joe Palumbo: What I would have to do Joe is go back take the field
20 conditions and then present a revised plan.
21

22 Joseph Cosentino: Or go back to the Zoning Board and get a variance on
23 that one or two foot.
24

25 Joe Palumbo: I can't get it. It is a state code.
26

27 Whitney Singleton: The state is not going to give it to you.
28

29 Joe Palumbo: You won't get a variance on an undersized lot even if it is,
30 not required. That space is not required but they are not going to approve
31 it.
32

33 Anthony Sturniolo: Whitney the ZBA that is our village government which
34 granted variance to the Ambulance Corps people per their own property
35 that the village owns.
36

37 Joe Palumbo: They are leasees of the property.
38

39 Whitney Singleton: The village owns it and the Ambulance Corps has the
40 long term lease on it.
41

42 Anthony Sturniolo: This financial arrangement to the long-term lease?
43 The ZBA variance was granted to the Ambulance Corps not the property?
44

45 Joe Palumbo: The variance is to the property not to the Corps.
46

47 Anthony Sturniolo: The ZBA, which is an arm of the village government,
48 grants the variance to the village.
49

50 Joe Palumbo: In essence right. Technically they do not have to go to the
51 Zoning Board to get approval on their own zoning code. However if I just
52 go back historically even though the corps was the leasee of the property

1 they got the variances but we treated it as if they owned the property.
2 We weren't looking for any zoning variances based on its being a piece of
3 property owned by the town. We went before the Zoning Board and we
4 got some buffer changes, we got all those things. Went before the ARB.
5 Originally I was told that as the leasee we had to go. We came to you for
6 planning board approval based on that also.
7

8 Whitney Singleton: There is no difference than the village going through
9 the process with regard to the library or anything else.

10 Nanette Bourne: The library is unlikely going to come before you for
11 approval it will come before you for a recommendation. This was
12 discussed even though the village is the property owner of the applicant.
13 The Ambulance Corps which is independent of the village.
14

15 Anthony Sturniolo: So that is why it came before the Planning Board. The
16 same logic applied to the ZBA.
17

18 Joseph Cosentino: What we have to do now is we know we need the
19 plantings. According to Whitney we need the handicap parking space and
20 it has to be compliant.
21

22 Joe Palumbo: I will go back to the Corps. Ultimately if that is what it is
23 then that is what it is. The reality is that these front spots are for
24 emergency response vehicles. Anything in the rear are where people will
25 be going, and the intent of these being here, is that 30 seconds is not
26 lost. I am not being sarcastic when I say that for them to pull into to get
27 to here.
28

29 Anthony Sturniolo: You said this is the walk distance?

30 Joe Palumbo: We have response spaces. There is nothing in the code for
31 response spaces. There is nothing in the code for distances. It is
32 providing the best response for the members of IFCO.
33

34 Joseph Cosentino: The four or five parking spaces that are there. A truck
35 does not leave before five people. Somebody is going to have to walk.
36
37

38 Joe Palumbo: Again for many legal reasons that has to be done. Even if
39 we loose a space here. The reality is there 12 emergency response spaces
40 in front of this building.
41

42 Whitney Singleton: The other reality is that if we don't provide for this. I
43 don't know if one space is enough. It is conceivable that a court of law is
44 going to order the Ambulance Corps to do it.
45

46 Joseph Cosentino: Let's just do what we have to do. Work with Whitney
47 on that.
48

49 Joe Palumbo: So I have to come back to you. Can I get onto the April 12th
50 meeting?
51

52 Joseph Cosentino: Are you going to have everything done by then?

1 Joe Palumbo: Yes we will.

2
3
4 Joseph Cosentino: It won't take long.

5
6 Joe Palumbo: Those are the two main issues.

7
8 Joseph Cosentino: Put this on second for the 12th meeting.

9
10 Joe Palumbo: Thank You.

11 **3. Correspondence**

12
13 Joseph Cosentino: Everyone saw this letter regarding Ability Beyond
14 Disability, 27 West Street? They are commercial vehicles. I am staying
15 out of this one. I did own this building, when I rented it originally to them
16 I specified no buses. I let the proper authorities know that. After I sold
17 the building they brought buses in.

18 **4. Special Discussion**

19
20 Anthony Sturniolo: This is a proposal to make some changes to the
21 lighting code. Michelle did a lot of research in gathering information. We
22 went over things and what we basically did was Michelle drafted this six
23 page document. It addresses four major concerns about lighting in the
24 village in Mount Kisco. We actually touched upon earlier today on various
25 applications. One is what we call full cut off to the lighting fixture and that
26 means if the lighting fixture is looking like any of these hanging
27 chandeliers here, light is wasted up onto the ceiling. What we are looking
28 to do is have what is called this full cut off so the light doesn't trespass
29 above the 90 degree angle and the light is constantly downward and
30 doesn't illuminate the night sky. The other point is on the fourth page.
31 We talked about a lighting ratio of 4 to 1. Currently our village code has a
32 much higher number than that. What this draft proposes is to reduce the
33 brightness. The average amount of light to the minimum amount of light
34 in a four to one ratio. As opposed to what we currently have.

35
36 Stanley Bernstein: Explain the ratio to me.

37
38 Anthony Sturniolo: If you take a light meter reading of this table and then
39 you come up with an average number (I am making it up) and the
40 average number is 5. What our current code now has if you take light
41 meter readings around table and over here in this corner the average
42 reading is ten-foot candles. We have a ratio of ten-foot candles to one,
43 which is the darkest. What we are saying to do is don't go from the
44 brightest to the darkest. Go from the average to the darkest. Which
45 means you bring down the intensity picture. It is fifteen to one not five. It
46 is all done in foot-candles. The other major thing this talks about and we
47 heard Nanette talk about it using the example of the light poles at Target.
48 What it encourages is more light poles and lower light poles in height and
49 lower wattage. There is also a little part of this in the chart, which is
50 toward the end. This where we took levels of activity from athletic fields
51 to a church parking lot, residential areas, office parks. We also put in

1 zoning districts as well. We added a little caveat to where it says service
2 stations. It is something we have been concerned with and we will be as
3 these gas stations constantly get renovated. Because every gas station
4 now wants the use of a canopy over it as well as having the convenience
5 store. Michelle and I did not want to re-invent the wheel and come up
6 with lighting codes that were very heavy. For instance here is the lighting
7 code for the town of East Hampton. It goes into about sixteen pages just
8 for their own lighting code as well. Here is another one we looked at in
9 Bradford Connecticut. Which is a lot thinner and lighter. Also in talking
10 over with Michelle most municipalities are going with this four to one
11 average minimum lighting ratios. Currently ours is fifteen to one from the
12 darkest to the brightest. We don't want to go that route. We want to go
13 from the average to the darkest. I put this in the agenda. I think we
14 should read it. At our next meeting make some constructive changes and
15 we need to get Whitney and Nanette to put this in the proper form for a
16 change to the code.
17

18 Whitney Singleton: You handed out lighting standards that are
19 incorporated in other towns. Perhaps what you might want to do is in
20 going through this, which you prefer, what aspects of one you prefer?
21

22 Anthony Sturniolo: That is what we did in here.
23

24 Nanette Bourne: I think all we have to do is take the illumination law that
25 is already in code. Just make code changes to it. All that being said, just
26 so all of you know that Tony Michelle and I have for a long time have
27 been unhappy with some of the loopholes. We've been applying most of
28 these to applicants anyway. Any applicant that says," but the code says
29 that I can have twice the light." We have said great, "try to get the site
30 plan approved." We have been twisting his or her arms and nobody has
31 more than five-foot candles maximum. Lexington is the only one that has
32 maybe 5.6.
33

34 Stanley Bernstein: Probably months ago the level of lighting in shoppers
35 park. Was that ever checked?
36

37 Nanette Bourne: As much as we all like it. That doesn't have any of the
38 shields on it. People like it because it gives an aura. You have talked
39 about how much you like that lighting. We don't really want that to be
40 used.
41

42 Stanley Bernstein: We can't see the sky.
43

44 Doug Hertz: It is nice for a special district or for whatever. For residential
45 you are still requiring 90 degree cut off and things like that. What are the
46 exceptions for lighting a sign? It says cone like but it doesn't specifically
47 say you can do without a 90 degree cut off. Only up lights. Standard
48 residential up lights. I don't see how that fits in with the rest of the code.
49

50 Nanette Bourne: Landscaping lights? Those require a permit.
51

Whitney Singleton: Most municipalities have very basic requirements that say you cannot have any lighting fixtures visible from any direction. When you are not on the property you should not be able to see the light bulb itself.

Doug Hertz: The other thing we may want to specify. It has not become an issue in this town. I can perceive it being that. If you were building a new house. You are going to put in some architectural lighting to light up the façade of your house. Rather than specifying five-foot candles at ground level which is a useless measurement. It is really a question of how bright the house is or the object that is being illuminated. We may want to incorporate language really that address that.

Nanette Bourne: That gets into - do people have to apply for a permit every time they put in a landscaping light.

Doug Hertz: I don't know how you do that. I don't know what the procedures are. If we have a code that says the face can't be visible outside the property. It can't reflect, can't light off the property of any of the illumination levels for whatever. It can't exceed a certain amount.

Stanley Bernstein: If you drive through almost any street at night, you'll find that there are flood lights out in front of the garage and on the side of the building.

Whitney Singleton: The point is that they are grandfathered. It has to do with the installation of new lighting.

Stanley Bernstein: Suppose you build a house and want to illuminate the driveway?

Doug Hertz: It is very easy to get slightly better fixtures. It is nothing more than hoods on a floodlight.

Nanette Bourne: I guess my point is any new residential construction that comes before the Planning Board, which would be two family and up. If somebody is just building a single family it goes to the ARB.

Whitney Singleton: Two family and up.

Doug Hertz: Forgetting that it is going to the building department for a permit.

Nanette Bourne: Landscape plans don't. Re-landscaping doesn't go.

Doug Hertz: Right.

Nanette Bourne: What we would have to do is to create an illumination code that operates similar to the tree preservation code. It is an issue of somebody being able to cut down a tree on his or her private property. I don't like it either. Just practically speaking thinking about how this can be administered. These things don't come to the Planning Board and they

1 don't come to the building department. Everytime somebody changes a
2 light bulb and that was an issue with the gas station. They changed a
3 light bulb the Exxon station.
4

5 Doug Hertz: My point is we have a law on the books. Whether or not
6 there is for new construction somebody is going to be looking at that.
7 For existing construction if we see there is a house that looks like it glows
8 at night. We have a set of standards that we can hold them to and say
9 this is n/g. I don't want to review every house every time they change a
10 light bulb. If you have the set of standards that says here is what you can
11 do and there is no permit to do it. You are outside of the boundaries.
12

13 Whitney Singleton: That is what I am saying. That is what some other
14 towns provide for in the event that you upgrade your lighting to higher
15 intensity or in the event that you are now going to put spot lights you are
16 going to be subject to it. Anyone else is going to be grandfathered. You
17 are probably going to have some people that do certain things that are
18 over the line but for the most part if somebody comes along with some
19 sort of glaring project everyone is going to know it is new. They can
20 report it to the building department and it can then be enforced.
21

22 Doug Hertz: I think we should carefully specify. Various up lights like at
23 Jaguar. How those things impact, those are very hard to specify. It is
24 very easy to say what is the illumination falling on the ground from a
25 specified height. It's very hard to say what's the effect of a light shining
26 up into the sky. I think the standard is you're illuminating a specified, the
27 cars for instance at certain brightness above, which you can't do. If we
28 could incorporate language along those lines.
29

30 Nanette Bourne: I think that what has been required is a separate section
31 that deals with existing lighting in residential areas. I don't think you
32 want your average homeowner to have to comply with all of these
33 regulations. This is really for new development. If you want to have
34 something like Whitney is talking about. For just your regular single
35 family homeowner.
36

37 Whitney Singleton: Anything commercial is going to come to you for
38 application. Should they change their existing lighting without coming to
39 you that would be a violation of their site plan. This creates basic
40 standards so if some yahoo moves into the neighborhood triples the
41 wattage on every light fixture and triples the light fixtures there is a
42 standard for which you can't do that.
43

44 Doug Hertz: Or just re-aims his lights.
45

46 Joseph Cosentino: I have one neighbor that has lights and in the middle
47 of the night a cat will go over and the whole house lights up.
48

49 Doug Hertz: That is something that is intrusive. The whole house should
50 not light up above certain brightness.
51

52 Joseph Cosentino: The neighbor complained to me.

1 Whitney Singleton: The situation that I have and the reason I know about
2 this. I have clients that spend \$200,000 on landscape lighting, in his
3 house in Connecticut, and the fixtures were drilled into the ground. He
4 had a maple tree that was two hundred years old and he up lighted to
5 illuminate this and put some in the trees. It was very tastefully done.
6 That effected a sub-division application that they had going on in
7 Lewisboro. They didn't want to give me sub-division approval without me
8 taking down lighting in Connecticut. The point is that neighbors can
9 object even if it is tastefully done. You have to have an identifiable
10 standard. The foot-candles cannot exceed a certain amount. Have a very
11 basic requirement for residential.
12

13
14 Doug Hertz: The other thing is for lighted signs. We should have a
15 standard for internally lighted signs for how bright the brightest spot can
16 be.
17

18 Nanette Bourne: That actually would be the sign ordinance.
19

20 Doug Hertz: Why is that in the sign ordinance and not in the lighting one?
21

22 Nanette Bourne: Lighting is a type of signage. It is attention getting.
23

24 Doug Hertz: I don't see why we don't incorporate our standard. If the
25 sign ordinance is ever passed and they have a more restrictive standard,
26 great.
27

28 Nanette Bourne: There is a turf issue with signage. Between the ARB and
29 the Planning Board.
30

31 Doug Hertz: I do not want to take over any of their jurisdiction.
32

33 Whitney Singleton: It is not really taking over any of their jurisdiction. If
34 there is a sign and they are looking at the sign fine. If you are looking at
35 the wattage's or foot candles or whatever coming off of that sign why
36 would that not be pervious? You are talking about a light fixture that
37 emanating light and we would measure the foot-candle coming from that
38 light.
39

40 Doug Hertz: It is much harder to do that. It is not what is emanating.
41

42 Joseph Cosentino: Why would the ARB keep it and just go according to
43 the standards we have. They go by our standards.
44

45 Doug Hertz: They may. Its that there is no standard for back lit signs.
46 There is no brightness value anywhere. Because you can't measure it the
47 way you measure light falling on it. You have to measure the source of
48 the light. What the hot spot is. It is a different measure. They are just
49 trying to put something in place because right now there is nothing in
50 place. I don't see why we wouldn't. If we can get this done faster than
51 sign ordinance can get past.
52

1 Whitney Singleton: Is there a way to measure the brightness of the sign?
2
3 Doug Hertz: Yes. You measure it in lux or something.
4
5 Anthony Sturniolo: You could do it in simple lux as reflective light of the
6 sign.
7
8 Whitney Singleton: Then you can just put that in there. Whether it is a
9 billboard a way finding a marquee sign whatever it is it would fall into the
10 lighting code jurisdiction.
11
12 Nanette Bourne: Tony in either of those codes that you have addressed, I
13 would like to say there should be no internally lit signs.
14
15 Joseph Cosentino: I agree I think they look bad.
16
17 Nanette Bourne: There a lot of communities that prohibit internally lit
18 signs.
19
20 Doug Hertz: If the sign ordinance is proposing that there be no internally
21 lit signs that would supersede the lighting level for internally lit signs.
22
23 Whitney Singleton: You could have situations where some one would
24 modify the existing sign, or simply replace the sleeve that goes in it with
25 their new tenant.
26
27 Doug Hertz: Do we put in some exception for season kinds of lights as
28 per holiday lighting? Are there already some restrictions?
29
30 Anthony Sturniolo: The only one we found in one of the local ordinances
31 was seasonal lights and they just defined them as streams of Christmas
32 tree lights. Nothing with any substance. I think Austin Cassidy gives out a
33 permit and there are less of them around here for an empty parking lot to
34 sell Christmas trees.
35
36 Whitney Singleton: That is exempt.
37
38 Anthony Sturniolo: That is a seasonal kind of thing. Each one of those
39 always had a whole bunch of 150-watt bulbs glowing in the dark.
40
41 Nanette Bourne: Are you talking about some of those homes that light
42 every square inch.
43
44 Whitney Singleton: Like the one in Armonk.
45
46 Anthony Sturniolo: Then you can get on the fine edge of religious
47 holidays.
48
49 Whitney Singleton: That is why every community allows all the crap that
50 gets put out. It is dangerous territory.
51

1 Joseph Cosentino: Try taking down the cross on the Green Street
2 firehouse.
3
4 Nanette Bourne: So scratch the seasonal holiday.
5
6 Doug Hertz: I don't know if you have to put anything on there.
7
8 Joseph Cosentino: Here the Hispanic population lights it up in December
9 and at the end of this week they take them down. I know that for fact
10 because my tenants do it.
11
12 Whitney Singleton: I think that if you are going to try and regulate that
13 you are going to have problems.
14
15 Joseph Cosentino: I think so also.
16
17 Doug Hertz: Those were my only thoughts on that. A regulation is long
18 overdue.
19
20 Whitney Singleton: I would suggest though that the following shall not
21 preclude the temporary, and define as being three or four weeks the
22 temporary outdoor display signs for purposes of holidays or whatever. At
23 least by doing that you can tie it to a reasonable period of time. It really
24 becomes part of the language.
25
26 Doug Hertz: My only other comment has to do with the 90 degree cut off
27 concept. In areas like Jaguar.
28
29 Anthony Sturniolo: Something even tougher.
30
31 Doug Hertz: Where 90 are not going to be adequate, because it is an
32 exposed elevated site.
33
34 Anthony Sturniolo: Is there a way if we incorporate the 90 degree cut off
35 and asterisk it in the code that there will be certain instances where 90
36 degree may not be sufficient?
37
38 Whitney Singleton: I don't even know what is really being proposed for
39 Premier.
40
41 Nanette Bourne: You can say a minimum of 90.
42
43 Whitney Singleton: Is Premier going to have down lighting where the
44 lighting element is shielded?
45
46 Doug Hertz: Yes.
47
48 Whitney Singleton: So if you are sitting at a lower elevation down on
49 Kisco Avenue and looking up you still shouldn't be able to see the
50 lighting.
51

Doug Hertz: That is my point. That is what we were talking about earlier. That is why we are asking that we have two views of this model. One from Kisco somewhere low down. We haven't determined where.

Anthony Sturniolo: Keep the Pepsico as a benchmark or as an example.

Doug Hertz: That is exactly my point. They are the perfect case.

Anthony Sturniolo: Nanette then the word minimum would address it.

Whitney Singleton: Then you get into a situation if you prohibit being able to see the lighting element and it gets installed and you weren't able to take into account and angle from this portion of Kisco Ave. looking up the driveway. If you see the lighting element you haul them back in. They have to redesign their plan for not being adequate. Is that being over bearing on an applicant? It gives you continuing control over them if you put the requirement that you can't see the lighting element.

Doug Hertz: Even that statement is twofold because a silver reflector effectively extends what the lighting element does. If you see the inside of the silver reflector 6 inches or a foot away from the light. You don't see the element but you see this glowing hot white thing. How do you really state what you are looking for? It is very difficult. I am sure we can come what to do.

Nanette Bourne: With regards to Jaguar you have to remember that from the very beginning they made it very clear that they want that site to be seen. They want whatever tasteful discrete thing they can get away with. So they draw attention to the fact that there are cars there.

Whitney Singleton: Do you think they want to be visible going south on the Saw Mill? I wonder if they are trying to get visibility from there.

Stanley Bernstein: You might be able to look to the left.

Doug Hertz: There might be a moment.

Anthony Sturniolo: What do we do at this point to get this draft tuned up better and then get it in the form of a change to lighting code?

Nanette Bourne: Do you want me to draft up a local law that incorporates this.

Joseph Cosentino: That would be the best.

Anthony Sturniolo: The comments of today.

Nanette Bourne: Comments about the single family and landscape lighting. The sign we talked about. That is two additional.

Joseph Cosentino: Wherever you can get it done we can approve it.

1 Doug Hertz: Use more restrictive language about the cut off.
2

3 Anthony Sturniolo: As far as that language, the part we have is full cut off
4 light fixtures as defined by the illumination engineering society of North
5 America. That addresses the 90-degree level cut off. We need to beef
6 that up.
7

8 Doug Hertz: Maybe with a short narrative.

9 Anthony Sturniolo: The other thing over and above the lighting. We had
10 this re-organizational meeting on the 20th and talked about making
11 changes or several changes to the code. One of which was the lighting.
12 Do we need to change the code regarding the handicap parking spaces?
13

14 Whitney Singleton: We need to clarify that.

15
16 Anthony Sturniolo: I call it a change. So we don't repeat the legitimate
17 concern at 30 West Main.
18

19 Whitney Singleton: You mean the legitimate concern about discrepancies?
20 Really what I think it comes down to is we were harsh on the outlet
21 center. We required 9 feet 6 inches plus a five-foot aisle width. That is 14
22 ½ feet for one parking space. You can see the flip side of that is what we
23 have at the Ambulance Corps. We want to handicap space but we want to
24 make sure we get enough in. They were somewhat deficient. I am
25 thinking if we go with state. When you have a handicap space and only in
26 the event of a handicap space that the width of the parking space can be
27 reduced to 8 feet which is a foot and half shorter. So long as you have
28 the five foot wide loading area. You are getting 13 feet within what shows
29 to get in and out of a car. That is a lot of space even for a handicap.
30

31 Anthony Sturniolo: I am looking at it for consistency and simplicity sake.
32

33 Whitney Singleton: For simplicity sake all parking spaces must be 9 ½
34 feet wide. All handicap access-loading areas have to be five feet.
35

36 Nanette Bourne: Then there is more paving than necessary.
37

38 Whitney Singleton: The flip side might result from more buildings being
39 built, because they can't get enough parking spaces. How many handicap
40 spaces are in the outlet center, 40? So they would have lost a lot of
41 spaces.
42

43 Anthony Sturniolo: If you reduce the amount of parking spaces then you
44 start to reduce the size of what is going to be built. There is a lot of
45 positive to that too. We need to get this code thing addressed.
46

47 Whitney Sturniolo: It doesn't matter to me. I think you should give me
48 direction as to what you want to see. Perhaps to help you for your next
49 meeting. Take a drive by the Ambulance Corps, which has the standard
50 and only three feet of width. Which is only sub-standard and take a drive
51 to the outlet center and see what they have for the handicap spaces. See
52 whether you want one or the other.

1 Joseph Cosentino: If you let the Ambulance Corps, as is what happens?

2
3
4 Whitney Singleton: If a true handicap vehicle came in there it probably
5 would have a difficult time. Take a measuring tape and check it out. Or
6 we can ask Austin for his input.
7

8 Doug Hertz: They are saying it is 8 plus three. There are three things
9 being discussed. There is whether you go 8 plus 5 or you go 91/2 plus 5.
10 For the Ambulance Corps it is 3. The Ambulance Corps we are suggesting
11 by any standards.
12

13 Whitney Singleton: I think what you can do when you do the parking lots
14 you have multiple handicaps. I think you can use that 5-foot loading for
15 both sides.
16

17 Nanette Bourne: That is how they are designed. Your point is correct.
18 What is at the Ambulance is sub standard by village standards and by
19 state standards.
20

21 Too many people talking
22

23 Whitney Singleton: There are numerous locations in the village, by my
24 office. The one handicap space that is dimensionally deficient and it is ore
25 than enough for people to access.
26

27 Joseph Cosentino: We just have the correspondence left. The letter from
28 Brian Skanes.
29

30 Anthony Sturniolo: Austin is looking for a comment.
31

32 Joseph Cosentino: We will put it back on the agenda.
33

34 Anthony Sturniolo: I have a request of the summary of our January 23rd
35 re-organizational meeting back on the agenda so we can go through, with
36 the lighting standards, applications rules and procedures, 2005 calendar.
37

38 Whitney Singleton: on the issue of the rules of procedure I have already a
39 long time ago modified and updated them in accordance with our
40 meeting.
41

42 Anthony Sturniolo: Put this on for the 25th.
43

44 Stanley Bernstein: Motion to adjourn
45

46 Doug Hertz: Second.
47

48 Board all ayes. Adjourned at 3:10 p.m.
49

50
51 Respectfully Submitted By
52 Stanley Bernstein