

## Minutes

### Village/Town of Mount Kisco Regular Session Tuesday August 9, 2005

Meeting called to order at 7:50p.m. In the Board Room at the Municipal Building, Mount Kisco, New York

**Members Present:** Joseph Cosentino, Chairman  
Anthony Sturniolo, Vice Chairman  
Stanley Bernstein, Secretary  
Douglas Hertz  
Joseph Morreale  
Ralph Vigliotti

**Members Absent:** Sol Gibbons

**Staff Present:** Nanette Bourne AKRF  
Whitney Singleton, Board Attorney  
Michael Stein, Engineer  
Austin Cassidy, Building Inspector  
Lester Steinman, Board Attorney  
(333 N. Bedford Road Project)  
Jill Slankas, Fredrick P. Clark Planners  
(333 N. Bedford Road Project)

Chairman Cosentino began the meeting with the Pledge of Allegiance.

Chairman Cosentino: Do we have a motion to accept the minutes from June 28, 2005?

Stanley Bernstein: Motion to approve the minutes from June 28, 2005.

Doug Hertz: Second

Board Voted All Ayes, minutes from June 28, 2005 approved.

#### **Formal Applications:**

- a. **333 North Bedford Road (formerly Grand Union Distribution Center) Michael Gallin, Architect, Neil Alexander, attorney for the applicant, Pete Catizone, Engineer and Jim Diamond, owner.**

Chairman Cosentino: We have before us this evening a formal application 333 North Bedford Road. This application is the former Grand union Distribution Center.

Michael Gallin: It has been a while since we have been in front of you so I thought it would make sense is to give you briefly the evolution that has occurred from the Conceptual application to the application to date. We have a few technical things that we would like to walk through with you and some of the more difficult processes from here on out. The original conceptual application was to sub divide the existing building on the property for mobile tank use. The current application is following along those same lines. We have gone ahead and supplemented the application with a variety of things to make the application more pleasantly received by the town. We have done that in conjunction with many meetings with the Mayor and with several members of the Planning Board and also with your Planning Board Consultant. Trying to gather input into what would be desirable in the town in relation to the application. We can walk you through what we are currently showing on the application. The site plan here is amended to show 15 tenants which are the maximum that we would propose to occupy the main building on the site. The site plan has been modified from the conceptual site plan to show a series of landscape islands distributed through out the site. The landscape would be with a variety of trees. I can walk you through some of that. We are also proposing as part of this application the building of a baseball field or a little league field at the southern portion of the site. That would be rented by the town or used by the town.

Chairman Cosentino: You used the word rented?

Michael Gallin: Yes rented at no cost.

Neil Alexander: The agreement would be rented at no cost.

Anthony Sturniolo: You would not dedicate the property to the village?

Neil Alexander: That is correct.

Michael Gallin: It would be continued to be owned by Diamond Properties.

Chairman Cosentino: Their deeded right?

Michael Gallin: That is correct.

Chairman Cosentino: Not by a deeded right, am I correct in saying that?

Neil Alexander: It would be a long term lease agreement.

Michael Gallin: In addition to the baseball field the Mayor has requested interest in some space within the building for the storage of municipal; specifically he was referring to the Library. Which I understand is going to go under renovations and they are looking for space to store books during their renovation period. For the long term it could be used to store for any municipal use. As long as it is within the code limitations of the building. It couldn't be hazardous. That would not be appropriate.

Neil Alexander: It would have to comply with the New York State Building code.

Michael Gallin: There would have to be a lease agreement at no cost to the town. In addition to the landscaping improvements and the ball field and the municipal storage space that we discussed. We are proposing eliminating the majority of the lighting fixtures. Currently there are flood lights on the site up on the water tower that are 100 feet high, on the face of the building on a series of poles around the perimeter, that are projecting horizontally. This could present a problem to surrounding properties. We are proposing eliminating all of those flood lamps and replacing it with down lights poles which would emit the photo metrics to that effect. The concept there is to keep minimal levels of light across the property while maintaining code compliance. On the north side of the site we are proposing a new landscape island. Lined with a series of flowering pear trees. In addition locust trees primarily and some maples throughout the landscape islands on the property. Shrubbery perennial beds at the main entrance to the property. One of the major improvements on Ice House Road we are proposing re-curb the entire street, re-paving the entire street. Currently there is paving along the perimeter of the street that has cars that are in disrepair. We want to eliminate the parking of all those cars that are in disrepair and replace it with landscape beds and this area with evergreens to provide some screening from the properties behind it. This would be perennial flowering beds. One of the main things that we are also proposing as part of the application is the installation of a traffic light at the intersection of Ice House Road with Route 117. That traffic light would be an off set traffic light so it would also control the traffic from people exiting and entering from Brookside development on the east side of Route 117. That would be the primary entrance and exit points to the site. In addition it would allow right turn in right turn out only from the northern entrance. Which would eliminate traffic concerns in relation to left turns out at this point and left turns in considering that there is no control at that location of the intersection?

Chairman Cosentino: How wide is Ice House Road, do you know?

Michael Gallin: As completed 28 feet.

Chairman Cosentino: Is that going to satisfy trailer trucks coming up and down?

Michael Gallin: Yes. It will be two way traffic.

Chairman Cosentino: Michael (Stein), will you check into that?

Michael Stein: Yes.

Michael Gallin: We submitted as part of this application a traffic report.

Chairman Cosentino: When I say trailer trucks one going in and meeting the other coming out.

Michael Gallin: Yes. We submitted a traffic report as part of this application and received comments back and have gone ahead and set up a meeting and unfortunately that meeting could not occur prior to this meeting. That brought this in terms of dealing with your consultants on that. It is currently in progress. We actually have come to a better

resolution with the consultants prior without spending too much effort of your board's time focusing on traffic. As part of this application we spoke about it briefly the last time we meet several months ago. There is currently an existing flooding problem in this location on the property. The flooding property is a result of mitigation that was done to extreme over here after hurricane Floyd several years ago. It was done by the town or by a town's consultant. We have proposed as part of this application an effort to mediate the flooding problem. Peter Catizone is here and can briefly talk to you about the technical issues with relation to that.

Peter Catizone: I just noted simply the northern portion of the site drain is collected by the storm system and drains to this tributary parallel to the the railroad tracks. The southern portion of the site is collecting by a storm system which formerly drained to a small tributary along the southern property line. Do to the emergency repairs resulting from hurricane Floyd this pipe was obstructed. What we are simply providing here is a pipe which has been designed not exceeds the capacity of the existing pipe which will discharge at a point at the southwest corner of the property where the elevation of the stream is much lower and can accommodate the flow from that. From that discharge point.

Anthony Sturniolo: How will that impact the village of Mount Kisco? When your theoretical discharges in that corner?

Peter Catizone: It is no different than the previous conditions. The flow which was normally discharging in this tributary would ultimately flowing to this junction here and then flowing to the south. Basically we are not increasing the flow we are just changing the location of the discharge point. The flow exit in the site will be equivalent or slightly less than the flow under the unobstructed condition.

Anthony Sturniolo: So the additional water that is currently flooded in the parking lot is now being encapsulated and discharged into that corner of the site location. So if the Village of Mount Kisco has a flooding problem tonight (pretend) you also have a flooding problem on that site? Right?

Peter Catizone: That would be correct.

Anthony Sturniolo: Therefore if you discharge to the far corner are you not going to already exacerbate the existing flooding problem that would happen down stream? Where is the water going to go?

Peter Catizone: The water goes down stream to the south. Again the flow that is going to be generated that is going to be going through those pipes is less than the flow that would be going through the pipe before the hurricane Floyd repairs. In essence we are not increasing the off site flow we are just simply trying to get this back to a predevelopment condition. Pre-repair condition.

Anthony Sturniolo: We are already dealing with an on going flooding history in this village down stream. You are now going to take how many gallons of water that sits in that parking lot and add it to our down stream flooding condition.

Peter Catizone: Yes you are. Let me just clarify that. Maybe this will help out a little bit. The capacity of this pipe because the slope is so flat. It is only about 20 cubic feet per second. This is enough to convey the two year storm event. So any larger storms where you are having flooding problems downstream will still cause ponding in this parking lot. I don't think we are really adding to the storm event that the board may be concerned about. The focus is to discharge the water for the equivalent storm of the existing condition. Again we were restricted to the two year storm event. Any larger storm a flash flood in the summer they are going to have flooding in the parking lot.

Chairman Cosentino: What size pipe?

Peter Catizone: It is a 24 inch pipe.

Chairman Cosentino: What size was there before?

Peter Catizone: The size that was there before was a 30 inch.

Stanley Bernstein: I think you reversed it.

Peter Catizone: It is a 30 and a 30. They are both 30.

Stanley Bernstein: The original was a 24.

Peter Catizone: No the original was 30. If I may show you on the plan?

Stanley Bernstein: I don't care what it says on the plan I am sure it was a 24. It was below the grade.

Anthony Sturniolo: I thought it was 24.

Stanley Bernstein: In the narrative it explains that you are replacing a 24 with a 30. The original 24 carried 16.27 per second. The new carries about 15.2.

Peter Catizone: The pipe exiting the manhole closest to the garage is 24 inch. There is another manhole which is at the edge of the parking lot just off of the edge. That manhole also takes in water and at that point where the pipe is increased to 30 inch. None the less we are comparing the new proposed pipe that has much less slope that the previous pipe.

Anthony Sturniolo: Do you agree with the statement that you should really be prepared for the 25 year flood as far as the outlet of the pipe goes?

Peter Catizone: Do I agree with the statement?

Anthony Sturniolo: We are concerned about the 25 year storm.

Peter Catizone: Obviously from an owner standpoint the higher the design storm the less potential for flooding you have. However the flooding on this particular sight is restricted to this area here. It would be a different question if the flooding actually caused five feet of water throughout the entire parking lot, or caused a dangerous situation. You really just have localized flooding in one area.

Anthony Sturniolo: Does the flooding ever occur in the area where the applicant had been storing the illegally Acura cars on this sight?

Peter Catizone: I am not sure where the Acura cars were.

Anthony Sturniolo: Continue on.

Austin Cassidy: One of the concerns I think the board is trying to convey, is that to correct drainage and representing that it has not increased the flow, the off sight flow from previous conditions. Focusing on previously we had frequency of downtown flooding in our stores in major storms. For whatever reason the system is not working right now is that the water force behind this leaving its banks reassures that flooding has been diminished. So by restoring the drainage system to drain the pipe in a time frame that would be acceptable, add that water to the water force behind raising the water level up to increase the storing and frequency of down stream flooding. I think the board is trying to say to you that restoring to what it was is not presumed to be a good thing. They are saying they would like to find out what the impacts would be to restoring it to what it was downstream. For instance we had a rain event last February in which not a hurricane, but was substantial. The water course in the rear left its banks and flooded Shoppers Park and it started to reach the curb line on the distant side of the parking area. The next step would have been the doors of the stores. Had not water been held back up on that site for lack of rapid drainage certainly the water level down here would have jumped that curbing and affected the stores? So by getting this problem fixed we would like to know what the down stream impact would be.

Peter Catizone: We did not analyze the entire village water shed at the point where the downtown flooding occurs. The fact that this pipe is designed for a 2 year storm will sort of act as detention so it doesn't hold water back. In other words if you have a large rain fall event the peak flow at the downtown area will occur much sooner than the peak flow from this pipe. That is because we are not providing a 48 inch pipe here at 2% slope. We are providing a 30 inch pipe that is laid very flat, that just barely carries the 2 year storm event. In essence you are holding that water back and you are off setting the peak hydro mass from the downtown area to this discharge point.

Austin Cassidy: Based on physical description of the pipe that you are describing with a very low pitch. It would be subject to siltation finding its way to the drainage system. That would become problematic as well.

Peter Catizone: That is correct. That is a maintenance issue. Because the site is so flat there is a sewer which runs along the stream that is at a very flat grade. That is at 1/2%. That needs to be maintained. All the pipes on the site are relatively flat. Those need to be maintained. We design them and it is up to the owner to maintain them which I am

sure they will do. As a matter of fact we met with the Village Engineer; Michael Stein had the same concern. The applicant had agreed to once this drainage pipe is installed to actually perform an inspection of the existing drainage system. Making sure it is not putting out any silt and making any necessary repairs that may be required.

Austin Cassidy: I made a note on something you said earlier. I was visualizing Ice House Road and I can't recall if there is a catch basin at the very crown of Ice House Road. Traveling south towards Ice House Road it is coming down N. Bedford Road towards the village and with Ice House Road there it will pitch off and go down Ice House Road, contributing to water to finding its way to this site. I am not saying curbing Ice House it is a bad thing; it will just further channel water into this site. When the question came up about trucks and the exiting for a trucks on Ice House Road, the last 25 feet is a very uplifting grade and tractor trailers that take off from that landing start it is difficult on a slippery surface in the winter time. Are there thoughts of changing any parts of the grading on Ice House Road? These are linked together because if you are going to change the grade of Ice House Road that could go to your drainage issues.

Michael Gallin: We may not be able to grade to divert the water.

Austin Cassidy: What may be needed is advance is something on Ice House Road that may not add to the quantity of water finding its way to the site.

Michael Gallin: That has been an existing condition contributing to the parking lot. The water is being collected from Ice House Road by the drainage system. Today there hasn't been a problem with excessive build up of water along Ice House Road. The problem is the lower portion. The grade at either side of Ice House Road is currently higher than the road itself. I don't think the curbing is going to contribute to more water being funneled down.

Austin Cassidy: Not more just channeling more directly to find its way to the locations.

Michael Gallin: Again the grade at the edge of Ice House Road although not curbed, but towards Ice House Road. In essence any it is already channeling the water down Ice House Road. It might be a slight impact by pursuing a non permeable curb there as opposed a rough edge curbing. In essence all that water is being channeled down currently.

Chairman Cosentino: The curb is there right now correct?

Michael Gallin: We are actually reducing the amount of the curbing.

Chairman Cosentino: So you are going to get more water.

Michael Gallin: You won't get more water going down Ice House Road. If anything we are reducing the amount of impervious surface because we are building all those landscape beds along the edges where they currently park cars.

Chairman Cosentino: You are talking about the road itself?

Michael Gallin: The road itself is paved now and it won't be paved when it is done.

Peter Catizone: Right now it is paved to just about the limit of 30-50 feet. Most of that is paved so the additional landscape will actually slightly reduce the amount of pavement on that road.

Michael Gallin: It will slightly reduce by reducing the amount of impervious surface. The drainage completion along that road has historically not been problematic as far as we understand. The system on the site other than the fact the outlet point is clogged is capable of handling that drainage.

Austin Cassidy: Is this going back to whether or not a interceptor of between Ice House and North Bedford Road reduce the amount of water finding its way to this site or channeled down stream to the village?

Michael Gallin: Intercepting it and diverting to where?

Austin Cassidy: Putting it into the system.

Michael Gallin: So you are proposing putting it into the municipal system on North Bedford Road as opposed to bringing it to the property? I think we would only be able to do that at the very top.

Austin Cassidy: You have quite a funnel there from N. Bedford Road. It is only an observation I have. I have no idea how much of your water is coming down from N. Bedford Road.

Peter Catizone: There are a series of inlets along this curb line. Unfortunately they are not all shown on the plan.

Michael Gallin: This is a photograph looking north at the intersection of Ice House Road and N. Bedford Road. We are already picking up the water here in this area.

Joseph Morreale: Does anybody know if the ball field floods?

Michael Gallin: The elevation of the actual field is higher than the flooding point. The lower point of the property is in this area. It is significant enough that we never have gotten any flooding along there.

Anthony Sturniolo: Approximately how many gallons are flooding in the parking lot?

Peter Catizone: I am not sure. I could get you that number. I would have to figure where the area is and how deep it is.

Michael Gallin: It would depend on the event.

Anthony Sturniolo: Is there a way to devise a detention system, detention basins, and underground galleys?

Peter Catizone: The issue with that is unfortunately our client is at the bottom of the water shed. Those of us that live on top of the hill are a little bit more fortunate. The problem with underground storage is that the ground water elevation is relatively high. By the time you put in a series of 60 inch diameter pipes with 2 feet of cover on them. Those pipes essentially filled with water at all times. You are really not getting the impact that you would expect from under ground detention.

Anthony Sturniolo: What about the impact that you would hope to get that was conveyed to a portion of the building at the southern corner of the property. Say a piece of the building was chopped off and that is at the higher elevation and that is where the water storage area would be.

Peter Catizone: We would have to look at that.

Michael Gallin: This would be the lowest point of the property. We have to dig down to get this lower than this. If you went seven or 8 feet down you would hit the water table. There would be a 5 foot pipe plus 2 feet of covering and then year at the water table.

Peter Catizone: We spoke about the water quality in Mount Kisco.

Peter Gallin: One of the things that we provided in terms of water quality is basically a plunge pool. This is a slight depression. We're trying to slow down reduce the velocity of this discharge as much as we can and filter it off some kind of water quality measure. So what we have done is provided a plunge pool. Which is basically a small depression and the discharge from the pipe would fill that depression and overflow and eventually and find its way out. I think that holds our proximately 1000 gallons of water.

Michael Gallin: We and have revised this a few times in response to the requests.

Anthony Sturniolo: This is the first time we are seeing this and hearing and have a concerned about water and the flooding. It makes the question to me that you knew the situation when you bought the property and now all here it is August 9 that we are discussing for the first time in a serious conversation the flooding issue. When prior to tonight there wasn't any discussion on your side of the table in addressing the water concerns in the technical matter that we are having this free-for-all conversation.

Neil Alexander: We did write you a letter talking about the emergency problems we have with the storms.

Chairman Cosentino: It wasn't addressed here in this room.

Neil Alexander: I pretty sure you were CC on it.

Chairman Cosentino: I worry about what is addressed here in. That was not addressed here. Let's drop that it was not addressed here.

Michael Gallin: I am not saying you do not have the right to ask this question. Of course you do. What I was trying to say in the fact that we've done a fair amount of work between what we last spoke and now. We have been thinking about the storm valve and what you're asking. That was what resulted in a reduction of the size of the pipe. The two-year storm level and accepting the consequences that we were going to end out with some flooding pooling on the property. In addition we have gone and done what we think to be appropriate in our litigation. We have been working on this and communication with a variety of members of the village for some time. I understand this has been our first opportunity for a variety of reasons. This has been our first opportunity to be in front of you. I think we did mention in the conceptual.

Anthony Sturniolo: When you use the term emergency conditions. Emergency I hear the fire whistles and the bells and the horses galloping and spotted dogs running. Those of us that live in Mount Kisco have known about this for a long long time and obviously you did. When you had seen the property when the property was purchased. Now an emergency is brought into place. When the word emergency was dramatically emphasized as I am sure Mr. Alexander is now going to underscore for us.

Neil Alexander: Obviously this is not an emergency we are not losing sleep at night. Whether or not the parking lot is flooded.

Anthony Sturniolo: when I read a document that talks about drowning skateboards and West Nile disease is somebody paving the way with paperwork in the event this happens the planning board has been reminded of.

Neil Alexander: I think there is another issue that we haven't talked about. I think to us it is an emergency when others think it is not. Other people are going to raise the building we want to reuse the building. Right now we are flooding and it is massive flooding. A lot of these issues that you're talking about and in that letter we have structural concerns. We cannot even secure the building. That is where it comes in to us as a huge emergency. That gives you a sense of where we are coming from. If you want Michael to explain the structural he can

Austin Cassidy: I think rather than trying to reinvent the wheel tonight it would be for the board to know any potential downstream impact of getting the drainage system online. Perhaps in a matter that is proposed. Any downstream mitigation might alleviate those impacts to save downtown Mount Kisco. So that the board can properly make conscious decisions going into the emergency that they would like to address.

Neil Alexander: Maybe if you could ask Michael Stein to comment that might help.

Michael Stein: As far as the drainage. One of the main things that we had asked for is at least some water quality is put in. As far as the grade of the discharge from that point it was at least keeping the same as the other pipe was. The existing pipe prior to any work that may have been done downstream or any other sediment built up. As far as the wetlands disturbance they have been minimized as much as possible and I think that is what we're looking at especially in the wetlands area. To make sure that there is as little disturbance as possible. As far as the existing piping that was definitely another concern. Austin had brought up such a shallow pipe slope that we are going to have sediment built on in there. At least we'll get an idea of the rest of the piping on the project and what it looks like and completely unclogged as Austin pointed out before that could unleash a full flow into the system. It could be opening up more than what was expected.

Anthony Sturniolo: And that is also a concern with DEP would have as far as filtration downstream.

Peter Catizone: If this were a redevelopment site and we were stripping everything off of here and bringing in fill and building a new building. A new development we would be obligated under DEC guidelines to evaluate the storm water exiting on the site. We would be required to have resulting the flow which is less than or equal to the predevelopment flow. The unobstructed flow, pre-and developing of this site. Essentially that is what we are giving you. So as far as analyzing other potential impacts we are meeting the guidelines of not exceeding the flows that have already been established for the site over the years. We are already meeting that and I just am not clear on why we are being asked to evaluate an off-site area when we are not increasing the flow.

Michael Gallin: We are actually proposing a significant olive removal of impervious surface with significant landscape which will have a real impact on this flow.

Austin Cassidy: Not too far away from the site there was a retail center that generated X amount of traffic. That retail center for all intents purposes was torn down to bring back retail to the site they still had to reanalyze traffic impact. Even though we are putting back the same traffic. There is a presumption putting back what it was is okay. The fact is it is not OK. So if you're putting back what was it may continue to flood and we need to know that.

Peter Catizone: Unfortunately we are at the bottom of the watershed. But right now as far as the southern portion of the site goes we have zero discharge. Our client or the applicant has the right to drain this storm water somewhere. We are meeting the state accepted guidelines or the state accepted standards of reducing the storm water to below the existing conditions. We are meeting the guidelines and I don't understand why we are being asked to provide more.

Lester Steinman: Because everyone on both sides of the table has agreed that there will be a solution to the property to the impact downstream. Or well went within their purview of the SEQR and the wetlands and analyze the impact of downstream.

Neil Alexander: I think there are two separate issues. We have two issues which is the building and are being completely undermined. As far as the overall project and analyzing the overall project could have a downstream impact. I think we are willing to understand and study that as the project unfolds. We are begging you for your help which is an emergency to on the site right now. As far as the flooding we cannot even secure our building. We have high standing water and we are pumping for days on end after any kind decent storm event. We have a pumping system in there. You saw in the letters. It is a three inch pumping system and we are talking about a 30 inch outlet. Eventually we are pumping for days. If it is a two day event it becomes nonstop pumping issue. We cannot even secure the buildings, on the front and we need some help. Basically we are desperate. The big issue is understanding how with the ball field in operation and landscaping that we are proposing in the overall project coming back online and whether that will have any impact downstream. I think to a certain extent downstream but we will take a look at that.

Chairman Cosentino: I think from what I understand you saying you have a 3 inch pipe pumping out water.

Neil Alexander: This has been a standing condition ever since the work was done as a result of the storm water system not working.

Peter Catizone: I know the previous owners they had the same system in place.

Chairman Cosentino: I'm going way back and they did not have a pumping system.

Neil Alexander: They had a discharge point at the time.

Chairman Cosentino: You're telling me now a tremendous amount of water. You're telling me that a 30 inch pipe is going to be handling a lot of water. You have a 3 inch pipe now pumping steady that is a lot of water.

Neil Alexander: I think also the other point is what I am understanding in the system if you have a two-year storm event the amount of water that comes and the system is what we are proposing our system to handle, to feed it out at a reasonable rate that the consultants have confidence it would work. If you have a five-year 10-year or 20 year no more water is coming out at a faster rate. We are going to get a little bit of ponding or a little bit more ponding depending upon the size of the storm on our property. It will slowly as the waters abate around us. So what is happening from a time sequence sure you get a flood rise down here and it rises all the way through. We are going to be sending the same water out during that time line from our property whether it's a hundred years storm or a two-year storm event through our pipe. The rest of it is going to be sitting on our property even under the proposed solution and will slowly at that point dissipate out of the site particularly as the floodwaters down here abate.

Doug Hertz: I think the board understands the information. Your issue of raising the building you don't want it to further deteriorate. On the other hand the building inspector I think makes a very important point which is you currently have a flooding issue downstream. What you are proposing would be almost identical amount of water prior might impact downstream. The question for me is because this is relatively no and



I know there's been discussion with Mr. Stein. Is there mitigation on site and too reduced to some extent. Are there ways to look at this in an intelligent way?

Neil Alexander: Right now there is nothing we can do on site other than what we are doing.

Peter Catizone: The mitigation measures are they plunge pool like control to very stop the sentiment and reduce the velocity. The decrease of impervious area which has probably one of the biggest impacts on the on-site whether we want it or not and on-site detention in our parking lot.

Doug Hertz: Perhaps there is an alternative directly in the parking lot of on-site detention. There is this area here. I am just wondering if there are some alternatives that can be explored to split the flow in some way to slow it down.

Stanley Bernstein: If you could answer both of these comments. Let's cut to the chase. There was always a flooding problem in Mount Kisco. We all know why: destruction of wetlands. It has just built up and built up over the years. All of a sudden something happen in Mount Kisco. Somebody is taking the water away from downtown Mount Kisco. It is staying on somebody else's property. It is tough for the property owners but it is tough for Mount Kisco. Rather than trying to separate having two screens of approval or emergency or what ever. I propose giving up the ball field and making it a created wetland. You have a six-foot water table and that can easily be turned into a created wetland. Not easily but it can be done. I would not give any approval to a wetland permit unless I had that investigated by you as to whether that could be done and should it be done. Keep the water where it is. It's unfortunate and it's a break for us. Good things happen to some people and bad things to others. Let's keep the water there. How do we keep it there? You find out. I'm giving you a suggestion I think it can be done. A created wetland.

Michael Gallin: I think that is something that we can discuss. I think there are a lot of people in the town that one away the value of a ball field versus a wetland and so on. I am sure there will be many hours of discussion on that. As part of the review of the ball field in the overall application there is probably an appropriate topic to entertain. If there are members of the board that feel strongly that it is worth entertaining.

Lester Steinman: I think it might be headed in the wrong direction here. I think that the board is going to consider looking at the wetlands permit first. They need to look at all the issues before them rather than referring to the downstream impact. I think this will come before it rather than after.

Neil Alexander: Is there a consensus within the board to preferring a wetland over a ball field?

Lester Steinman: The suggestion that was made was to hold water. They are not a position to make that decision without the necessary studies. That is what they are asking.

Neil Alexander: What I am getting at and the reason I'm asking that question and I'm not trying to box anybody in. If there is a strong desire to see that wetlands and that's really preferable than a ball field from your board. In part of what you are driving at with the course is different from the two give us a little bit of a directive. More than just study this and study that. It will help us when we come back to focus our energy and we are willing to consider everything but by the same token then that means all we do is study and we never get any traction which reach probably shed on the wetlands.

Chairman Cosentino: I just heard this proposal and I cannot digest that in a matter of minutes. I need to speak to our engineers and our staff. It is not something that I can decide tonight. I don't think it is something that the board can decide tonight.

Lester Steinman: I think the board is concerned with the downstream impact. And the downstream impact is a serious note. The solution that has been proposed actually works then they might be in a position to evaluate whether the trade-off is a good one. Until they have that information it is impossible to make that determination.

Austin Cassidy: The other thing I am hearing you are concerned about a lack of scope of looking at downstream at the board's request. To give you some import as do some areas that you may want to take a look at that are problematic and may alleviate your issues and ours.

Michael Gallin: Mr. Steinman that we steer away from trying to come up with at quick solution in relation to investigating all options. There is a real concern at the building for a couple of reasons. One at the ponding the way the structure of this building is there is an exposed structural steel column that goes all the way down to grade. There is no concrete column. Those columns when the water rises are underwater and rusting. And that has a real structural implication. Is it going to fall down tomorrow or the next day? No. Every week that it is out there it has more and more of an impact and so it will become so problematic that the only solution will be is to replace the entire column. In addition that the rollup doors along us out of the building have had so much water damage that they are in operable and we have no longer have the means to close down and secure the building. There is a lot of concern about vandal's teenagers getting in there and creating harm to them or to the building. Potentially creating a hazard because there is not supposed to be any occupancy. We do not have a way of securing it. There are instant issues that we are concerned about. One thought I just had the concern is about the rate of flow. If I use the analogy we have a bathtub with a stopper in the drain. What we really needed this point that stopper opened enough to drain the water out so it doesn't pool there. If it floods every time it rains for six hours at this point I think it would address our emergency concerns. I am wondering if the actual installation of the pipe with some sort of gate valve and I would have to refer to the engineer that could control the actual flow to a level that was appropriate. If we could do that in the short-term at least released the stopper enough and we can get rid of the pooling here. Secure the building illuminate the rusting without causing a slope that would result in the two-year rainstorm. Not saying that we will not evaluate the feasibility of wetlands here and that we want to evaluate the storm water impact downtown.

Doug Hertz: Wouldn't it be on an emergency basis less expensive to increase your pumping?

Michael Gallin: We have not been able to keep up.

Doug Hertz: One three inch pipe, three 3 inch pipes.

Peter Catizone: One of the issues is that you have a groundwater coming in as fast as you are pumping this out.

Doug Hertz: I guess that is our concern as well. If it is coming in as fast it will enter the village.

Peter Catizone: Because it has nowhere to go right now. It is just sitting there. As far as storm water goes and I will refer this question to Mike is not efficient to storm water. If any time you can get storm water flow by gravity that is always a preferable means. You have to be pumping constantly.

Stanley Bernstein: How often does the flooding problem occur?

Austin Cassidy: If you have a couple of storms in a row you can have flooding three to four times in a spring season.

Michael Gallin: The other thing we can propose is we close the valve.

Chairman Cosentino: This board is not engineers.

Lester Steinman: (In audible.) You need to give the board the information to go forward to make a decision.

Neil Alexander: We have to have a public hearing before this could ever possibly get a permit. So I think what may be the next thing we should do is schedule instead of having it for your next meeting schedule it for your second meeting for a public hearing. You are going to get the information. You see our turnaround time has been quite quick.

Chairman Cosentino: We need the information.

Neil Alexander: I am not saying no.

Chairman Cosentino: We would be shirking our responsibility if I did not ask for that. I understand your problem.

Neil Alexander: What I am concerned about and I hear you loud and I'm not brushing you aside. What we are concerned about is winter weather coming and not having had

time to the remedy. That is what is what our concerns are. Let's say we do get to the point and get the studies and show up in September for the meeting and everything is copasetic. That's great. Let's schedule you for a public hearing. The second meeting in October and for some reason you thought we needed to be pushed to Thanksgiving for the permit. All of a sudden by Thanksgiving the weather could be that the ponds would be frozen. We cannot do a lot of engineering or construction due to the weather. I hope you understand our concerns.

Chairman Cosentino: I understand your problem, but understand ours.

Anthony Sturniolo: Mr. Chairman you do understand we need to get the information first.

Chairman Cosentino: We owe it to the village.

Anthony Sturniolo: I have two last questions. Mike are we comfortable with this two-year storm versus the five-year?

Michael Stein: As far as the discharge coming out of the pipe?

Anthony Sturniolo: The discharging from the pipe.

Michael Stein: It's it's only the impact of the two-year storm, anything more than that will be impacted on their site. We are not going to experience anything more than the result of the two-year storm.

Anthony Sturniolo: So the comment for the protection should be designed for a 25 year storm event.

Michael Stein: Which it is. It has been designed like that. But at the same time that is just going to spread the blow out more and put out more sediment.

Anthony Sturniolo: Where do we stand with the drop-dead time of the Army corps of engineers on their findings?

Danna Cuneo: The Army Corps letter expires November 2005. I think actually there is no excavation in the wetlands as proposed. But I don't think there is a time limit at all.

Anthony Sturniolo: Could you verify when you say I don't think.

Danna Cuneo: I could get a letter of verification but for right now as the letter states that we got in 2000 it says it expires in five years. I can get further verification.

Anthony Sturniolo: My last question is the planting island is it in Bedford?

Michael Gallin: We have spoken to the planner in Bedford and we suggested removing the island.

Anthony Sturniolo: The Bedford planner suggested removing the island?

Michael Gallin: Yes. We have gone ahead and removed it. In the next set of drawings we will be submitting it will be gone.

Anthony Sturniolo: What was, I am curious, the reasoning the Bedford planner suggested removing?

Michael Gallin: He thought it was inappropriate on an industrial site to put an island there and since it was in the proximity of the wetlands he thought it just didn't make sense to put a landscape island in the proximity of wetlands that was an industrial site.

Anthony Sturniolo: Bedford expressed their wetland concerns.

Michael Gallin: We discussed it with them and they thought the simple solution was to eliminate the island. This island here is within 100 feet of the wetlands on the north side of the property. We are removing all of the landscape islands on the Bedford side. Everything north of the Bedford Mount Kisco line. Of course the flow from this is north anyway. On this portion of the site up here we are adding the plants.

Ralph Vigliotti: There has been discussion tonight about ways in which we can contain the water either above ground or plunging ponds. The consensus I am hearing from the board early on in the conversation was to have you do some research on that. I think it

is something that you need to do. I think the rest of the board would be an agreement with that and hope that you would want to see clear you are going to retain this water.

Joseph Morreale: We need to know about other possible solutions. We have not talked a lot about on how it would be done. In audible. I don't think the ball field is the problem.

Michael Gallin: This is the lowest point. I think the first part of the exercise is to analyze that there is a real problem or not. I understand the board's concerns that the dissipation of this water downstream could potentially be a problem so the first thing is to analyze how big of a problem and that will be our first step. Depending on the results of that will propose mitigation.

Ralph Vigliotti: I think were asking you not to wait that long to do a study on retention. We want to help us along and you want to wait until you see.

Neil Alexander: I think you made that very clear that you don't want to hold up the process any longer you want to get it done. I hear you loud and clear on that and appreciate and you're underscoring it to make sure that we get it done. Other issues that you might want a disguise and like to take care of the SEQR housekeeping issue and commence the process by circulating the intent to declare a lead agency.

Anthony Sturniolo: Another area you might want to think about is the fenced in area where the cars are currently stored by other body shops were the Acura cars used to be. Maybe that could be a detention area. Just throwing it out as part of the conversation.

Michael Gallin: We will evaluate the extensiveness of the problem.

Joseph Morreale: Will this be a formal vote?

Chairman Cosentino: We needed in the form of a motion.

Anthony Sturniolo: May I make a suggestion we should declare our intent to be lead agency.

Stanley Bernstein: I moved to declare the Mount Kisco planning Board the lead agency on this project of 333 N. Bedford Rd.

Chairman Cosentino: We have a motion by Mr. Bernstein do I have a second?

Joseph Morreale: Second.

Chairman Cosentino: We have a second by Dr. Morreale. Well the secretary called the board?

Nancy Placona: On the motion Mr. Bernstein aye, on the second Dr. Morreale aye, Mr. Vigliotti aye, Mr. Sturniolo aye, Mr. Hertz aye, Chairman Cosentino aye. Board All Ayes.

Lester Steinman: Attached to that motion to declare intent for a lead agency you need to authorize the circulation of a letter to that effect and an EAF. The board should also establish an escrow account in the amount of for the permit application that it is recommended to be \$5,000.

Stanley Bernstein: To be included in the motion a \$5,000 escrow account for the wetlands permit.

Chairman Cosentino: Mr. Bernstein on the motion do I have a second?

Joseph Morreale: Second.

Chairman Cosentino: Will the Secretary poll the board.

Nancy Placona: Mr. Bernstein on the motion aye, Dr. Morreale he on the second aye, Mr. Vigliotti aye, Mr. Hertz aye, Vice Chairman Sturniolo aye, Chairman Cosentino aye.

Chairman Cosentino: I am willing to put you on the next agenda.

Michael Gallin: We will have a lot of things to discuss. So if the storm water is not fully resolved wouldn't it make sense to go forward with the other aspects?

Chairman Cosentino: When you are ready let us know.

Neil Alexander: Would you mind if we move this to the 27<sup>th</sup>?

Chairman Cosentino: Fine.

**b. Mount Kisco Seafood – 477 Lexington Avenue  
Joe and Joan Dimauro, owners, John Marwell attorney for the  
applicant, Martin Kravitz architect.**

John Marwell: We are here in hopes that you will consider our application for a change of use for site plan approval. I am hoping that your board received a copy of our letter to Mr. Cassidy and explain the circumstances that led us to come before you. Which I think many of you are aware of.

Chairman Cosentino: We do know. The last time he was here you were to come back and explain just what you are going to do. You would have been in business.

Joe Dimauro: Actually I explained everything on our first meeting. Since I had been in my previous location for 27 years that and I wanted a bigger location which is how we got to 477 Lexington Ave. I thought we had gotten the appropriate permits and having to get out of my building on 417 by July 15. I thought I was able to just do it but obviously I wasn't.

Chairman Cosentino: You read the minutes.

Joe Dimauro: No I have not. I know what they said but not verbatim. It was not done that maliciously. I have been in the same spot for 27 years and the amount of money that I put in to that building to make it look good and make it work for me and the town I would not have done this maliciously.

Chairman Cosentino: The last time you were here I asked the question. It was addressed to your architect. If you want the minutes I will take them out and show them to you. Where the dumpsters or can they be seen from the road and the answer was no they cannot be seen from the road. What happened? I asked him the question and I would like an answer.

Martin Kravitz: If you look at the original drawing but we had proposed was that there would be one dumpster which would be behind the building, and it would be fenced. In the course of doing the work Mr. Dimauro felt that it would be better to have two dumpsters so he could separate cardboard from the rest of the garbage. I became aware of it and I took some photos today as all of today the dumpsters were simply shifted over. They are right now in approximately this location temporarily. With the addition of the extra dumpster we have brought in a sketch to propose that now we enclose the entire area at this corner of the site. That being the southeast corner.

Chairman Cosentino: Do we have a survey of the property?

Whitney Singleton: I have a survey of the village property but not this property.

Chairman Cosentino: I want to know how much land is behind the building itself. Do we have a survey?

Joe Dimauro: What happened recently was the survey team came across and everything that I have and that I own. None of this is on the village property there is a line to show exactly where the property lines are. The reason why we had to move this dumpster from this location to the center here was because this dumpster was 3 feet on your property on the village property. So that is why we had to move from the original site which was here to here. So now it is not on any village property. Anybody is welcome to go back there see it at any time and see what we have done to the back of the building.

Nanette Bourne: Does the dumpster take up a parking space?

Joe Dimauro: No.

Martin Kravitz: The door opens toward the parking spaces.

Nanette Bourne: So that cannot be used as a parking space.

Martin Kravitz: They are only empty and off hours.

Joe Dimauro: The dumpsters are emptied anywhere between 7:30 and eight o'clock. The latest eight o'clock. These are doors that are on a wooden fence that opened out. It has no interference whatsoever with the parking space.

Nanette Bourne: If the doors are opening out into the parking space.

Joe Dimauro: I have to have the garbage picked up every single day. As a matter of fact I have special pickups.

Ralph Vigliotti: This should be a bi-fold door to open up to the rear of the property so that it doesn't open into the parking space.

Joe Dimauro: There are no cars there at 7:30 in the morning. I rarely have a customer before eight o'clock.

Nanette Bourne: Do you have the size of the building on here?

Joe Dimauro: Yes.

Nanette Bourne: And the required parking?

Martin Kravitz: We ran all the calculations. It is 2242 square footage of the building. It is required a 15 parking spaces.

Michael Stein: The number and here I think is incorrect.

Martin Kravitz: It is incorrect. If you look at the plant it is 16 spaces.

Michael Stein: Where is the 16th space? You show 15 spaces.

Martin Kravitz: We are providing the 15 spaces that are required.

Chairman Cosentino: We are going to require the installation of a fence on the back of your property.

Joe Dimauro: The entire length of the property.

Chairman Cosentino: On the village property line. That you will have to work out with the building department.

Joe Dimauro: From that point from the end of the building all the way to where Kuritsky's is? I remember the last thing that we said at the last meeting was that we had to put a fence around the dumpster. The reason that it was not installed was again like I said that would've been on your property 3 feet. That is why I did not do it there.

Chairman Cosentino: What we want to do is protect you from the wetlands.

Joe Dimauro: You will see that there are vehicles parked there. They are not my vehicles. I don't know who's they are. They could be from next-door I don't know. I know that there are people that come from the restaurant next door and a park in that dirt space.

Chairman Cosentino: That is a code enforcement issue.

Doug Hertz: When that fence goes up that will stop that from happening.

Austin Cassidy: I believe the board has agreed on common specifications of the fence so we don't have a hodgepodge.

Chairman Cosentino: I believe a while back and we go back to the post office a black chain-link four foot black chain-link.

(Inaudible – Discussion on black chain link fence, Austin Cassidy)

Chairman Cosentino: When you put the fence straight back you could put a gate. It is not only you that is going to be putting the fence there are other applicants that are before us will be doing the same thing. We are trying to protect all the homeowners from the back.

Joe Dimauro: I just want the board to know that we have spent two hard-working days getting rid of building debris that was back there from many years ago. Concrete blocks

and pieces of rotting timbers. We have worked our tails off to get that place cleaned up hoping that the village and come along and take a look at it. Before we came to this night. The only reason I was asking about this fence as I was hoping to cover up the dumpsters. They are ugly and big they are green.

Doug Hertz: Any decorative thing is irrelevant to the property line.

Chairman Cosentino: Your deliveries coming where?

Joe Dimauro: The deliveries come in here at the back. As you know in this business in my deliveries rarely come in after eight o'clock.

Nanette Bourne: Here in the back? Along this curb?

Joe Dimauro: There is no curb their.

Nanette Bourne: But you are showing a curb there.

Joe Dimauro: That curb should not be there.

Chairman Cosentino: There is a curb there.

Joe Dimauro: There should not be. There is a curb here.

Chairman Cosentino: Any reason why it was put here?

Martin Kravitz: It was put there in error.

Chairman Cosentino: So this is parking area?

(Too Many People Speaking.)

Nanette Bourne: If you could show on the plan where the curb is. Is it where your property line is?

Joe Dimauro: Yes it is.

Nanette Bourne: So where it shows your property line there is a curb. That grass area that you're showing right here.

Martin Kravitz: That is not grass.

Joe Dimauro: This is grass here.

Chairman Cosentino: It is hard to work without the survey. Approximately how many feet are behind that building?

Whitney Singleton: They have a survey.

Joe Dimauro: There is a big stake here that says village of Mount Kisco property. They just put it in.

Whitney Singleton: Where is it in relation to the building? Your plan showing the 3 feet on one side and there is not a measurement on the other side.

Anthony Sturniolo: Should the property owner be signing off on these things like fencing on their property?

Chairman Cosentino: According to them he is responsible.

Whitney Singleton: The concern is with it's the site itself. The concern is that they comply with the site itself and the resolution of the board.

Anthony Sturniolo: I just don't want to see Joe out on the hook for this. Since he is renting the property don't we need the property owner on board with some of these technical questions?

Whitney Singleton: It is a requirement as part of the site plan and they have the property owner permission.

(Malfunction with Tape 2 Side 1.

Below you will find a brief description of meeting taken from notes on the board's recommendation for this applicant.)

It was recommended that the board request a new site plan showing the curbing removed showing snow retention. The parking lot is to be re-stripped and to be only used for customer parking and no trucks on site. It was also noted by Nanette Bourne that what was seen in the plan does not match the site. A new plan must be submitted match showing snow removal areas proper curbing. It was also recommended by Austin Cassidy that maybe the dumpsters should be front loading an enclosure put around and no increased impervious surface deliveries to be done at the rear door. Whitney Singleton made note of a landscaping plan and Nanette Bourne suggested a separate plan be submitted for landscaping. Doug Hertz showed concern over the lighting fixtures. Austin Cassidy said lighting fixtures were pointed down and not an illumination issue. Whitney Singleton would submit a draft letter of approved site plan to the prosecutor. The above should be submitted by the next meeting. John Marwell requested a possibility of a temporary C of O and that his client would be returning to court on August 28. Chairman Cosentino from the applicant that they have a laundry list of items to fulfill and would have to return. Anthony Sturniolo advised the applicant that on his EAF number eight needed to be filled out. The board was advised that all fees have been paid by the applicant. A motion by vice chairman Sturniolo was made for the draft letter of approved site plan to the prosecutor. Mr. Bernstein's second. Word all eyes.

## **2. Correspondence:**

### **a. Paul Garbuio – 27 Brittan Lane Paul Garbuio owner**

Chairman Cosentino: Right now you know you're in violation. You started A building and part of your resolution that you start within six months. What happened?

Paul Garbuio: We got tied up with Citibank red tape. We had rented some parking spaces along in the building and it took much longer than we expected and that we ran into, and you know my brother has a CPA and it was tax season and he was overwhelmed. We wrote a letter to Austin Cassidy and we got the approvals.

Chairman Cosentino: So you are looking for an extension.

Austin Cassidy: Yes they are. They have worked up to a point where they have been ceased with a clear understanding the excavation was started and could not be left in that state it would be unsafe. So it was agreed upon to allow everything stabilize and stopped. And see if we could work this out.

Anthony Sturniolo: So you have not started any framing? Just loaded the framing materials onto the site.

Austin Cassidy: From a structural standpoint and schedule was he was going to get to the backfield stage you would want the joints and place for the backfill strove to give the extra strength to the standing foundation block walls.

Chairman Cosentino: We have given extensions before and there's no sense in holding up the job.

Paul Garbuio: I think six months will be fine.

Austin Cassidy: You do not want to have to ask for another extension.

Chairman Cosentino: This is the second extension. What is going to be in the basement there?

Paul Garbuio: Just storage and records.

Chairman Cosentino: Let the record show that it will be storage and records.

Anthony Sturniolo: Is parking an issue?

Austin Cassidy: It is a CB1 so it is not an issue.

Chairman Cosentino: You will continue to have an apartment upstairs?



Paul Garbuio: Yes. That is not going to change.

Chairman Cosentino: So how much time will you need?

Paul Garbuio: Nine months?

Chairman Cosentino: I'm not going to give you nine months. It will be six. Is there a motion? The chair makes a motion that the extension of the Garbuio application another six months for completion.

Austin Cassidy: You do understand that there will be no further extensions. And if not complete you must submit a new application to this board.

Anthony Sturniolo: Second.

Whitney Singleton: The extension will be given from the date of this meeting.

Chairman Cosentino: Will the secretary poll in the board.

Nancy Placona: Chairman Cosentino on the motion aye, Vice Chairman Sturniolo aye, Mr. Bernstein aye, Mr. Hertz aye, Dr. Morreale aye, Mr. Vigliotti aye. Board All Ayes.

Chairman Cosentino: Ok you have your six months.

### **3. Final Action**

#### **a. Bedford Properties – Sutton Manor Condominiums – 236 N. Bedford Rd. Robert Weiner**

Chairman Cosentino: We have a resolution for the regrading.

Robert Weiner: It was brought to our attention at the last meeting that we needed to correct the grading. Payment has been made for the parking.

Chairman Cosentino: That was submitted and the clarification to the short EAF. The only thing we have now is the resolution for the moving of the earth.

Anthony Sturniolo: It is an amendment to the re-grading plan.

Chairman Cosentino: What is the board's pleasure?

Anthony Sturniolo: Can you just walk us through the part of the resolution that deals with re-grading and might as well the location of the backflow prevention device and the well and enclosure.

Nanette Bourne: I noticed that the translation that was sent to Nancy was scrambled again. What is different from the original resolution everything is underlined that is new that relates to this proposed action. The first thing is the original date of approval is December 3 at the bottom of that page it begins to recite that there would be various meetings with Mike Stein concerning modifications to the re-grade. On page 2 items one through five are the items that Mr. Stein reflected on the revised site plan. With regards to SEQR they've already gone through SEQR and this would just be an amended declaration that was made in 2002. The next two pages reflect all the original drawings that were submitted. The next three pages that reflects the new submissions. I have one on that page at the bottom of formal site plan application dated 6/10/05. On the following page 2, 3 and 4 the information that was requested by Mr. Stein. All of the conditions seem to reflect what you were expecting to see on the site plan. Those are the only changes. Again the reflection of the original date of approval.

Anthony Sturniolo: I have a question related to this indirectly. Under the whereas it says stated by Whitney Singleton dated June 13, 2001 to allow the independent living facility within the CL District by special use permit. This operation is governed by a special use permit.

Whitney Singleton: That was a petition.

Nanette Bourne: That was the original petition and the zoning was changed and this and this does not need a special use permit any longer.

Michael Stein: On the second page relocate the backflow preventor to a pit outside the building immediately following connection to the village's main on North Bedford Road.

Nanette Bourne: Are there any other changes?

Stanley Bernstein: Do you remember during the construction there were two 48 inch trees near the retaining wall. They received permission to remove them. You require a certain amount of mitigation at this facility.

Nanette Bourne: I don't recall but I can look into it.

Stanley Bernstein: I believe Michelle knew about it.

Robert Weiner: We originally intended to take out those trees but sometimes no good deed goes unpunished my super and I decided maybe we don't have to take out those trees. When you're in the forest and you start doing all the clearing is sometimes things are marked as they should think. So we left those in place. As we proceeded with the construction we notice that that we would have to drop the elevation of that back wall and totally destroyed the roots of those trees.

Stanley Bernstein: I knew that.

Robert Weiner: It was to be removed. It was marked to be removed.

Stanley Bernstein: There is no mitigation required?

Robert Weiner: No.

Nanette Bourne: I will double-check that. I think the applicant is correct to my recollection. It was the last minute we all went out there and tried not to take it.

Robert Weiner: We did not want to take it unless we had to end it was marked.

Chairman Cosentino: Does anybody want to move to accept the resolution?

Anthony Sturniolo: Just the language of the resolution can we still incorporate the term special use permit?

Nanette Bourne: Actually you are right that special use permit needs to be out. On the first whereas it is wrong.

Robert Weiner: We have a letter from Michael.

Anthony Sturniolo: Nanette we also need to take it out of the first page the second the third page onto the last whereas where it starts off as being one. We need to drop special use permit there as well.

Michael Stein: Plans were revised to show the regarding.

Anthony Sturniolo: Nanette in the short EAF on the first page number 11 is special permit tied into the disturbance of the sensitive areas?

Nanette Bourne: It should be a permit to disturb sensitive areas. A permit to disturb natural resources.

Anthony Sturniolo: I will make the motion for the approval of the resolution of modification to the approved site plan and permits to disturb sensitive natural areas and drainage control and steep slopes for Sutton Manor condominiums also known as Mount Kisco senior condominiums.

Chairman Cosentino: The motion was made by Vice Chairman Sturniolo.

Ralph Vigliotti: Second.

Chairman Cosentino: Secretary please poll the board.

Nancy Placona: Vice Chairman Sturniolo on the motion, aye, Mr. Vigliotti on the second aye, Dr. Morreale aye, Mr. Bernstein aye, Mr. Hertz abstains, Chairman Cosentino, aye.

Chairman Cosentino: Thank You.

#### **4. Continuing Review**

**a. 29 Carpenter Avenue – Paul Bergins attorney for the applicant, Juan Camacho owner, Elliot Senior**

Paul Bergins: We represent the United Realty and we are here for an amendment to approve site plan for 29 Carpenter Ave. this is presently under construction. This matter has been before you several times. The last time was at the June 28 meeting unfortunately I was not able to be here. It is my understanding that everything that was discussed at that meeting is contained in the plan before you. I also understand from Mr. Stein said he has approved water and sewer components of this project and sent it on to the county health department for their approval. So we are ready to answer any questions you may have and hope you will be able to direct preparation of approval of resolution after you have satisfied yourselves with any questions.

Anthony Sturniolo: This is all predicated on the discussions at the site visit.

Elliot Senior: At the site visit the wall is there. We had cut the wall back all little but we are changed it now to its original location to allow the planting of the trees at the higher location. The other plans that were submitted were a section as viewed from North Bedford Road Route 117. It shows sightlines to section lines one here coming through the middle of the first building and one coming here through the middle of the second building. These are those cross-sections. We went out and surveyed the ground elevations and the trees along those lines. Showing the sight lines of the existing trees and the proposed trees on the site.

Doug Hertz: I have a question. The height of the building is it from the roofline?

Elliot Senior: It is about 35 feet.

Doug Hertz: From the direction we are looking him in.

Elliot Senior: To the end of the gable.

Michael Stein: If you remember from that corner of the building I believe it is about 50 feet high. Ground elevation to the peak.

Elliot Senior: The middle of the building is the side elevation which I have here. The ground is a little higher. (Viewing of the plans) We did our sections from the middle of that.

Ralph Vigliotti: What you are saying is from Route 117 we still will be able to see the roofline?

Elliot Senior: Most of the site line goes right through the middle of these trees. It will be slightly higher, you still will see through the trees. This one is closer to the top. This is section 1 which is going to the higher building. So you are going to see a little bit of the roof of the taller building closer to the south. The existing trees are obscuring most of it.

Ralph Vigliotti: How much is a little bit. Three, four, five inches or three, four, five feet?

Elliot Senior: According to the sketch the top is going to be obscured. We're not going to not see any of the building. You are going to see some of the building. We are not completely as far as I know and in the site discussions. The foliage is very dense and there. You most likely not were going to see all of it and the summer. During the winter when you have the leaves off you are going to be seeing more of.

Ralph Vigliotti: I am going to go back to our original conversation. We would not see the building at all from Route 117. Gentleman we are too far into the project. Either we were hoodwinked or lied to. I think I need to tell you right now this needs to stop.

Elliot Senior: During the summer you won't see any of the building.

Ralph Vigliotti: We were told very early on and I'm starting to raise my voice and I'm tired of sitting here and being lied to. We would not have the size building line for this size roofline if we had known it we could see this from Route 117. We went through the process. We talked about the urban forest that was there. We talked about that you would not see the building from 117. We discuss this at our last meeting June 28.

Elliot Senior: At the site meeting you saw that you cannot see the building under current summer conditions. So yes we are not seeing the building under current conditions.

Ralph Vigliotti: So it would be six months out of the year.

Anthony Sturniolo: At the site visit part of the building was clearly visible from down where Mr. Vigliotti is referring to buy the American Legion. We were only at the site and we discussed numerous things to be done. One of which the letter that you were going to generate to the Village Board and I have not seen a copy of it. Has it gone out? It was with regards to planting on village property. It was one of the things that were discussed.

Juan Camacho: I do not believe the letter has gone out. What we have is the landscaping planting.

Anthony Sturniolo: You have not gotten permission to do it?

Juan Camacho: No I have not.

Anthony Sturniolo: Also I need to support Mr. Vigliotti statement that from day one we were told that we were not going to see any part of this building from Route 117. Now we are saying it.

Paul Bergins: May I respond? I was not here from day one. It is my understanding that this is an approved site plan and what we are applying for to change the height of the building and wall. I do not know what you are told from day one but the site plan was approved and I believe as the buildings as they are now. The site plan changes have by certain aspects but not the height of the building. I was supposed that what was approved then you may have understood that there was not to be any visibility but the site plan was approved.

Ralph Vigliotti: We may have understood throughout the planning process.

Chairman Cosentino: I have to say in all fairness and I agree. If it was winter and if you remember the Dr Morgan house that was in there was much lower than this and it was seen from Route 117.

Ralph Vigliotti: We were not talking about Dr. Morgan's house at all during the process.

Chairman Cosentino: I am not trying to defend anybody but the house was lower much lower than this building. I have to tell it the way it is. If you stand down by the American Legion you can see the corner of the building.

Ralph Vigliotti: That is with summer foliage.

Chairman Cosentino: In the winter it wouldn't matter if there was a two-story building in there you are going to see it.

Ralph Vigliotti: You would see the building, but not this monster.

Juan Camacho: The landscaping plan has not changed. From day one at the landscaping plan was approved including the building. The landscaping plan right now is much more extensive from what we originally proposed.

Elliot Senor: There are holes in the existing foliage to obscure more of the view. Some of them are evergreens and some of them are deciduous.

Anthony Sturniolo: Do we have a copy of the letter that you said you were going to write to Austin Cassidy the building inspector regarding the façade treatment and the encroachment by a couple of inches.

Juan Camacho: We have to go the ARB.

Anthony Sturniolo: That is from the aesthetic point of view. The fact that the side of the wall is going to encroach on the line. You said you would write a letter to the building inspector.

Juan Camacho: What we decided to do I spoke to Mr. Cassidy regarding that particular issue. What we decided to do was simply cut the building the wall so there will be no encroachment on the line. By now I believe about 2 feet off the property line. I am not going to encroach any further I am going to cut and then frame.

Anthony Sturniolo: That is reflected on these plans?

Juan Camacho: Yes.

Elliot Senor: Essentially we are going to remove the rear concrete foundation wall and move it back to provide additional space. There will not be any encroachment on this project.

Anthony Sturniolo: In the front of the building we talked about the landscaping and Stella Dora flowers and all of that is listed on your plans. The plantings on top of the wall.

Juan Camacho: It is all in here.

Anthony Sturniolo: The other plantings that you hope to get approval from the Village Board ones you write a letter to them. At that Saturday site visit you agreed to read a review the plantings and the whole landscaping plan once it is completed. In the event you need to make further changes and modifications my fellow board members were there do you remember that subject? Does the applicant remember that?

Juan Camacho: Yes. Everything that was discussed and we illustrated on this site plan.

Anthony Sturniolo: My concern is down the road and this is finished and any further landscaping that comes up if you will agree to add additional landscaping.

Juan Camacho: I will agree to that. We have expanded the landscaping. We are not deviating one bit from the height of the building or the size of the building and including the landscaping plan. We have added and closely reviewed. It is possible to make a clear assessment of how this is going to work with the landscaping. If in fact it is needed for any reason any additional planting I would definitely agree to that.

Ralph Vigliotti: We would have requested that you modify the original size if we had known. If you had guaranteed us we could not see it. If you could not guarantee that or if you had said gentlemen you are going to see that building from 117. You basically told us what you thought we wanted to hear. If we hadn't heard that we could be seeing the roofline and disturbing forests would be a key in some way by your development we would have looked at a different roofline we would have preceded a little differently.

Juan Camacho: The house that was there was lower than this building. The house that was there did not have the landscaping that we are going to provide. If you go on Route 117 you really have to walk and spend some time looking up the hill and look at the corner of the building. We have a wall and then some plantings on top and on the bottom. Hoping that we get this approved for additional plantings. Mostly it will be evergreens which will be year-round. There is snow and there is foliage.

Nanette Bourne: Even if you have additional modifications that we want made to the landscaping plan I ask you to come back with the modifications or if you're satisfied you can ask for a draft resolution and state clearly the conditions that the applicant will have to fulfill.

Doug Hertz: Just based on the conversation I think the landscaping plans should be re-done. This is close to what we had asked and I'm pleased with that. A comment that was made at the site visit may impact some of the size of the plantings as well. While I think the overall design is in keeping with what we requested. The size of the plantings that is one of the things based on observations and the board felt we need to upsize some of the plantings. That is something that you should consider. The overall design line it does reflect what we had looked at.

Chairman Cosentino: I have to tell you the way it is. He is not wrong. Somebody from your firm did say that it might have been you. It is in the minutes in reality you are going to see a building there. I believe he did say that.

Anthony Sturniolo: We would have asked for a height reduction.

Chairman Cosentino: What I am saying now. I walked it. Sol called me up and asked me to go down there and we went down there to different times. I knew the building that was there before. Once said you might've wanted the building lower. In reality even if the building was lower you would still see it. But you wouldn't see as much of it.

Ralph Vigliotti: We would have proceeded differently. However we were pretty much guaranteed we would not see the building. Whether the original building that was torn down is not the question. The question is we were told something by the developer that we as a volunteer planning board members and staff believed to be true. We proceeded with that assumption.

Chairman Cosentino: Like I said I'm not going to repeat myself I know what was said and I think if I was thinking straight at the time I would've said it is impossible. You are going to see the building. Don't make statement.

Juan Camacho: If I did I apologize making that statement. Of course knowing what I know now I'm moving forward and taking a closer look I've probably would have continued along the line in the landscaping. There is not much more that I can do. I like to see the trees at a normal pace and not to bunch them together and allow them to breathe properly. And growing and maturing to a better forest. Looking at this situation back I probably would have corrected there was no absolute guarantee that you can't see the property from anywhere in the wintertime. I think that probably was a mistake on my part.

Chairman Cosentino: If you really want see a building go to Woodcrest. That is huge. He also said we were not going to see any of the building.

Paul Bergins: What strikes me, this planning board is a very careful planning board. If you knew that another building was already visible at least during winter and you have the plans before you I'm sure he would have questioned before approving them whether in fact that statement was a correct one.

Chairman Cosentino: I should've said something but I just didn't think of it. It is impossible not to look up there and not see any kind of a building. I am not against my fellow planning board members. I like to work with them. But a fact is the fact. You are going to see it any building.

Paul Bergins: Let's add whatever possible to reduce the visibility. Once the landscaping is done for you to come for a site visit. We want a complete landscape and you should come out for a site visit. We don't want trees that are dangerous to the property. So you should come out for a site visit when the landscaping is in place.

Doug Hertz: Once the building is finished before the landscaping those in particularly the evergreen trees that is going to be the bulk the year-round just like Woodcrest they held up 2x4's where the trees would go and we could say that this tree would or would not be added.

Juan Camacho: Maybe we could put it into a condition.

Chairman Cosentino: Nanette we need to make that happen.

Ralph Vigliotti: Can you make that a condition?

Doug Hertz: What ever makes the most sense.

Ralph Vigliotti: I think it protects what some other members of the board would want.

Doug Hertz: I think we all would want to see that.

Chairman Cosentino: We want that as part of the resolution.

Doug Hertz: Essentially what we would want to do when the building is completed, before CO that would be our chance.

Elliot Senor: We will probably have the roofs on by the winter and you can come out this winter.

Michael Stein: Sometime before the TC of O.

Doug Hertz: That could simply be an additional site visit and the applicant marks out in a clear manner for the bulk of the plantings will be and use some visual aid to identify the heights were we can work the size of those plantings will be. You don't want to put the men to work and then have it decided it is just not acceptable however that gets worded.

Nanette Bourne: So the planning Board reserves the right. I have one other request to make of the applicant is part of their draft resolution. On this site plan to identify what trees are to be taken down. They need to X them out. This is something that I will go over with you exactly what you should do so that the cleared areas remain and I think that it will be helpful and give you an idea the number of trees that need to be replaced and mitigate those that were taken down.

Anthony Sturniolo: The letter to the village should also be done.

Nanette Bourne: The Village Board approval prior to the TCO as a resolution. Is that going to be a condition of the resolution not something required by the resolution?

Chairman Cosentino: It should be a condition of the resolution.

**b. August Pond – 151 Sarles Street  
Steve Coleman, Glen August owner, Jerry Barrett architect.**

Nanette Bourne: Before they get started the applicant has a letter concerning the dam permit. I spoke with the chairman earlier today because I was concerned that it did not meet the deadline for submission and it was very critical that we have this information before you. All it says the NYDEC Engineers determined that a dam permits would not be required. There are several issues that the board has been trying to wrestle with and they have to do with the dam permit which seems to be settled.

Steve Coleman: There are three outstanding items. There was concern with the water levels and they change the plan to modify and we are met with Mr. Stein and he is satisfied. You'd asked for additional information from our engineers on the Leonard Park Wells and we have a re-submitted additional information and graphics the location of the pond in relation to Leonard Park and whether it would have an impact on the wells. The pond itself is about approximately 500 foot elevation. We are approximately 3300 feet from the park wells and would not be impacting them at all.

Glen August: I would like to take this opportunity to thank the board for all the considerations and appreciate all the attention you've given us.

Nanette Bourne: Those are the only issues that I have on this. It is now a matter of satisfying well issues and the other issues to be taken care of.

Chairman Cosentino: Are there any more issues?

Anthony Sturniolo: I would just like to see the document regarding separation of Leonard park wells from the surface of the pond incorporated in the resolution.

Chairman Cosentino: There's nothing else. Join us set this up for the next meeting September 13 to go to draft resolution.

**c. Sleepy's 363 North Bedford Road  
Anthony Chiappinelli**

Chairman Cosentino: You have a landscape plan that you want to show us.

Nanette Bourne: This is the original John's Slaker landscape plan. What you have in front of you. It is different from the one that you are holding that has the yellow on it that is a different plan. The John's Slaker plan has more plantings up in the front and there were three trees that were right on the edge. The applicant planted a modified version of this. These were the plantings that were in front that were a modification. The applicant was asked for an enhancement to what was out there. The board felt that this was not adequate. This plan was brought in with the highlights. This plan was not done by John Slaker. As you can see this plan is a slight enhancement. It is different from the original landscaping plan of John Slaker. What this plan shows in yellow are all the additional plantings that the applicant is proposing to be put in front the building. The applicant provided us with the board's instructions. What I envisioned by this and additional planting that you have a very plain white box of the building. That you need additional enhancement for landscaping. To avoid the appearance of this long white building. There is not a lot you can do with the building but you can put some planter boxes here in the front. Increase the height of these plants here to break up some of this wall. The bottom line is that what is planted out there right now is not the best. What is proposed by this additional enhancement is not the best that can be done. It is recognized that this can't be resolved with the trees.

Anthony Chiappinelli: according to the state the trees could not be put there because of the sideline of the traffic. Nanette suggested that we increase these white wall areas with taller plants that would be put up against the building.

Anthony Sturniolo: This is a revision of 8/2/05 and the original date is 1/9/04.

Anthony Chiappinelli: That is from the original site plan and we proposed new plants to the original site plan.

Nanette Bourne: The Slaker plan was done in 05.

Anthony Sturniolo: That is the one that we have been looking at not this document.

Anthony Chiappinelli: This is the document we submitted to those plants. We added the plants and highlighted them so that it would be easier to understand. We are happy to add planters where we can and increase the height of the trees along the front of the building.

Nanette Bourne: I think it is more than just adding planters. I think we're back to what we were talking about to make the landscaping a little more creative

Anthony Sturniolo: You need a creative approach to mask some of the massiveness of the big white box. This is only a landscaping plan not a site plan you also need to show the guard rail in the back.

Anthony Chiappinelli: The issue was when the original site plan was being considered by the board. The board asked the applicant and the building inspector their concern about the easement right-of-way that on license and untagged cars being parked there. It was signed in accordance with the village prior law that was passed so we strive to curbing on both sides and a division line to ease the traffic to know that it was ingress and egress and the New York DOT installed a stop sign. At that time this is the plan that John Slaker added to our site plan and they clearly understated the size of that tree.

Josephs Morreale: (Inaudible.) Then you should be putting in taller trees to avoid the disruption of the sight line.

Doug Hertz: That is what I was hoping.

Anthony Sturniolo: Also continuing that tree line with John's best restaurant next door.

Nanette Bourne: The planters I only suggest as a possibility to dress up in front of the door. Again you have to turn to the landscape architect to be creative.

Ralph Vigliotti: Is there a process that you can appeal to put the trees in?

Doug Hertz: I am sure that if you discussed with the landscape architects and the issues of sideline that they could, with a solution.

Ralph Vigliotti: We can't get the exact sight line.

(Too Many People Speaking.)

Anthony Chiappinelli: We have in our office the book that we can refer to the exact measurements. We are very close unfortunately to the right-of-way. The state's right-of-way claims beyond our property. It comes fairly close to the building.

Whitney Singleton: I just want to clarify one thing. Some of the landscaping that John Slaker has done and maybe the location is not permitted but what Nanette is talking about as far as height and hiding the building is not something you need to push back.

Ralph Vigliotti: I'm sure the DOT is not locked in to which trees. It doesn't have to necessarily be trees. Whatever works.

Anthony Chiappinelli: We would be happy to put what ever the board wishes. We could put some of this back closer to the building if that was OK.

Nanette Bourne: I would put this in the hands of a landscape architect to make the decisions on the landscaping.

Doug Hertz: Maybe by pulling this closer to the building it would change the plantings. I know you have looked at this and the ARB has looked at this. I'm concerned that I was by a building and I think it would be a really nice if you could dress up the façade of the building in some slight way. I would like the ARB to take another swipe at the front and side of this prominent building to dress it up. Just a little bit.

Anthony Chiappinelli: Unfortunately I did not bring the back elevations the back is quite nice. I think it is economics and I don't think the owner with any issue with trying to do something. The back has nice large windows.



Anthony Sturniolo: Hopefully we are changing the look of the building and the in the plantings and the ARB should have another crack at it and I think we owe it to them.

Chairman Cosentino: Are you asking this to be part of the resolution on this?

Nanette Bourne: We can make it a condition. In order for him to make the September 13 agenda the landscaping plan has to be in my hands by the 26<sup>th</sup>.

Anthony Sturniolo: As well as the engineering plan for the guardrail.

Nanette Bourne: You have to have the enhanced landscaping plan in and you want see that before you buy the submission date. The landscape plan will not be a condition but the ARB will.

Whitney Singleton: You want to see an acceptable landscaping plan as a condition of approval on or prior to approval?

Nanette Bourne: Prior to approval.

Doug Hertz: We want to see it prior to approval so that if any enhancements need to be made we can give our input.

Anthony Chiappinelli: With regard to the rear of the building and the guard rail are we going to be able to determine the location?

Chairman Cosentino: You need to work with the village engineer.

Anthony Sturniolo: I have one point to bring up. Addressing my fellow planning board members. Through out the duration of this application we have always heard from the applicant that there is no there is no pickup and they deliver it by truck and it comes from a warehouse directly. I talked to four different Sleepy's stores and I asked about bottom line in this newspaper ad means. It's that same day delivery can be arranged for store pickups. If I go to your store and I want to pick up a mattress can I do that? Yes if you have a big enough truck we can have it arranged so that the Mattress is delivered to our store and you can come and pick it up. One out of the four people was the gentleman that answered the phone in Mount Kisco. He said the same thing that you can come in and pick it up. How do I get this big mattress out your front door? He said you don't have to all you have to do is drive a round the back and go to my loading dock. Now we are talking about a loading dock that is not going to be there anymore.

Anthony Chiappinelli: I hear what you are saying and this is hypothetical. The store is a showroom.

Anthony Sturniolo: I know that. I bought a mattress in there myself. I realize it is as show room but you can pick up the mattress in the store. This gentleman said, go around and we will be happy to load it right onto the truck for you. Somebody should be leveling with us and say that is not the case not everything is arranged at the store and delivered from a warehouse to your home. You have the capability of picking up the mattress in the store.

Anthony Chiappinelli: I was not aware of that. And I certainly think that that is not the norm. I don't doubt you. If someone calls and wants to pick up a mattress he arranges with the warehouse that it is delivered to the store and that is certainly not in the concept according to us.

Anthony Sturniolo: That was one of the premises that you were basing your argument on there is no need for a loading dock.

Anthony Chiappinelli: That is correct. There is a store and a center of town and there is no loading dock.

Chairman Cosentino: Next meeting we will have a draft resolution.

**d. Mahopac National Bank – 305 Lexington Avenue  
Robinson Morel, and Thomas Tedrow.**

Thomas Tedrow: Mahopac National Bank is currently located at three or five Lexington Ave. and they have an ATM located here. The lighting on the building and in the parking area currently allows the ATM not to be compliant with the New York State ATM guidelines. We are proposing is to add lighting to the outside of the building, to do two

things one bring the ATM up to compliance. The safety act requires for all ATM to have certain foot-candles. The challenge was to not only do what the act requires but also the lighting to the five foot-candles. What we proposed was three lights on the outside of the building. They are high-pressure sodium light fixtures. This is the light fixture right here.

Chairman Cosentino: Why can't they be on the ground shining up?

Thomas Tedrow: That is a possibility.

Nanette Bourne: We have no objection.

Doug Hertz: They are going to be on Lexington Avenue facing out.

Anthony Sturniolo: How many spaces are allocated for the bank?

Robinson Morel: Three.

Whitney Singleton: We have an actual breakdown per store in the resolution.

Anthony Sturniolo: Let's just say it is three for the purpose of the argument. Why don't we incorporate as suggested by the chairman, and also be a little creative with this issue and try to focus on the required lighting that the law demands of the ATM machines. Focus our thinking on the three allocated spaces that the bank has and not the required lighting in a broad stroke of a 50 foot radius. Granted, you don't know where somebody is going to park, when they go into the bank. They could be right by the front entrance and walk. Let's see if we can dove tail the allocated spaces to the banking lighting law, but not necessarily the entire parking lot. We can bring the foot-candles down and concentrate the lighting, shall we say in the three spaces in the front of the building. In addition to providing all fixtures and dropping the wattage as well. You know where Commerce bank is? The one on Main Street. At Citibank, a self standing area, and they illuminated the general area. Only where the ATM machine is. This bank is somewhat unique. It is in a mini strip mall. What I think we should do is try and focus our energies are lighting energy is on a smaller area, and not ask Mount Kisco to pay a price, just because the law is written in a broad stroke manner that is a 50 foot area etc. When this bank falls into a unique situation, unlike the other two banks that I just talked about, where the ATM machine is concentrated the building houses the bank and the bank is the only end of building. Illuminate the ATM machine, but not spread this stuff at all over.

Robinson Morel: That is what I think we try to accomplish by only focusing the light in this area in the parking lot.

Thomas Tedrow: This area here is only a 2 foot candle.

Doug Hertz: What are these levels? (Viewing of plan) if this fixture dropped off at this level, couldn't you make up this semi circle area from this pole?

Thomas Tedrow: We looked at that as an option. That was the first thing that we looked at, because it is already they are and we could increase the wattage of it. The height of the fixture, I think it is about a 16 foot pole. The intensity of the light on this upper-level would be much greater than the five foot-candles and you could get down to the 2 foot-candles at this point.

Doug Hertz: Not just up the wattage, but leave this head as it is add to this poll some additional units that you could use and focus in the area where you would have the deficit. If these went from unshielded to shielded lighting. This would get you deeper into the parking lot.

Thomas Tedrow: At a lower height on the pole?

Doug Hertz: Either at a lower height or focus the other way.

Thomas Tedrow: Maybe ground the light?

Doug Hertz: Or something likes that. I think the real concerned that we are all having is to prevent unshielded lighting. So if there were a more creative solution to make full cut off lights. Therefore, it wouldn't like the whole parking lot. It will reshape the look of the strip mall.

Thomas Tedrow: So ground lighting at would be acceptable?

Robinson Morel: Would this be ground-level?

Anthony Sturniolo: Concentrate on the lighting that you could actually focus. Concentrate the light on one area, only. Not a light like these, which is more of an open floodlight granted, you can shield the wood full cut offs. So the light, pretty much stays in a concentrated area but when these focus on a specific fixture, which will be set up that night, and a lumen eighths a specific area and that area only.

(Too many people speaking.)

Robinson Morel: Somebody said that additional lights to the pole were not acceptable. If they were tilted up or in any other way. So basically we cannot touch the light fixtures that are on the pole.

Anthony Sturniolo: The issue with the tilting up the light goes to light pollution in the night skies. You are absolutely right. We are trying to eliminate the light pollution. What we are saying is concentrate, the light on that ATM entrance and the ATM entrants only. If it was done properly, it will not affect the pollution in the night skies.

Robinson Morel: I am hoping we can find a solution for the problem.

Doug Hertz: It does not say two foot-candles at 50 foot radius. It says two foot candles at 50 feet.

Thomas Tedrow: You are not necessarily objecting to building on the light. As long as it is shielded. So we can use a combination of building on the light and maybe ground light.

Doug Hertz: Or maybe a pole light. What we are rejecting is two foot candles lighted candles to try and get out, 50 from the building. It will be unpleasant and spread out.

Thomas Tedrow: we actually looked out a shielded light. In lieu of these three right here. These were 4.6, and we would like it to be 5.2. Would five be okay?

Doug Hertz: We are trying to stay below five. I am sure that if you are trying to get all the way out to here and get a level yes, the level will be high here. I don't think we have any objections to supplementing the pole.

Anthony Sturniolo: It is hard to believe they are pumping out, that amount of light in a 50 foot radius from those ATM machines. It is very concentrated, and it doesn't allow anywhere near 50 feet. I'm saying it as far as your argument goes with the banking industry. Just walking around with a foot candle meter. You may not get a fair shake from that. Other banks do not go out 50 feet.

Robinson Morel: The street lighting helps some of the other banks also. The officer of the bank took time to visit other banks and measure.

Doug Hertz: I think he should take another stab at it.

Thomas Tedrow: Thank you.

## **5. Conceptual Review**

### **a. Mount Kisco Hummer – 175 North Bedford Road Randy Pimsler, architect for the applicant.**

Randy Pimsler: The last time I was before you folks, you had concerns about the placement of the showroom. Originally it was going to be placed into service area along North Bedford Road. We are currently proposing and tried to get a general consensus among you folks to find a more logical place and to maybe move it more inward. So we don't create potential traffic problems, people trying to look at the dealership as they went by. That is exactly what we did, and we went back to GM and Hummer and the dealer. The general consensus that we could locate the showroom just under 5000 ft.<sup>2</sup> of area. To do that we would do a lot of interior remodeling. We actually reduced the footprint of the Hummer Building. Originally, if you recall, it is a two-story facility, and we were losing a great deal of rooftop parking. We are also being forced to relocate the ramp, and none of that would be required at this point. That is the general direction that we have gone at this point.

Chairman Cosentino: How many spaces do you have now?

Randy Pimsler: The open area that gets built out is these legs of the arch structure. There is no increase in the footprint of the building itself.

Chairman Cosentino: There is no increase of the footprint of the building?

Randy Pimsler: Yes. These two little alcoves popped out, but these are just the legs of the arch, that is semicircular. There is parking along that side of the building.

Doug Hertz: What is existing?

Chairman Cosentino: Let's just back up a little bit. I think they are in violation. Right now for parking. I don't think there should be parking, where they are parking the car is now. Were the used cars are parked, right now. We need to refer to the site plan and not the one that you have.

Randy Pimsler: These are where the lines are. What you are referring to is where the dealer tends to smear the cars all over the lot. These are the stripes that are on the parking lot at this time. They tend to park vehicles here. Every time I have been there, they have been there.

Chairman Cosentino: those are for customer parking. Not for sales.

Randy Pimsler: I agree with you.

Chairman Cosentino: They are parking their cars for sales, so when a customer comes and there is no room for parking.

Randy Pimsler: Customer parking is over here.

Chairman Cosentino: This is supposed to be for customer parking also.

Randy Pimsler: The only customer parking that I have ever seen is here.

Chairman Cosentino: You can't use that for customer parking. Because there are cars, there.

Randy Pimsler: I am not arguing with you, I agree with you.

Chairman Cosentino: What are you going to do about it?

Randy Pimsler: The parking count that I came up with. Based on the ordinance. We actually have more parking than is required on site.

Nanette Bourne: Based on how it is used?

Randy Pimsler: I am not sure. This was done a year ago.

Nanette Bourne: The site plan that was approved and is it being used as it was approved. They need to be brought into conformance. Before we can move forward in this. You should notify the building inspector.

Chairman Cosentino: They have been told us before and have not corrected it. And I don't think we should be entertaining something else until this problem is resolved. I think that is what we have to do Nanette go out there and straighten out the parking.

Nanette Bourne: Someone from the dealership should contact Austin Cassidy.

Chairman Cosentino: We need to look at there are original site plan and see what is there now. Or see what was there then, and then see what is there now. Then we can take up on this. This is only a conceptual.

Whitney Singleton: The applicant has already been to the urban renewal agency as an initial presentation. They will not go back to the Village Board, unless they have an approval from your board.

**b. Plants and Things – 403 Lexington Avenue  
Kent Thuesen, owner, Richard Torres, architect, Gregory Montelone,  
attorney for the applicant.**

Chairman Cosentino: I am going to excuse myself from this, because of personal reasons.

Anthony Sturniolo: We have a letter from Anthony Montelone for conceptual application. We have a survey of the property, and proposed site plan.

Greg Montelone: We are presently in contract to purchase the building. And thus will enter Plants and Things. The main addition is the large refrigeration unit on the side.

Anthony Sturniolo: The apartment upstairs?

Greg Montelone: The apartment will be for the owners living and downstairs will be the retail operation. It technically will not be retail.

Richard Torres: The nature of their business is currently and in the future is not really a retail business. Most of their clientele is corporations' contracts such as the Reader's Digest and IBM. They do the flowers and the trees in their buildings, as well as parties and weddings. So they really are more of a service provider. Any selling of the flowers that they are doing is over the phone over the Internet over the wire services.

Anthony Sturniolo: Currently it is retail?

Richard Torres: Currently, they have a retail fraction of their business. They wish to change the building in no way other than adding they refrigeration.

Anthony Sturniolo: Obviously this is conceptual only need to consult with staff to go through it with all the nuts and bolts.

Richard Torres: This unit is 6 x 12. They need to line up the floor is with the deck. They want to rebuild it sold that it's all flat.

Stanley Bernstein: Aren't we in the process of eliminating outdoor storage?

Anthony Sturniolo: We are in the process, a sunset restriction on outdoor containers.

Stanley Bernstein: Here we have an outdoor container

Richard Torres: It is not going to be accessible from the outside, it will only be accessible from the inside.

Anthony Sturniolo: It is not a stand-alone.

Kent Thuesen: You can't get into it except from the inside.

Stanley Bernstein: Will it look like a part of the building?

Richard Torres: Yes.

Stanley Bernstein: It will look like aluminum storage?

Richard Torres: I am glad you asked that question. It is available in the number of colors, and it is available in this very almond that the building is now.

Stanley Bernstein: I am not too concerned with the color; I am concerned with the actual look, of the item, if it's going to have access from the inside. It should look like the rest of the building and not just the color. This is nothing more than a storage shed, of which we are trying to eliminate.

Anthony Sturniolo: If the exterior of the building would match.

Richard Torres: They are absolutely willing to provide what you are essentially saying facade upon this container. So it looks like part of the building.

Anthony Sturniolo: I know you heard this earlier we were speaking to another applicant specifically. It was Mount Kisco seafood. We talked about requiring a fence to be put up along the property line, and also required the applicant to contain his entire operation within his property as well. We will be expecting the same thing here.

Richard Torres: They do want a fence at the rear property line. Not the entire property.

Anthony Sturniolo: Just to separate your property from the village property. I think you it showed me a month ago, the survey of the property.

Doug Hertz: How many employees?

Richard Torres: It is just the two of them. Husband and wife.

Anthony Sturniolo: What are their names?

Richard Torres: Randazzo.

Anthony Sturniolo: Are they any relation to the people that operated Kit "n Caboodle?

Richard Torres: No.

Ralph Vigliotti: On the refrigerator unit, are you going to add a facade for a closer so that when it appears from the street to look like an extension to the house, as opposed to an enclosure. What kind of roof, were you putting on?

Richard Torres: The box is flat. I would like to do something looks like a roof. I am not building a building. I am building up beside our round it.

Ralph Vigliotti: How it looks from the street is very important. Some kind of roof system that matches the other roof systems.

Richard Torres: That is our goal.

Ralph Vigliotti: It would cost a little more money to put a roof system on it and, probably down the road, you will have a savings on the unit. It will look nice from the street.

Doug Hertz: The ARB is probably going to get you on this. They will get the application.

Nanette Bourne: How much distance to the side yard setback?

Richard Torres: To the side yard setback that you see on the larger detail on the lower part of the sheet that is 3.4 feet. If we were to bring our new structure and act out to the edge. It would be 9.8 on the existing back corner. It would be right at the fence.

Anthony Sturniolo: This is self-contained in a sense that the compressor condenser and evaporate or is all housed within?

Richard Torres: There is a piece of machinery that gets mounted above. It can be mounted below this pressure treated deck. For instance, they have the same type of box in their store now.

Ralph Vigliotti: I think that the ARB will ask you for a concrete block, as opposed it having to sit on the deck.

Richard Torres: Again these folks want this building. So they will comply.

Doug Hertz: If you want to stay to that size closure may be the ZBA would want to see this.

Nanette Bourne: That would be a site plan issue.

Anthony Sturniolo: Obviously, the refrigeration unit is predicated their business activity. Just as a suggestion. You can fine-tune the size of the box and staying with the smaller one, and/or going to the property line. Just to get them a little bit more focused on what their needs are.

Gregory Montelone: I think that the smaller one won't be sufficient.

Doug Hertz: There is no location for that or the setback will be problematic.

Richard Torres: You are correct, that as it gets deeper. Maybe it doesn't need to be smaller.

(In audible.)

Joseph Morrale: Will this be on all the time?

Richard Torres: Yes.

Doug Hertz: We should be looking at the parking.

Nanette Bourne: Yes.

Kent Thuesen: What happens now?

Anthony Sturniolo: I am going to ask Austin Cassidy, the building inspector to look at the application. Mike Stein is going to look at it. I am sure we will have a laundry list of issues. The process will start at that point.

Nanette Bourne: This is just a conceptual. You will decide on how you want to deal with the issues. And then resubmit for a formal application.

Richard Torres: What is important to the applicant. They wish to buy it. Other than giving a resolution there is no real issues with this.

Anthony Sturniolo: On the surface, it appears not, but we need to wait. All of us are seeing this for the first time tonight. And the staff really needs to look at it and go from there. Does anybody else have any questions?

Doug Hertz: If this refrigeration container is closed and has access on the inside. It becomes building space.

Richard Torres: I have accounted for this size.

Anthony Sturniolo: Would you be kind enough to send Austin Cassidy regarding this application plants and Things and ask them to review.

Nanette Bourne: The size of the building, and you have the four space parking.

Doug Hertz: Nanette you will get a count on that?

Nanette Bourne: Yes. You are considering service consultation as retail or not retail?

Richard Torres: It is not retail.

Nanette Bourne: Because it is office.

Richard Torres: The nature of their business is they are a flower or a service provider. Their clients are corporations, and they go to them, and the consultations that they are doing are for weddings and parties. They really have no retail business

Nanette Bourne: So then the storage would be the 276. Plus 72. I have a concern with the service consultation.

Anthony Sturniolo: It is a little vague. We will look at it and thank you folks.

Meeting Adjourned at 12:30 a.m.

Respectfully Submitted By:

Stanley Bernstein  
Board Secretary