

**Minutes**

Regular Meeting of the Planning Board  
Village/Town of Mount Kisco  
Thursday January 13, 2005

Meeting was called to order at 8:00 p.m. at the Municipal Building, Mount Kisco, New York

Members Present: Joseph Cosentino  
Anthony Sturniolo  
Stanley Bernstein  
Ralph Vigliotti

Members Absent: Joseph Morreale

Staff Present: Nanette Bourne  
Michelle Robbins  
Whitney Singleton  
Michael Stein

Chairman Cosentino began the meeting with the Pledge of Allegiance. Meeting was called to order at 8:00 p.m. Chairman Cosentino also took a few moments to thank the board and staff for a good year and to look forward to this year and lots of projects and challenges. Chairman Cosentino announced the retirement of Byran Parker and well wishes to him. Anthony Sturniolo has moved to Vice Chairman and Stan Bernstein will take over as secretary.

**1. Minutes:**

a. Regular Meeting December 14, 2005

**Mr. Bernstein motioned to accept minutes as amended. Vice Chairman Sturniolo 2<sup>nd</sup>. The board voted all ayes.**

**2. Formal Application:**

**A Continuing Review**

**Crème de la Crème: - Morgan Drive**  
**David Steinmetz represented the applicant Crème de la Crème.**

(Audio tape and mic. Were not engaged for this portion of the meeting)

Nanette Bourne: Purposed a Public Notice Hearing for Crème De La Crème regarding the wetlands, special use and site plan modification. A review of the SEQR Negative Declaration was reviewed

Chairman Cosentino: set the date to be February 8, 2005.

Vice Chairman Sturniolo: motioned for a Public Hearing to be set for Feb 8, 2005

Mr. Bernstein: 2<sup>nd</sup> the motion

The Board All Ayes.

**3. Conceptual Review:**

**Old Iron Estates II – Cary Place**  
**Alan Pilch from Evans Assoc., and Dominic Ferrovocchio from Ferro Development Corp., representing Old Irons Estates II**

Alan Pilch: It is zoned as steep surface commercial. We appeared before you last autumn as you recall with a residential proposal, we are now back here with a proposal to put a warehouse building on this property. The warehouse building, which is depicted in this site, is 8,130 square feet in footprint. There are 8 parking spaces which are shown located in the back of the property access are obtained by a 25 foot drive by the

north property line. All of the parking and building is located on the upland side of the 100-foot wetland buffer. The site itself is gently sloping from north to south and from east to west and gets steeper as you get closer to the watercourse. There's been fill over most of the property. Only the fringes of the steep slope here on the southern portion of the property, kind of west of the property itself has any vegetation the rest of it is essentially weeded over.

Chairman Cosentino: When you say storage what will you are storing?

Dominic Ferrovecchi: It will be cars for myself also there will be spots for people to store furniture and distributing from there.

Chairman Cosentino: So there will not be any physical work being done within the building?

Dominic Ferrovecchi: No repair shops only store my own cars there.

Chairman Cosentino: How many boxes will you have for storage?

Dominic Ferrovecchi: I was thinking of 6.

Anthony Sturniolo: They will be locked 24 hours a day; people can go in and out?

Dominic Ferrovecchi: Yes

Chairman Cosentino: If somebody stores something in there they will be allowed to go and get what they need?

Dominic Ferrovecchi: Exactly, It would like a clothing store holding their inventory.

Chairman Cosentino: The building would be locked?

Dominic Ferrovecchi: It would have a cast through door and one roll up.

Chairman Cosentino: One roll up?

Dominic Ferrovecchi: One or two on both sides depending on the code.

Anthony Sturniolo: As we as were looking at the staff summary I think Michelle was about to respond to this that you need to show what outside plan would comply with the buffer requirements regarding parking spaces. This not something you need to answer tonight this is only a conceptual and that is later down the road.

Michelle Robbins: The other thing you might need to show what percentage of the property is steep slope. Also the wetlands would need to be verified.

Alan Pilch: Ok. There is a village-regulated wetland and a DEC wetland, which was flagged by our office a year ago and we certainly can verify.

Chairman Cosentino: This certainly sounds like a better plan. Be in touch with AKRF and come back with a formal application.

Anthony Sturniolo: Mr. Chairman Can we also get the building inspectors comments on this conceptual?

Chairman Cosentino: Once we get the application but not at this point. The building inspector will go and check it out.

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

##### **a. Northern Westchester Hospital represented by Syrette Dym, and David Paget, Richard Rath and John Partenza**

Nanette Bourne: At the previous meeting with the board having identified themselves as lead agency issued a positive declaration for the project and requested that the applicant return with their draft scoping outline. That scoping outline is included in your packet. The procedure is for tonight to go through and give me your comments and the issues you have and any additions to the scope. At the following meeting we will have produced a scope that meets what I think will be your issues. If this is acceptable to you can then schedule a public hearing for the public to make any comments on the scope. We are looking for the site plan approval for a two phase plan. I think we had

some discussion to clarify we are requesting site plan approval for phase one, and conceptual approval for the second phase. The details that are provided are maybe 50% engineering details for phase one and 10% for phase two. The applicant is purposing two phases, one would be completed in 2008 and the second to be completed in 2013. Because 2013 is way out there instead of doing the engineering and getting permits all the details for the second phase it is typical for that phase to be presented in more of a conceptual fashion. All of the engineering detail warranted would be met in phase one. If construction drawings represent a 100% of all of the detail, because construction drawings are what building permits are issued on, they would be something less or they would asked to be reviewed by the building inspector and by the village engineer and the planning board. This is what the applicant is proposing to do. It is some number that gives you the flavor and enough detail so you know what is involved in phase two.

David Paget: I would just like to reaffirm something that was discussed the last time. We will be looking at the environmental impact of both phases at the same time.

Ralph Vigliotti: I don't know if I want to approve any conceptual date at this point, beyond the environmental piece.

Anthony Sturniolo: You bring out a very valid point of potentially handcuffing the future board with the thought or idea.

Chairman Cosentino: My understanding we are strictly doing phase one, and phase two is for another time.

David Paget: In terms of site plan approval.

Chairman Cosentino: Now my understanding and it is very confusing that we are doing a conceptual for phase two.

Nanette Bourne: It is conceptual in a sense that you want to see phase one context with phase two.

Chairman Cosentino: We know what phase two is going to be.

Nanette Bourne: I don't think you want to be put in a position in 2005 approving anything on phase two. You want to know what the full picture is. As far as the environmental impact in 2005 you want be able to see the whole realm of impacts, so that you can come to conclusion. Having really thought how the findings would be.

Anthony Sturniolo: It would be a partial finding statement in essence.

David Paget: We are seeking among other things a rezoning, the entire site in contemplation of the build out of both phases. We are obligated under the law to present in the first instance for your consideration an adoption. It looks at the environmental impact of both phases. That is our obligation under the law. We can't do less than that. What we are talking about is differentiating between phase one and phase two and the term that Ms. Bourne is talking about is really a level of engineering detail that doesn't really bare on the fundamental requirement that we have to present the environmental impacts. You have to consider that. That will have to be considered by the board when it acts in respect to the re zoning and the findings will have to reflect the consideration of the entire project.

Nanette Bourne: Going back this statement the action also includes site plan approval for the two-phase plan. That needs to be clarified.

Whitney Singleton: They went through a process establishing comprehensive development plan for the village. That did not approve any particular site plan. It just charted for the future particular areas for the village. Then as follow up to that people could bring individual applications whatever they have before your boards or other boards, and they should be consistent with that site plan. They have long term goals and they don't want to come to you and say here is our plan today and once that is constructed come back to you and say this is what we really want to do. They want to chart out for you a full picture of what their long-term goal is.

Anthony Sturniolo: That was articulated in several meetings last summer that the village wanted a hospital master plan.

Whitney Singleton: Yes. They are going to evaluate and present the information to you to help you evaluate what those impacts will be for both phase one and phase two. They are going to ask you to undertake some action when you start to look at the rezoning of the site plan, that will help them at least to build up phase one at this point in time. It is

giving you the full picture now, so there is no deception. I think Mr. Paget is trying to indicate to you not only are they doing that but also they are required by law to do that.

Anthony Sturniolo: I understand the legal requirement but somewhat surprised to hear this now in this late date in this application that we are cutting up the pie a bit.

Nanette Bourne: This is the first phase that they are looking at site plan approval. In order to get that there is considerable amount that has to be done. Engineering, architecture site plans work. That work would be reviewed by a number of people in a lot of detail. There would be enough detail in the second phase so that you can get the picture of it. You can understand what is involved, with the level of detail or that is should be delivered on the site plan approval. It is not for you to understand it but not enough for you not to grant a site plan approval on it.

David Paget: To respond we are not handcuffing the board at a later date.

Anthony Stuniolo: How would this get clarified, in the form of what type of document?

Nanette Bourne: The action also includes site plan approval for phase one.

David Paget: What we need to make clear is the scope of the action for the purposes of environmental review encompasses the two phases. With respect to the action to be taken at this juncture by the planning board it's with respect to the site plan for phase one. So we would make a very sharp distinction between what the scope of the environmental review which we are obligated by law and then what it is that we are asking of this board at this juncture.

Chairman Cosentino: This is 2008 on completion which is three years away and then 2013 on completion on phase two. If the whole environmental impact is being done, something is bound to change in five or six years. Are you going to come back and say this was approved already?

David Paget: At such point we would come back for approval with respect to the second phase. There would have to be consideration of whether so much has changed within the period of time on the first phase and the time of the second phase. We would have to address the question whether there are changed circumstances, which is the phrase that the law uses. Such as to necessitate a supplemental environmental impact statement.

Chairman Cosentino: Is there something that a final resolution that says phases two if there is any further impacts would this change that resolution where they would have to come back to us again for environmental for phases two? I understand that the law imposes that. I am just worried at to what happens to the law between five and six years if changes are you saying that you are grandfathered in here, we have nothing to do with that.

Nanette Bourne: You are saying what happen if the law changes.

David Paget: If the law changes then we are operating by a different set of rules.

Chairman Cosentino: My question is that, is that grandfathered in to the old set of rules?  
Syrette Dym: I think what you are saying is that if in fact the action does not fit with what was analyzed in the environmental impact. Something that was not analyzed in the environmental impact or a major change they are required to be analyzed.

Chairman Cosentino: That is an answer to Mr. Vigliotti question about being handcuffed into something that may change later on. That should be written someplace.

David Paget: What I am suggesting to you that deem appropriate is that is exactly what the law requires.

Chairman Cosentino: The way the law is you get the attorneys before you and say this was grandfathered in here this is not going to change because we talked about this. In all do respect something has to be addressed to that effect.

Nanette Bourne: The action including site plan approve for the two phase plan isn't really correct. The applicant is requesting site plan approval for phase one not for phase two. The scope of the environmental review will include both phases. Question on page 3. The cancer treatment center out patient service one story.

Syrette Dym: As the architect has explained we are still in the process of understanding the entire project. It is my understanding that this relates to build out of the shell. 2<sup>nd</sup> story. This is in fact at grade and therefore is the first story the other is the below grade story. The one that is actually built, as we go through in plan and section this one according to grade there will be four stories eventually of this which two are in phase two. First one is considered ground.

Chairman Cosentino: How many floors?

Syrette Dym: The cancer center treatment is one floor.

Chairman Cosentino: The building will have two floors.

Syrette Dym: This refers to the existing shell.

Chairman Cosentino: You keep repeating the existing footprint; it is not the existing footprint. We need to change that word. It is not the existing footprint and I would like that change. It is larger than the existing footprint.

David Puget: What was approved?

Chairman Cosentino: What was approved was approved. You have the street floor there is no basement it is the street floor. Then you have another story above that. That is the story that is unoccupied correct?

Nanette Bourne: What you are referring to is that one story is that one story of unoccupied space.

Chairman Cosentino: Four stories would be coming in on phase two.

Anthony Sturniolo: That is in reference to 3c?

Ralph Vigliotti: Shall we talk about 3a? It is interesting you talk about floors in 3b and c but you mentioned parking spaces only for 3a, which it says north parking, garage 649 spaces. How many floors is it?

Chairman Cosentino: That is in phase one.

Richard Rath: In parking garages we would normally say levels. Two of which are low grade.

Syrette Dym: We can add six levels to the scope.

Ralph Vigliotti: We had lots of conversation with that in regard to how much parking garage we wanted exposed on that corner. I don't think we were in agreement that we were going to leave exposed six stories. Two were going to be completely under. I think in A I would like that in written form and just 649 spaces. The four levels does that include the top level or is that a fifth level?

Richard Rath: There are six levels.

Ralph Vigliotti: Two on the ground.

Richard Rath: To be perfectly clear the mid point of the grade occurs half way between them so technically speaking there are one and a half levels for below grade. 3 ½ at the edge facing Moore Ave. In fact there is an additional 40 feet there is one more level.

Ralph Vigliotti: Does this match our building code as far as height requirements?

Whitney Singleton: Keep in mind there has been a change to the zone so this part and parcel of the application.

Richard Rath: This is described exactly that way. It has a 35-foot height limit, 30 feet back from Moore and a set back of 40 feet.

Whitney Singleton: This has a roof. I am just trying to clarify. They are proposing a certain development in building coverage and they are actually proposing a floor ratio. Under our code this structure would constitute a building, not just a structure.

David Paget: This is not really a scoping issue.

Ralph Vigliotti: Getting back to clarification 3B it says three stories above ground floor. Now is the ground floor below ground level or on ground level?

Richard Rath: This where the confusion of the cancer treatment center comes in. It states between a number of levels or floors verses a number of stories. We have tried to be consistent and using stories as a number of floors above grade or as to reference in our master plan the first floor level would be considered the grade or the hospital building. The cancer treatment center that exists today the one story, is on the ground., is relative to this cross section actually is the ground floor and therefore ultimately will be below grade from the Main Street side. There are four levels or four floors in the medical office building. Given the way the floors are numbered at the hospital the first floor that is the main entry floor that is floor number one. That is actually the second level.

Anthony Sturniolo: We need to have to come up with language. That we all agree on and define what a level, what a story is, what a floor is. We are going to going through this review process for a long time. We need common terminology, which we can all agree on and understand.

Chairman Cosentino: To me a floor is a floor. Right now I am on the second floor of Village Hall. I am not on the third floor; I am not on the first or fourth floor. Downstairs is the first floor. On the cancer center I see floor number one as being the doors on the first floor where you walk in. I see above floor number two. That is the way I interpret a floor.

Richard Rath: When you walk into the main entrance of the hospital what floor do you think you are on?

Chairman Cosentino: When you are walking into a building that is on ground level and you are not walking down a set of stairs it is ground level that is the floor.

Ralph Vigliotti: Whitney are we allowed to have a four story office building.

Whitney Singleton: You are allowed to have a seven story building right on this site.

Anthony Sturniolo: This whole thing is hinged on the anticipated zoning.

Whitney Singleton: In this evaluation you are going to determine whether appropriate action is approved.

David Paget: We hope you would reserve judgement and observe all the facts.

Nanette Bourne: Another scoping item on this page is under B 2005-2008 should be moved up since we are already in 2005. It should be a more realistic date.

Davis Paget: We believe it is a realistic date.

Nanette Bourne: You will have a building finished by the end of the year?

David Paget: We believe we can accomplish the program that is described here within the time frames.

Chairman Cosentino: The question is on the year 2005-2008 page 3 that the work will be done by 2008 on phase one.

Nanette Bourne: I am not challenging 2008 that it is not likely to start in 2005.

David Paget: The operative term here is the date by which the full build out will be accomplished on phase one.

Anthony Sturniolo: So we should make it 2006?

Nanette Bourne: That would be more realistic 2006 – 2008

Anthony Sturniolo: At the top consistency with when village comprehensive plan. I would like to see that in little bit more detail how it is consistent with current comprehensive plan.

Nanette Bourne: So for the scope what are you asking them to do?

Anthony Sturniolo: Take the village comprehensive plan to go to the section referring to the hospital. Explain why this is going to be consistent. Also further down 3 & 4 the potential significant adverse impacts and the mitigation of necessary. Do we want ask what the mitigation is?

Nanette Bourne: They don't have to identify what the mitigation is. It is premature.

Anthony Sturniolo: In B #3 on the same page.

David Paget: This document identifies the tasks to be addressed. It isn't the expression of the accomplishment or completion of those tasks. I would submit to you the words that can be written that this says and would only be understood to say that we have to do exactly what you want. We have to address whether what we are proposing is consistent with the village's comprehensive development plan. That is the task that this particular provision specifies. The actual effort to demonstrate that wouldn't appear in the scoping document it would appear in that section of the draft environmental impact statement. So I hope I am being clear between the distinction of what it is we have to do which is what the scoping document is intended to accomplish and then with the completion of that we are in conformity which is specified here have to do those things in the DEIS.

Nanette Bourne: You just wanted to be clear in the scope. What it is you are expecting them to analyze.

Anthony Sturniolo: Going back to B # 3 the analyst. I would like to see where it talks about the description of the proposed zoning text amendments and how that relates to Boltis Street specifically.

Nanette Bourne: I have that same comment if you can just hold for a moment.

Anthony Sturniolo: In that case going to visual resources C. It was either at the last meeting or two meeting ago. That Dr. Morreale brought up a point of the medical commercial office building on the corner Moore Avenue and Main Street having a potential canyon effect in relationship to the existing Westchester County building on the other corner and the massiveness of adding another building similar to the one on the corner. I would like to see that discussed in this scoping document.

Nanette Bourne: On that note I would like the board to consider visual resources. I think visual resources are an important one and what is it that you are specifically looking for? Are you looking for them to look at the site from the ground and various vantage points? What kind of visual analysis are you looking for?

Anthony Sturniolo: From several vantage points in the village in addition to just street level ground.

Nanette Bourne: So you want street level impact as well as distant impact.

Anthony Sturniolo: On D I will defer to you since we are both talking about Boltis and community character.

Nanette Bourne: My question here is community character is always difficult to analysis and so I think you should express what it is about community character that you want discussed in the DEIS.

Anthony Sturniolo: Quality of life issues, traffic issues.

Nanette Bourne: On the commercial district on the downtown as well as the residential area surrounding the hospital?

Anthony Sturniolo: Absolutely

Nanette Bourne: Anything else on the community character?

Stanley Bernstein: One comment. That section has to be tightened up and expanded and cover every base because during the public hearing that is what most of the comments will come from.

Nanette Bourne: That is right and it will have to be done in the DEIS.

Stanley Bernstein: I think it is covered well in the scope.

Nanette Bourne: Page 6

Anthony Sturniolo: My comment under F utilities and what municipal water supplies availability. I remember during previous document that appeared that water consumption is going to be doubled the current hospital usage.

Chairman Cosentino: I had that circled too. I think that is what was said it would double.

Nanette Bourne: We have had the issue of municipal water supply availability is something that the board has wrestled with the DEIS and never really found a comfortable place for determining the capacity. I would strongly urge this section be explored with the village engineer, so it is clear what information the village has to comply with the applicant and what information the applicant is going to provide to what we already have.

Chairman Cosentino: Number 6 sanitary source number 2. I do not know how many veins they have. One comes down Moore Avenue ties into a trunk line on West Street and from West Street blows out behind Lexington Avenue and then down into the sewer plant. I believe that pipe at times overflows now. Some of the houses are backed and what the highway department told is that one of the hospital trunk lines is involved. That should be looked at whether that is a fact or not and if it has to be enlarged or not.

Nanette Bourne: Similar to the water supply section I will work with Mike.

Chairman Cosentino: The water supply section one line comes up into Boltis Street and one line comes up on Rt. 172

Michael Stein: Then for the sewer you want to include existing condition to make sure of the piping conditions.

John Partenza: We are still trying to figure that out. Right now we are working on one main line that we believe is coming in that goes on and off and we are not sure.

Chairman Cosentino: Please check it out it could be important.

Nanette Bourne: Page 7. Water quality considering storm water management is where you are considering water quality.

Anthony Sturniolo: Question regarding the existing smokestack.

John Partenza: We've tried getting rid of that for years I think it is an issue of draft with the power plant. We haven't found an engineering way to remove it. Natural gas is used. We have the ability to burn oil for generators and emergency generators. We primarily burn gas. The last two engineering reports we received said the stacks have to remain. The visual we don't like and the hospital would like to get rid of it. We just have to find an engineering way around it.

Richard Rath: Phase one does include some expansion for additional equipment. It might require expanding the envelope. Or again equipment for the additional square footage being built in phases one including the medical office building on the second floor.

Anthony Sturniolo: The existing power plant may have to be modified in square footage.

Richard Rath: It may have to be modified in square footage. It definitely has to be modified in terms of equipment.

Anthony Sturniolo: Possibly modified in terms of square footage to accommodate the offices. Going back to oil verses gas if oil were not an issue and gas producing less hydrocarbons when burning verses oil. Could conceivably that stack be lowered? It is an unfair question.

John Patetenza: Right now we are burning gas 95% time rather than oil. We were unable to remove that. We were trying for a number of reasons to get that stack out of there. The way the buildings are the way the power plants are my understanding is that the tower has to be that high for drafting reasons.

Whitney Singleton: With regard to the traffic I think it is everyone's understanding that this is going to be significant issue with application. I would just be mindful of the value of this issue.

David Paget: Traffic engineers specified these intersections.



Whitney Singleton: I am just saying the before we go down a path and you didn't ask to do this intersection it should be looked at.

Nanette Bourne: This covers the way you would like it to be covered.

Stanley Bernstein: There are some omissions. The omission all the way along Rt. 133. A very important intersection.

Nanette Bourne: To have a proper discussion you really need to look at the map and that Rt. 133 may be covered by another intersection.

Stanley Bernstein: I don't see how but if you say so. It should be specific in the scoping document that would be studied. Various intersection western entries to the village right through to the intersection of Rt. 133 and Moger Avenue. That whole section is not touched upon. It is quite a difficult area.

Nanette Bourne: We will look at that. If you look down on to the no build, when you have such an exhausted list of projects, Anthony is probably recommending not 2% but 1% for the first phase and second phase.

Anthony Sturniolo: You are talking page 9?

Nanette Bourne: No page 8.

Anthony Sturniolo: Where do the percentages come from?

Nanette Bourne: It is standard engineering practice and it is really a count for all the other smaller projects that you don't know about. It is just natural growth.

Whitney Singleton: Back to the no build, Nanette and I have had the discussion on Grand Union and want clarification as to how the utilization and reutilization will potentially be developed on that site and how it is incorporated into this analysis? You are looking to make sure that there is proper inclusion of various project that are being built will be built or in the process of being built and you want the impacts of those projects accounted for. One of the things that is not here not that it is being built right now, but you have the Grand Union. So you have an existing condition without a 640,000 square foot building being utilized and that is under contract for sale and meetings going on regarding its utilization, it should be counted. It seems pretty clear that it is a reutilization.

Anthony Sturniolo: That was clearly made in Anthony's memo, but I would agree with Whitney we should make that #17 in that list on page 9.

David Paget: That remains unclear to me.

Anthony Sturniolo: You prepared this list?

Syrette Dym: Yes

Chairman Cosentino: Who prepared that document?

Syrette Dym: We prepared that for the applicant that is standard procedure. However in this case we already had a lot of the input from the village relating to traffic intersection relating to the no build projects.

Chairman Cosentino: Getting back to counsel I think you had told Nanette that she prepared it.

Nanette Bourne: About two years ago when the applicant was before you in a conceptual review of their build out. You had asked that it be done in context with traffic studies and so we worked before in making sure the traffic study and help them come up with their development plan. Included appropriate intersection.

Chairman Cosentino: Are we working with information that is two years old?

Nanette Bourne: No. Except for the intersection that you thought needed to be studied two years ago they are the same intersections. They have to be recounted and reanalyzed for information.

Chairman Cosentino: Page 12

Anthony Sturniolo: Potential impacts 2A medical office building on hospital property and below it says two commercial properties owned by the hospital and it has two examples of them and it goes back to hospital property. Then it talks about 9 homes on Boltis Street and two more homes on St. Marks. Medical office building on the hospital, which is going to be owned by a separate entity of the then hospital whatever that scenario, is.

Nanette Bourne: They would have to outline that. The DEIS would have to outline the ownership including the taxes.

Anthony Sturniolo: The relationship between the hospital and the owners of that building in essence being a sublet by the hospital. I guess when we get to the DEIS stage we will reaffirm.

John Partenza: Right now there is mention of a lease. It will be commercial taxable property. The developer will build the building.

Nanette Bourne: You are interested in the taxes that are going to be generated.

Chairman Cosentino: On D the two commercial properties owned by the hospital. It would only be one. The dentist's office would come down for phase two. Wouldn't there only be one.

John Partenza: 444 and 454 are two separate buildings.

Chairman Cosentino: The one in back of the fish store that is coming down in phases two? Is that the two commercial buildings, is that one that you are talking about. Those are the two commercial properties owned and of course the offices that are already in the hospital are taxable. Page 13. Involved agencies.

Nanette Bourne: If you have any additional comments let me know.

Anthony Sturniolo: Under the no build projects second paragraph with regard to Grand Union. That is the same philosophical question that was made about # 17. On the second page of the memo where the preference was made with regards to McLain Street and Rt. 172(not consulted with the village).

Nanette Bourne: Litigation for McLain and Rt. 172 is the one way would involve the town of Bedford. It is premature and we need to analyze the impact and we talked about whether the Town Of Bedford should be involved or interested agency. At this point the plan is not to disturb the land in the Town of Bedford which would make then an involved agency. If they go through the process and do the details and setting then maybe they will be. At this point they are not. SINCO is a software package that will help you visualize what the traffic will look like. On the screen you see the cars. As you add projects you see additional cars being added to the street. Not all the programs are computable. It is not compatible with one of the traffic impact programs that their engineer wanted to use.

Chairman Cosentino: That their traffic engineer wanted to use?

Nanette Bourne: Anthony talked to their traffic engineer and it was concluded that they are going to use it.

Whitney Singleton: Page 14. NYSDEP involved agency listed earlier in the document.

Syrett Dym: That was an oversight

Whitney Singleton: Off topic - I am to understand that the hospital has been removing Handicap spaces from the parking lot.

John Partenza: We have actually added spaces.

Nanette Bourne: This will be on the next agenda.

Dave Paget: With regards to lead agency.

Anthony Sturniolo: I need to formulate my thoughts and the boards input not to rush.

Chairman Cosentino: I have a lot of question for staff. This will be on the agenda for February 8<sup>th</sup>.

## **5. Conceptual Application**

**Buckingham Properties – Lot 3 Morgan Drive  
Represented by Erik Kaeyer architect and Russ Davidson, Edward and  
Richard Cohen of Buckingham Properties.**

Russ Davidson: This is just a conceptual and we know we have a lot of work to do. We fully understand that. At this point we have a concept in front of you. We would like to get a read on it. We have done a pre application with the DEP so we know a bunch of their issues and some of the storm water issues in the adjacent property.

Ed Cohen: We would like to thank you for listening to our case. I have enjoyed working in Mount Kisco and I am concerned about our success and the outcome of the project. I purchased 344 Main Street about 30 years ago and am very proud of the success it has brought me. I would like to thank you for being sensitive to the issue of the canyon effect that may be created with the building proposed next door. The project I am presenting to you at this time is under contract and I have an option to buy. I hope we can be successful with our presentation. I would like to see this new development modern in Mount Kisco and show the people what a beautiful building it will turn out to be. Radio Circle is somewhat under developed. When I work late I am perhaps the only person on Radio Circle. Quite honestly there is concern for security. I think it is very desirable to see new activity in the Radio Circle area. Also we are thinking about medical offices in the building which would be able to draw some Doctors and patients out of the center of Mount Kisco toward Radio Circle for their services. We have put together a wonderful project with the help of local architects. We would like to work with you as a team with no problems in order to make this project extremely successful.

Erik Kaeyer: The property in question is the parcel of land on Radio Circle and Morgan Dr. is directly across the street from the post office. This is right on the corner. Originally it was the sewage treatment plant. All the structures are still out there. There is an existing pond that is out there. What we are proposing is a two-story office building, which develops about 50% of the site. Parking will be underneath. So to minimize the impact on the site we tried to maximize the usage of the actual footprint of the building. We have had an internal conversation if there is any way of handling so that one level is all medical and the other level is non-medical.

Chairman Cosentino: On 30,000 square feet of office and medical how many parking spaces would be needed?

Erik Kaeyer: The non-medical would be 140 and the medical would be 160. If all medical 400 spaces. If that is the case that this was all medical there is no way that you could have a 60,000 square foot building.

Anthony Sturniolo: This is only a conceptual review. This needs to be submitted to staff and submitted to village engineer, building inspector and the village attorney, the planner. This will flush out the issues.

Michele Robbins: According to the code you have to take out 100% of the area of ponds, stream that should be deducted from the gross lot area.

Erik Kaeyer: It is no longer 5.6 acres it is 5.3 acres. There are a lot of issues of water on site. These are currently wet areas that were originally man made. Some of them are different conditions. Some are probably wetlands and some are not. We need to flush all that out and figure out which ones are real

Anthony Sturniolo: Note to secretary to building inspector that he needs to review this.

Chairman Cosentino: This is only a conceptual and they need to get back to us.

Russell Davidson: We would like to fill you in on some of the other intent so you know the full scope of the proposal. The site and the water issues dictate a certain shape; there is also a different and more meaningful with this building shape. Mr. Cohen mentioned he wanted it to be exceptional. There is an effort to make this sustainable building type. The green building is why it is narrow. These are office suites and we want daylight to penetrate. What we are not trying to make is the big box with lots of dark areas. We are also going to be looking at state of the art selective glazing and shading materials that energy efficient building. We are looking at some green roof surfaces.

Chairman Cosentino: Mr. Cohen has a good track record it is just a matter of getting on board and what he has to do.

## 6. Continuing Review

### **Saw Mill Club – 70 Kensico Drive Represented by Dan Hollis attorney and Michael Finan from Schoor Depalma Engineers**

Dan Hollis: We have made a submission to with regard to this application, which is for a site plan approval for the vacant lot. Which is 70 Kensico Drive and for an expansion of a special permit granted to the Tennis Equities for the Saw Mill Club to include that 70 Kensico Drive property? My understanding from our engineer that we have a discussion with Mr. Stein with regard to certain issues he had on an engineering level, based upon the submission. We recognize we have to address those question before there can be a meaningful full discussion of the issues. So that we are not back pedaling at all, so that we can address things fully and comprehensively at one time, and not do it in dribs and drabs. As you can see from our submission from where we were about a year ago we have changed the project considerably. From a 5,000 square foot building where there was an increase in parking of only 45 spaces to be used by the Saw Mill Club to be reduced to a 2,500 square foot building with an increase of 58 spaces. Now we have done away with any building and the net increase is 79 spaces. As can be seen on the plan that Mr. Finan submitted. The number on the plan is a little different than what I said in my letter. At the time I wrote my letter in November until the plans were submitted a couple of weeks ago we recalculated the measurements of all the parking spots on the full parcel so they would be within the compliant size. So that was one issue we knew we had to address.

Chairman Cosentino: As you know there is a lot here and the staff has to look at it, so I am not going to waste your time. I guess you are going to Bedford also.

Dan Hollis: If you look at my letter there last letter of resolution of approval only required no more changes to the plan. It requires a notification. There resolution that I make reference to in my submission. It was that way in earlier, in my letter I made reference to the series of approval beginning in 1977 and continuing through 1994. There were different iterations of that. These are different iterations of the issues in Bedford. It is my clear understanding of reading of the record as to it applies to the current approval that Bedford requires notification of this application. There is no change to anything going on in Bedford. I was very careful at going through this and made reference to it in my letter and we checked it out. If you look at exhibit 2 is the Bedford resolution. You were probably right on an earlier resolution before the 1994 resolution.

Whitney Singleton: Any changes in expansion either in Mount Kisco or in Bedford will require an overall site plan review by the Bedford Planning Board.

Dan Hollis: There is no change of use or expansion of the use.

Chairman Cosentino: Expansion of pool you are putting a cover over it.

Dan Hollis: Not in the town Of Bedford.

Chairman Cosentino: It says any either in Mount Kisco or Bedford.

Dan Hollis: That is an issue we will have to discuss.

Chairman Cosentino: You have to go before Bedford.

Dan Hollis: We need you I think to start the SEQR process.

Chairman Cosentino: We can start. We need that final.

Dan Hollis: This is only for review it's not a site plan approval process. Any change of use or use on this site either in Mount Kisco or Bedford will require the review of the overall site plan. They have to review it. We will supply them with a copy of it, it is not an approval.

Whitney Singleton: When you say the word review and making the determination of SEQR is the question are they an involved agency?

Dan Hollis: I would give them notice.

Whitney Singleton: Simply saying it is potential they could.

Dan Hollis: Exactly what I said at the beginning that this is not an approval.

Chairman Cosentino: The other thing I looked at is there is going to be a new pool?

Michael Finan: Yes there will be an expansion of the pool.

Chairman Cosentino: You said new pool.

Dan Hollis: It is an expansion.

Chairman Cosentino: Are you taking the old pool out?

Dan Hollis: No. The plan is to expand by two additional lanes.

Chairman Cosentino: So what you are going to do is leave that pool there and expand two lanes, and you are putting a cover over it. Does that constitute a building if it is covered?

Whitney Singleton: They are showing it in their plans as a building. None of this is included in our package. This was the engineering and the multi colored drawings. We just got them tonight.

Chairman Cosentino: Staff has not had enough time to review it.

Dan Hollis: Can we get the SEQR ball rolling? If that is something we can accomplish tonight that would be helpful. Could you declare yourself lead agency?

Whitney Singleton: That's perfectly ok.

Michelle Robbins: Once they decide to do that we can prepare for them.

Anthony Sturniolo: I make a motion that the mount Kisco Planning Board declares its intent to become the lead agency regarding 70 Kensico Drive Saw Mill Club pertains to the application for the extension of special permit site plan.

Chairman Cosentino: The vice Chair has made a motion. Do we have a second?

Ralph Vigliotti: I will second that.

Board All Ayes.

Dan Hollis: When do you want us back? Do you think the 25<sup>th</sup> agenda?

Chairman Cosentino: February will be tough.

Dan Hollis: When would it be appropriate to come back again?

Whitney Singleton: There are going to be comments by the planner, engineer do you want that information to go into your board for review?

Chairman Cosentino: Get it to us first so we can look at it.

Whitney Singleton: That would be sometime in February.

Dan Hollis: I believe the dialog has already begun with Mr. Stein. If this is acceptable to you Mr. Chairman? The comments could come to us directly from staff simultaneously.

Chairman Cosentino: I don't think that is a problem.

Dan Hollis: I can be the contact for that, for Whitney and Michelle you can straight to Mike and we all do it that way.

## **7. Site Plan Compliance**

**Mount Kisco Commons – represented by Dan Hollis, Jodi Geticutierre attorney, Al Rossi from RD Management**

Dan Hollis: We did submit the amended site plan and done in a timely fashion so we will be back on the 25<sup>th</sup> to discuss in real time and real form all the issues that we have addressed. Using my letter of December 17<sup>th</sup> Michael Stein's letter of Jan 3<sup>rd</sup> and Henry Hocherman's earlier letter. There were issues about the catch basins. That work has been done and accomplished successfully. The handicap parking spaces have been re-striped to conform to the appropriate to the appropriate code. The job as we called it, which was created by the Con-Ed pole and the maple, I will discuss as a separate item. This has been addressed in the context of our amended site plan; we will show you how we achieved that successfully. Our efforts to get Con-Ed to move that pole have not met with any success. We have come up with a revised plan to deal with that and at the same time bring those 4 parking spaces into compliance.

Anthony Sturniolo: Has Con-Ed written back to you formally?

Al Rossi: No. My understanding now is that they are planning not to relocate that pole. I have not received any thing in writing.

Chairman Cosentino: They said they are not going to relocate?

Al Rossi: That is what I have been told. I personally called them and they said they are not moving that pole.

Chairman Cosentino: I need that in writing from you, it doesn't have to be the reason just they are not moving it. Who are you talking to there? Mike will you follow up on that?

Al Rossi: Bill Contos.

Chairman Cosentino: Mike follows up with Bill Contos and sees what the problem is.

Al Rossi: Why can't they relocate the guide wire? That we need to do. Whether the pole is physically there or not there it would be easier. That is the effort we have been working on with them. To set a schedule to relocate the guide wire and that would be a coordination issue. You have the letters that were sent by the property managers. I do know that our traffic consultant has submitted the traffic management plans for that the discussions we had. Traffic Management plan for onsite for that critical holiday. John Collins submitted this to Nanette.

Dan Hollis: The guide rail on top of the retaining wall that has been.

Al Rossi: There is no reference to valet parking.

Michael Stein: As far as the guide rails you were just starting to talk about. I had spoken with Kellard Engineers and also John Slaker, they are looking to put a fence along the top. Slaker called me instead of putting a continuing fence along the top they want to put a more decorative fence like wrought iron. Which I told them it would be a better way to go. Above the retaining wall where it is the higher

Anthony Sturniolo: In lieu of what is currently there?

Michael Stein: I am not sure if it is lieu of it or may be an addition.

Dan Hollis: On the 25<sup>th</sup> I will have that answer for sure. Employee parking Al and Mr. Chairman talked about Target (back lope preventor) that is being pursued as you come in from Rt. 117 there will be an explanation of that. As the change in the grading by Mr. Sessions. The screening of the roof top equipment on both A&P and Wachovia.

Michael Stein: I believe the drawings came in. The village inspector was just reviewing it. It is just the material type they are using. Econo Shield is the name of it. It is whatever A&P is submitting for. Originally what they had out there was the fence they are using to separate the parking areas.

Dan Hollis: The twelve inch maple that is the subject in context with Con-Ed pole that will be removed and addressed a in the amended site plan that we will talk about on the 25<sup>th</sup>.

Anthony Sturniolo: Save-a-tree was out there?

Dan Hollis: They couldn't save it. The grass crete and gravel paved issue will be discussed a little bit. Davis Sessions submitted a letter and materials. It only came to me today. We would like to talk about it in the alternative, because our preference really

as long as we have the capacity to handle additional runoff is to pave it and take that problem out of there. If we don't have that capacity and we get into permitting issues about whether we can pave it.

Michelle Robbins: You would have to do the permit. It would probably take a certain amount of time. Nanette was unsure as to how much time it would take. You might want to follow up with Jeanne Coleman. I don't believe there is a problem granting the permit it is just whether it is done in the time frame you would like.

Dan Hollis: Then the traffic management plan for the Target opening which is targeted for March 2<sup>nd</sup>. We'll have that. I don't know if we will have one for the 11<sup>th</sup>. That is the target date. I understand all the comments that were made.

Anthony Sturniolo: We have always said March 11<sup>th</sup>.

Dan Hollis: That is what I was advised by the client. The staff has made it very clear that we have to comply with all of your wishes, and that we can't create any last minute issues that will cause the staff to over burden. We all recognize that, and that is why we worked so hard and accomplished quite a bit. We are hopeful of having light amount to have to accomplishments by the 25<sup>th</sup>. The Target crosswalk we will talk about on the 25<sup>th</sup>. I just got them today. You will probably have them tomorrow to talk about the Target walkway.

Anthony Sturniolo: That is concrete verses blacktop?

Dan Hollis: It is just the walkway.

Ralph Vigliotti: I know this is a sore spot, but the 109 parking spaces at the rear of the building are not servicing a rear entrance for employees.

Dan Hollis: That is the letter. We sent that to Target.

Ralph Vigliotti: Right now you can't get in even if you chose to unless you knocked and banged. There is no doorbell. There is no handle for the door. There is a door for A&P but you can't open it with a handle because it doesn't exist. There is no door bell; we've discussed this at numerous meetings. You want this temporary CO you have not addressed an employee entrance at the rear and you are holding this up. Those 109 parking spaces are not right now being taken care of.

Dan Hollis: We will follow up with a further letter because our letter of January 7<sup>th</sup> to both Target and A&P said. In our meeting with the Village of Mount Kisco we have found them to adamant about enforcing the use of the designated employee parking area in the rear of the shopping center. Also that employees use the employee entrance which is also in the rear of the building. All certificates of occupancy are predicated on full compliance with the Planning Board resolution. We heard you and acted and now we will enforce.

Anthony Sturniolo: Based on the joint meetings we had throughout Christmas and New Years. The western part of the property we had talked about was shielding to the lights.

Michelle Robbins: There is one shield missing.

Dan Hollis: It is on order.

Anthony Struniolo: The grass crete behind A&P we just discussed. We also discussed the guide rail and we also talked about a letter that we needed written to the village engineer. Why the rail was up there to begin with.

Dan Hollis: I think that was the safety of that being sufficient.

Michael Stein: I had spoken to Dave Sessions from Kellard and just going over I think that was part of the reason why they were looking to put a fence up. I also told them we will need a letter from them saying we will address any pedestrian safety issues.

Anthony Sturniolo: We talked about the tree relocation. We need then to talk with John Slaker about what type of compensation for the loss of that tree in the planting.

Al Rossi: I believe his planting plans addressed that. The new plan is in your packet.

Anthony Sturniolo: With the minimal snowplowing that has been done most of the snow is plowed over and on top of those small plantings. We are going to have to address in

the springtime, but the likelihood of those miniature shrubs they will not make it. That is a separate issue from this joint meeting we had. A&P roof screening.

Michael Stein: They are working with the building inspector.

Anthony Sturniolo: My notes say Nanette and Mike Stein were going to come up with some thoughts regarding illegal left hand turn into a V onto Rt. 117 opposite from Burger King. One of the ideas Ralph had was an island, whatever, we still need to massage that idea.

Al Rossi: I think we discussed the movement with Burger King. I think that will kill that movement.

Anthony Sturniolo: We need to come up with an alternative.

Dan Hollis: On the entrance way if we change to much truck drivers will have to drive over it.

Michael Stein: There are ones that I don't know if made for specifically for truck traffic to pass over it. There are ways we can design for the trucks.

Anthony Sturniolo: Going back to entrance door in the rear of the A&P and having the employee time clock punch system on the other side of that door. That door from the outside is solid, flat, no door knob no lock no hinge.

Al Rossi: We clearly pointed out to the tenant that employees have to use the rear door.

Anthony Sturniolo: At this point they can't.

Chairman Cosentino: They need to realize the site plan will get pulled if it's not.

Dan Hollis: We will follow up with a further letter on that point>

Al Rossi: This is separate building issue.

Dan Hollis: Target should not pay for sins that A&P has not complied with. We are doing all we can to force them. Mr. Rossi has put them on notice that compliance with your resolution is a condition of their lease.

Anthony Sturniolo: The resolution is between the Village of Mount Kisco and RD Management verses two separate CO's or a CO and a TCO, however the Target thing shakes out.

Chairman Cosentino: Nothing else.

Dan Hollis: we will see you on the 25<sup>th</sup>.

## **8. Continuing Review**

### **Face-to-Face 96 Lexington Avenue Represented by: Charles Banks attorney and Carla and Steven Rediker.**

Charles Banks: I understand Michelle has a report for us. I have not seen it nor do I know what it says.

Anthony Sturniolo: This is a report that was just given to the planning board. We are all looking at it for the first time. Just looking over it quickly the report mentions a few things on parking spaces that need approximately 12 on sight parking spaces. I believe currently there are six. The report also goes into detail about the summer program with 82 people and how that is going to be addresses. Obviously observations cannot be done now because the summer program is not in place. How many adult teacher supervisors are currently working at Lutheran?

Carla Rediker: At the Lutheran church there are 4 of us.

Anthony Sturniolo: The big thing is trying to supply on sight parking in that realm of that number that the report calls for.

Chairman Cosentino: They can't comply there are only 6 on site.



Anthony Sturniolo: Between that and the summer program that is totally up in the air you may want to think do you want to proceed with this or do you really want to withdraw this application? Just on face value there are a lot of parking spaces missing.

Charles Banks: It is not really a lot.

Anthony Sturniolo: Parking spaces missing?

Carla Rediker: From the lot/building.

Anthony Sturniolo: From what the site currently has.

Charles Banks: We are better than you think. We've got 6 on site and we know there at least 5 available for permit parking. Our landlord has purchased for the previous tenant. This would be available for our staff and our use.

Chairman Cosentino: Where are they?

Carla Rediker: Blackeby.

Charles Banks: I think I would like to work back from that. I think if we can supply up to 9 currently based on what is available in the vicinity. I think we substantially comply with any reasonable estimate of what this current daily program, the after school program will require. You have to understand the use of this building could supply all of the required parking on site. It is one of the reasons why this property has paid for the parking for annual parking assessments. The permit spaces are available to us and we certainly should be given an opportunity by condition expressing your board's resolution of approval to provide the spaces through this means. Unless I am missing something that should be an option available to us.

Whitney Singleton: That is not accurate. Availability of spaces in a public parking lot does not constitute nor does it satisfy on site off street parking requirements for any site within the village of Mount Kisco. The code expressly prohibits it. The code requires that parking for a particular facility be on site or on a contiguous parcel of land. It is the discretion of the Planning Board to deem inappropriate. This was something that ceases to exist in the code and was very problematic and it was changed by the administration two years ago.

Charles Banks: The code also after that review retained a figure for our clients' use of 6 parking spaces. Six on site parking spaces. We are trying to cooperate with the village in providing more parking, than is required by the code. We are doing our best to do that and we offered a mechanism where we could supply, which happens to be the same mechanism that this property utilized for the previous tenant.

Chairman Cosentino: This board did not approve that. It didn't come from this board it came from the Village board. We don't have the authority to do that.

Charles Banks: I understand that.

Chairman Cosentino: That is our problem we do not have the authority to do that.

Charles Banks: I think the board is being unrealistic. The property will be vacant forever. There is nobody that will be able to meet this requirement. There is no conceivable use.

Chairman Cosentino: You can go for a variance.

Charles Banks: There is no time for a variance.

Chairman Cosentino: On West Main Street we could not give them more parking.

Charles Banks: The point I wanted to make is that I discussed this with Nanette when we met. She gave us a lot of time. We could do that, but what's going to happen. All it means is the parking is going to pass from your jurisdiction. It is going to be out of your hands.

Chairman Cosentino: I would like to help them out, but we are prohibited. I can't give you the parking spaces.

Whitney Singleton: Your board has to make the determination what the parking requirement is. That is going to be based upon the proposed use of the site. You have asked your consultant to render an opinion from the traffic consultant within her firm.

Once you adopt a parking count to what is reasonable in your estimation, you must then require that all that parking be on site or on a particular site that has substantially different peak operating hours. You use to be able to just charge it to the neighborhood. You can no longer do that. It has to be on site or on a contiguous parcel of land. That was substantially different operating hours.

Chairman Cosentino: There are other means that you can get from It can't be done from this board. That is the problem, our hands are constricted.

Charles Banks: We have contacted the village about letting us use the justice court site for parking. The Village Manager and Judge Kensing so far have indicated they have no objections.

Chairman Cosentino: Judge Kensing has no say in this. With all due respect

Charles Banks: I didn't tell her not to talk to them. The Village Manager said he had no objection but it was subject to the approval of the police chief. We had discussed it and a letter was written to the Chief. Has there been any response?

Steven Rediker: The Village Manager is going to plan a meeting to discuss this issue and hopefully resolve it.

Chairman Cosentino: I think that is what you have to do.

Steven Rediker: If it is determined that those spots would be available to us, how does that effect your decision?

Chairman Cosentino: We can't give you an approval.

Whitney Singleton: If they get a variance from the Zoning Board. You cannot approve something off site.

Steven Rediker: Is the Zoning Board the only body that can approve this?

Whitney Singleton: Yes. There was tremendous pressure put on this board in the past to say. Well we don't have enough parking here there is nothing we can do. We are not going tear down a building. We had an arrangement with the guy next door, then it was the guy down the street and the gut was out of town. It was word of mouth that it was an oral, it was a lease, and it was an easement. It never got enforced. There was no follow through of any of us. The Planning Board felt that they were in a very awkward position, as did the Village Board. They changed the zoning regulations back in 2003 to no longer allow the Planning Board to authorize parking on any site that is not either on the site or even across the street.

Charles Banks: What is then the role of the codes off street parking density designation? It designates six off street parking for this use on this site. Your own code specifies that the off street parking required for this use on this site is six spaces.

Whitney Singleton: I disagree with that.

Charles Banks: What is the difference?

Whitney Singleton: The scheduled off street parking has different parking requirements for different uses. You are selecting a parking requirement for middle school and primary school where all kids are picked up and all kids are dropped off by bus. It is in recognition of that and has the parking a parking requirement. There is also day care facility both child and adult. There is also middle school, high school, universities and training schools and they have much different parking requirements by virtue of the fact people either drive through the facility or picked up by individual cars as opposed to buses.

Charles Banks: Our use is clearly is educational treatment. The closest one that fits our use is it says two spaces for each classroom. There are three classrooms. We have six spaces. We have cooperated with the consultants to show that we don't need in excess of those six spaces. We showed her that within the actual use, we are talking about the potential use. The worst case scenario, the actual use can easily be accommodated by the six spaces. We don't need a single off street space, but her approach and perfectly rationale is let's looking at what happens if the present people who don't drive changes and they do drive. So we have to allow for a possible expansion. Without any prejudice I will work with you on that. I am still entitled to a change of use approval with six spaces, but to satisfy you and the board and to make the board feel more comfortable with this, we will work on additional parking and we feel we found it. It is not the

statutory-required parking. You can call it a primary school, but it is not a primary school.

Whitney Singleton: You are asking us to call it a primary school. You show me in this code where a day care facility like this can have parking requirement.

Charles Banks: This is not a day care facility.

Whitney Singleton: Show me where it says 2 spaces per classroom other than for primary school.

Charles Banks: Your schedule of off street parking requires 6 spaces for this site.

Whitney Singleton: For primary and secondary schools. I am arguing it is not that. You just told me it is not that.

Charles Banks: These are primary and secondary school students.

Whitney Singleton: These are school age children in an after school program. That is exactly what they are.

Charles Banks: Please read the text because that is not what it says.

Whitney Singleton: These are not school age kids?

Charles Banks: These are primary school and middle school students. Directly within your code it says for primary and middle school students. Educational training. Of a use it that fits better.

Whitney Singleton: Under your analysis they could have 4,000 kids at this site with parking requirement of 4. That is why the code requires that where there is not an appropriate definition of parking requirements that this vehicular use is up to the planning board to determine what is appropriate parking count maybe. The planning board at its last meeting directed the planner to have a professional traffic consultant meet with your client and meet with you, observe their operations, which they did on three separate occasions. Ascertain what kinds of activities are going on. That traffic consultant based upon his review of the activities and that is not even what is purposed in the application. That the review of that resulted in a parking recommendation of not less than 12 on site parking spaces. That is what Nanette's letter states that are their recommendation are.

Charles Banks: That recommendation doesn't change code. The code's off street requirements, the code's definition of what this use is. Because you are absolutely right that you can literacy distort it into being a 1,000 people being in this classroom. We recognize that. Your board does have the power to approve this. All it needs is 6. What we are trying to do is meet the consultants concerns by finding more. It's not a way to satisfy the basic parking requirements; it's a way to satisfy the consultants and your concerns.

Anthony Sturniolo: How would that address the summer program?

Charles Banks: I have purposed to my clients that would go back to the drawing board on the summer program. We would come back in time to permit the program if we could show we have sufficient parking. That is going to take more work than that. She didn't have time to analyze that. She doesn't have enough data to analyze that. We are willing to work with her on that.

Chairman Cosentino: We have a project before us that needs x amount of parking spaces. They could easily say look I am going down to the Holiday Inn and rent 50 more parking spaces. The consultant told us what they need. Their consultant and our consultant. This is what they need. We can't allow them to go.

Charles Banks: What is the usage?

Chairman Cosentino: Recreational. I am trying to bring the point across. If this board, and I really want to help these people out. Our hands are tied. If this board approved a site plane where a professional consultant said you need 12 parking spaces every other time that we get a professional consultant that says it they are going to do the same thing.

Charles Banks: I understand. But your code.

Chairman Cosentino: You need to go before the ZBA.

Charles Banks: If I go before your ZBA they are going to look at this say ok you have educational training use for elementary and middle school students and the parking requirement 2 parking spaces per classroom. How many classrooms do you have? Three. You have six on site. What are you here for? What are you asking for a variance for?

Chairman Cosentino: Then that is what you have to do.

Ralph Vigliotti: You have three open spaces. Very large open spaces. Those three large spaces could be 7 classrooms if you divided them according to the size.

Charles Banks: You could say that about any lay out.

Ralph Vigliotti: I wouldn't discuss it 2 verses each of the open spaces. They, are not classrooms, they are open spaces.

Carla Rediker: I think they use them as 3 areas.

Ralph Vigliotti: They you mean Datar?

Carla Rediker: Yes

Ralph Vigliotti: That's ok. You can't go by 2 for each open space, which you are calling a classroom.

Charles Banks: Why not. If we are using them as classrooms. If the number of enrollees that we are serving fits nicely into those 3 and gives them a little space to stretch their legs from time to time. Why can't it be identified as classrooms? You can say that about any building.

Anthony Sturniolo: It is so tight to begin with. You don't have that flexibility.

Whitney Singleton: If you are proposed activity involves staying open for additional time. You are not open for 3 hours but 3 hours and 5 minutes. Would you then be a school age childcare facility?

Carla Rediker: No

Whitney Singleton: You wouldn't be caring for more than 6 kids over the age 6 for more than 3 hours a day?

Carla Rediker: No. It is how many activities.

Joe Marrano: Regional Coordinator for the NYS offices of Children and Family Services. The rules and regulations regarding school age child care programs, the programs serve a single program of young people under the age of 13. They would not need a license or registration.

Whitney Singleton: please repeat that statement.

Joe Marrano: If they serve a single program activity even though it is for children under the age of 13. The indicator is if a program serves children under the age of 13 in two or more activities consistently her registration is required then they would be requires to register with the office of Children and Family Service as a school age child care program. Their proposed service is to provide a single activity and consequently what I had them do is direct and describe their program to the regional person for the BECS (Bureau of early childcare). It is my responsibility is to provide state aid, funding to localities. In which case we do fund this program. So what Face-to-Face has done is they had written to my colleague a regional coordinator explain and identifying the program in which case they received a written communication back. That based on the design of their program they would not be required to register as a school age childcare program. Nor as a day care program.

Whitney Singleton: But in the village.

Joe Marrano: No

Whitney Singleton: In the village our definition of a child day care center is a program of facility where child care is provided on a regular basis to more than 6 children for more than 3 hours and less than 24 hours a day. That is our definition.

Carla Rediker: We are not providing childcare.

Anthony Sturniolo: What are you providing?

Carla Rediker: We are providing an educational program for the children.

Whitney Singleton: The difference is that you are within the context of our code. The difference is in parking requirements is 4 spaces not in the excess of 20. I don't think the planner could identify this facility with more than 10 fulltime employees as being appropriate having six parking spaces. If you have more than 10 adults on this facility. Charles Banks: You are misstating the facts. There are 4 adults. The rest are a high school student who does not drive.

Whitney Singleton: That is not true.

Charles Banks: It is true. We agreed to put the summer program aside for awhile.

Anthony Sturniolo: This goes back Ralph's point about being spoon-fed information. Now for the first time we are hearing summer activity is going to get pulled out of here.

Charles Banks: We are offering to your board as a way for you to try and reconsider your position on the after school program. That is the immediate need. We are being pushed out of our space and have no where to go.

Anthony Sturniolo: Maybe this is not the location for you.

Charles Banks: Maybe the Village of Mount Kisco is not the place for us. Is that what you are suggesting? Mr. Sturniolo please the spoon-fed stuff is disrespectful to me. I am not spoon feeding you anything. I am offering you as a compromise.

Stanley Bernstein: Just a moment. Let's take the word spoon-fed. This application was not forthcoming from day one. We had to squeeze every little bit out of you people. As we went along we found out bits and pieces. You were not forthcoming from day one.

Charles Banks: Not since that formal application has been before you have a single fact changed.

Anthony Sturniolo: The first fact was we got the document and talked about 90 possibly 100 students. Now we are hearing its 56 students.

Charles Banks: No sir you are not. You are distorting what we said. The present enrolment is 56 students. We asked in the application that I prepared and that is why I have to set the record straight. There is no spoon feeding here. There has been no deception no changing of position since I got on the scene, and I made this proposal. I consulted with my clients and clarified the confusing issues. The proposal and the present enrollment are 56. There has been no misunderstanding with that. The only misunderstanding the first time I heard Ms. Rediker say I thought she said 66. That is what I put in the program and she really said 56.

Whitney Singleton: Could you show us where you have 10 employees. You said 4 full time employees

Ralph Vigliotti: You said 10 adult employees before.

Too many people speaking at one time

Ralph Vigliotti: Apparently you are saying this group of counselors does not drive.

Charles Banks: Correct they do not have cars. I am not resting my case and there maybe some turn over. That is why I am willing to work with the consultant. My clients have not misled you in any way. I am coming in tonight if it would be ok if we offered to defer the summer program if we can focus on the after school and get that approved. They said yes. You are suggesting that somehow I pulled the rug out from underneath you.

Anthony Sturniolo: No I am not. I am just saying using the term spoon-fed before because every little fact is squeezed out. We don't have clear overall picture. Using an

example the brochure that you gave us talked about 90 students possibly 100. The brochure.

Charles Banks: The town code requires 6 spaces for this use. We recognize and I always try to go before the board and work with them. Your board can approve this application based on the 6 spaces because it meets the code and I am willing to accept as a condition of that approval that we provide additional spaces. All we are talking about is the number. I wish I could convince Whitney that is the way to go.

Whitney Singleton: It is not for me to determine. All I am telling you is that the code is not requiring 6 spaces.

Steven Rediker: The point is what we are the one for 6 spaces.

Chairman Cosentino: We need to review this. We just received it. This board relies on professional consultation such as Michelle, Nanette and their firm. Now we asked them the firm and this is what it is. How many parking spaces are you going to require or should we require on, on site parking. They came back to us and I believe it is 12 spaces.

Ralph Vigliotti: It is based on 56.

Chairman Cosentino: It is based on 56. That is what this board to rely on. If we have professional consultant give them work to do and come back to us and not listen to them. Then why do we even need a consultant?  
The only thing we can do is help. You need a variance.

Charles Banks: You need more time to look at this. I need more time to discuss this with Whitney. We would like to be put on the next agenda, we are desperate for time. We know we can make what I think the law requires and I will talk to Whitney and see if I can persuade him that to maybe it can be interpreted in different ways. So that you board has jurisdiction to make a determination in this case.

Chairman Cosentino: Right now we do not have that jurisdiction.

Charles Banks: That's what Whitney has told you.

Chairman Cosentino: He is our counsel.

Charles Banks: I want to work with Whitney and convince him that this board does have options. I want to work with what Nanette and Michelle have come with. To see if I can give your board some comfort. If you give me two weeks I will work with Whitney and you will have time to digest this. You'll have time to read the application over when it says the number 90 is what we would like to expand to. How many more kids could you handle easily within the scope of you present staff. Staffs are the parking impact here not the pick up and drop off. Those folks don't park.

Ralph Vigliotti: That is not true. Kids that are being picked up whether it is 2 or 3 or thirty are parking their cars.

Charles Banks: We can show that the traffic circulation is beautifully set up to route people right back out. They do not have to make a right unless they live in the neighborhood. We are in a unique position much stronger position than the last tenant. To make sure that this boards parking requirements stick. We have the whole enrollment of the families. The families violate the restrictions that we put on, such as no right turn restrictions any parking on Gatto Drive restrictions they are out of the program.

Ralph Vigliotti: No parking in the lot restriction:

Charles Banks: We will get to that. We are the best potential use to enforce those parking restrictions and those no right turns restrictions. Our parents, the parents of the enrollees don't want to loose their kid's enrollment. If they screw up our compliance with permit they will .They can't risk it.

Ralph Vigliotti: Carla just a point of interest earlier on we asked how many kids you have and I think you said 56. We had asked why you need the site, and you said because we are growing. You are anticipating about 70 but you could go up to 90. So we are really talking 70 because that is what you told us very early on, that you have out grown the Lutheran Church because you have a need for about 70 families. You know in the next year or so you are going to be up to about 90.

Carla Rediker: The big part of our move at this point, because we would never move in the middle of the year. We would always stay at a location through the summer and plan for the relocation in September. The church really feels pressed to begin their new program and they have been waiting for us. Steven was the one that talked about the program growing. My point is this about other numbers is always this. If we have to stay at 56 for the rest of our lives the life of the program that would be ok. So long as we have a place to move to. We don't have to increase the enrollment by one child, for the summer or during the school year at all. For two reasons, one because we obviously need and want a place to be where we impact the community only by the wonderful things we do there. Number two because I have found when we had grown in the past and when had larger numbers I had found that it was too much for me, that I am a very much a hands on director. I don't sit back in my chair and tell other people what to do. I am right in there with the kids. It was exhausting for me to have more than that and to do it with the perfection, that I have and how each child should be treated. The way we have enhanced our program as compared to increasing our program with students is to be able to say we can do more for you educationally, than we could do before. Instead of having an ordinary teacher let's hire a teacher that has a special educational background. Let's hire a teacher who is also a musician. So that there are a variety of ways that these children that have difficulties in learning can learn.

Ralph Vigliotti: I understand that.

Carla Rediker: In order to get this spot, which after five years of looking in this community, has been the only spot. I have not stopped for five years working with a realtor and without, to find a location that would be the right size for us. That the landlords would accept us, which would be in the community where the children were so that it was acceptable to them. This is the first spot where all those things came together and so I am holding on desperately. I will not let go of this until we tried our last appeal, because I know there is nothing out there like this. I know that our life depends on finding another location by the end of February. We have no choice. We will go out of business if we don't.

Chairman Cosentino: The thing is this. I think it is my responsibility as Chairman that one you listen to the counsel, two when we have a professional tell us the parking need that you need we listen. I think this board would be neglecting its responsibilities if we said 6 spaces were a number for this site. Unless you can demonstrate, I don't know how. Through a variance or something.

Charles Banks: We are not arguing with you. We re telling you we can get you more. What Whitney's concern is that you can't count on those to satisfy the code requirements. Because they are not on site. What I hope to be able to convince Whitney is that the code permits you to approve it with 6 spaces, and we will accept a condition of a reasonable number of existing spaces on top of what the code requires. I am trying to work with you.

Chairman Cosentino: That remains to be seen. As of now I would be shirking my responsibilities of being Chairman not to tell you and you know I tried to help you, not to tell you the report that we just received tonight demonstrates that you need 12 parking spaces on site. That doesn't change legal or whatever it may be. This board will turn your application down.

Steven Rediker: Let me ask you this. If we go to the zoning board and get a variance that would state that the off site spots.

Chairman Cosentino: The variance on the off site parking spots. If they grant you a variance fine, we have nothing to say.

Steven Rediker: Then you would have no problem.

Chairman Cosentino: We would have no choice. Am I correct if they get a variance?

Whitney Singleton: That is not what he is asking you. You said you would have no choice. He said you'd have no problem with it.

Steven Rediker: With all do respect maybe I wasn't expressing myself. I was asking if we had to go that route, and we went to ZBA and got a variance.

Chairman Cosentino: That is a legal question.

Whitney Singleton: You said you wouldn't have any problem with that.

Steven Rediker: Then the parking issue would be solved?

Anthony Sturniolo: You have a ZBA variance would this board then have any problem. Those were your words.

Whitney Singleton: Joe said that then I wouldn't have a choice. He didn't say I wouldn't have a problem with it.

Charles Banks: Just accept that answer.

Steven Rediker: In other words then the parking issue would be solved?

Whitney Singleton: The problem you are going to face is that this board is required to make in their desecration an estimation of what the required parking calculation should be for this site based upon the site, building square footage and the purposed operation of your facility. If there is a parking estimation of 12 or 14 or 40 whatever the number is. That is done based upon recommendations from a professional traffic consultant by looking at other facilities and by looking at your own operation at your existing facility. This board says the parking count should be 4, 14, 50 and you got to The Zoning Board of Appeals, you don't have a situation where well the parking is this and the Planning Board didn't really think that was appropriate so they shipped them over to us. You are talking about a situation where the Planning Board just said based upon a study that parking requirements are 12. I think that you are going to find, I am not saying that you are going to have an insurmountable task, but you are going to be faced with a big challenge. At the same time our consultants are telling us this is the appropriate parking requirement for this site. I don't want you to perceive me as argumentative. I just like to lay things on the table. You're proposing having a number of people in this building, granted they are kids. A lot of them are going to come and go. Nanette said in her letter that she hasn't even begun to look at the issue of queuing and stacking the cars as they come in to pick up. Are people going to be able to make a left in and left out. Are they going to go through Gatto Drive? As you know Gatto Drive and you were encouraged to meet with the people on Gatto Drive. They are a very vocal group of people. They sat in this audience on numerous occasions, when is Datar getting out?

Charles Banks: We have talked with them.

Whitney Singleton: Have they given you encouragement?

Steven Rediker: I don't want to put words in their mouths. They said that they really bought our program. They would want to support our program; they just want to make sure the parking resolved.

Carla Rediker: I just want to say something about this study. They did a wonderful job no question. They did a study of what the needs are at the Lutheran Church. In terms of our parents. Along with what we gave you for reconsideration was a map of where our families are located with respect to 96 Lexington Avenue. So it is an impossible situation and I know that in terms of the traffic study they can only deal with where we exist now. They can't place it on Lexington Avenue; the fact of the matter is most of our families live on that side of town. We submitted that to the board.

Whitney Singleton: We also have to keep in mind that this board is approving a use for a site. Things Change. Now this board has approved for instance deep fried fish heads and it won't do any business no matter how big a restaurant. You have other places which are more intensive and the board saw this with Boston Market application. Nobody anticipated they would have the success they did. When the board is looking at your site they can't think that this will work for Face-to Face because the kids live in the neighborhood. The reality is that if slips to another facility whether you want to call it a school training facility or whatever you want to call it. The kids can live in Armonk, they can come in their big SUV's and there is nothing this board can do about it.

Charles Banks: It doesn't do us any good to misrepresent the program. That is not what this program is.

Whitney Singleton: I am not misrepresenting the program. Every single site in this village you see a change in the tenant. They come in with the same use and whether it is a bar or retail shop whatever it is. They come in and some are much more successful than others. You can't look at a site. I agree with that Chairman it would be irresponsible for the board to look at the site and not be able to look at the realistic parking requirements.



Steve Finklestein: (landlord of 96 Lexington Avenue) About 5 years ago on my tax bill I got jammed down my throat the parking improvement development. I went to Jim Palmer and Austin Cassidy and I said what is this? They said that's the parking lot we did behind Cosi's. I am paying for that?

Chairman Cosentino: You were not the only one paying for that.

Steve Finklestein: They had to stop somewhere with the answer and they decided to stop at my building on Gatto Drive. How do I benefit from this? Austin Cassidy went to the Village attorney and they came back and said not so sure. I want to know at this time if I am due and this is not for the board to speak. Maybe Whitney it is the Zoning Board where I am doing some concession for street parking, because I have been paying that.

Chairman Cosentino: You did the village a good deed.

Steve Finklestein: I don't look at it that way. I would like a refund.

Chairman Cosentino: You have to go to the Village Manager and ask for a refund.

Steve Finklestein: Aren't I entitled to some parking concessions?

Chairman Cosentino: Not through this board.

Steve Finklestein: Bringing a new tenant forward?

Chairman Cosentino: Not through this board. I would like to help you out. You are asking the wrong board.

Steve Finklestein: Which entity of the village would my grievance be with? Would it be with Jim Palmer?

Whitney Singleton: There is not a single property owner or tenant in the Village of Mount Kisco that is entitled to discharge a parking requirement in Shoppers Park.

Steve Finklestein: Ok. So the Gap has no parking on site.

Whitney Singleton: That is a different zoning.

Steve Finklestein: Thank you, you've answered my question. Second point short and sweet. Whatever year Datar moved in, we the Finklestein's own multiple properties and businesses in this town. Datar did not do what they said they were going to do with the parking. They parked down Gatto Dr. And they promised they wouldn't. The last couple of years they have been better.

Chairman Cosentino: You said they started parking down Gatto Dr. We wrote them letters and said they shouldn't. We do not want the same thing to happen.

Steve Finklestein: My point is this. I have learned from the error of my ways as a landlord. That I need to be more involved besides just signing the bottom of the lease. I would also like that building not to be the ghost of Datar for a hundred thousand years. Whitney mentioned before that it didn't work for Datar. I learned the error of my way and I don't want a tenant in there that is going to railroad me and drag my name through mud. I would just like to not hear one day about Datar on Lexington.

Charles Banks: What I would like to do is come back in two weeks, show you that there is a place to hang your hat on. You are not barred from doing this.

Chairman Cosentino: At the end of the day just know where I stand on this. Only because it is my job and I want to help them out but I have a job to do.

Whitney Singleton: To the benefit of the board in the future correspondence between now and the next meeting, could you delineate. There seems to be some confusion or change of position one of the two. That exactly the number of students that are going to be participating in various programs and what programs they are going to be.

Charles Banks: 90 is the potential expansion.

Whitney Singleton: So this board has to evaluate a potential 90 and 10 employee.

Charles Banks: Absolutely not. This board has application before them that the present staff can handle 90 students. She does not need to increase staff. Her present staff she feels is somewhat underutilized.

Stan Bernstein: I have been on the board for a year, but I have been sitting out in front for over 10 years as a Chairman of the CAC and getting involved. My problem is more than 50% of the applicants that come before this board and are approved, two or three years later they have completely changed. Datar is obviously a bad one. Take a look at any one of them and see what they are doing now they have wrecked the town. Our job here is to plan we are the Planning Board. We must plan for the future. We have to know what is going to happen in two years. What are we going to do today? What are we going to close them up in two years and say they are not doing what they said. Take a look at some of the properties along Lexington Ave. Garbage all over.

Charles Banks: Some applicants come before you with the express purpose of circumventing the conditions. I understand that and do my best not to represent any of that type of people. Let me tell you. There are two ways you can deal with this. You can try to predict how our use can change. We have tried to predict it the best we can. If we came before you and said 56 and remain 56 forever. It wouldn't be truthful. We are trying to look as far into the future as Carla can think of. She doesn't want to handle more than 90. We are not dealing with but the building probably could but this lady can't. She has no immediate plans to do that. She would probably like to open it up to 70 before to long.

Carla Rediker: Not if we can't find a place to be. If we have to stay 56 we stay 456.

Charles Banks: The other way Mr. Bernstein is for the board to impose conditions on this approval, which it can help, control unpredictable excursions. I want to work with you on that condition. Right now if I try to work with you on everything like the summer program it's going to be summer before it happens. I am willing to separate these two. I wasn't trying to change the game; there are ways to do it.

Stanley Bernstein: Apparently there are ways to do it and apparently landlords and tenants that circumvent those ways. I can think of Frito Lay, and the rental car agency. They all swore in front of us how wonderful they are going to be and two years later they were not so wonderful. These are the things that we are concerned about.

Joe Morrano: I will give you this commitment. If this board ever makes a determination that this program is running in unsafe or unhealthy manner. You just need to let me know and I will pull there funding. It is a regulated program and I monitor these programs.

Chairman Cosentino: We don't question that. We are questioning parking.

Joe Morrano: Here is the problem. The bigger picture is they are serving young kids who are residents of the village. The state is providing funding for them to reach this population because we recognize that his population is at risk. If we don't reach them in a favorable fashion now the consequences not only to them the children their families also to the entire community.

Chairman Cosentino: I agree with you. Are you bound by rules and regulations?

Joe Morrano: Absolutely.

Chairman Cosentino: So are we. This is our problem.

Joe Marrano: There is degree of flexibility.

Charles Banks: He is really trying to stress Mr. Bernstein's point. The bad cases you are talking about are one thing. This is regulated by the state of New York. If we don't abide by the conditions of our plan we then loose it. We are out of business.

Anthony Sturniolo: For the record. You mentioned that we have a traffic study and parking study done by professional. We have a village code that is very specific regarding on site parking off site parking spaces etc. As a second member of the Planning Board I also feel that it is our duty and obligation to put forth-parking studies that we got from the professionals and to support our village code regarding parking. That is my feeling and just wanted to reiterate those same points.

Carla Rediker: as you points out there is a code and in this code there are permitted uses. I would beg you to look at those pieces and see that as compared to a few bar restaurant a personal care salon karate school and so forth that this use alone is the least negative impact that you could possibly find. This is the least negative impact that you could ever find regarding parking, disturbing of the peace and continuity of the community. I do not think you will find anything that is less impacting.

Chairman Cosentino: Right now it becomes a legal question.

Anthony Sturniolo: We will need to talk wit Nanette now that we heard this new number of 70.

Charles Banks: There is no change in staffing none.

Chairman Cosentino: It is getting late. We will try to get you on the next agenda. Give Nancy a call.

## **9. Correspondence**

Anthony Sturniolo: Did we get a written response to the letter from Whitney

Chairman Cosentino: 30 West Main?

Whitney Singleton: It was clear to them just as a matter of simplicity, the issues that the building inspector was concerned about relative to being reflected on there site plan. Primarily we found they are not in compliance with the handicap spot. You said to whom we are ok with this one site to leave it the way it is proposed. I did confirm with him that is what he wanted shown. They are shown on the plan and none of them constitute any physical alterations.

Anthony Sturniolo: December 16<sup>th</sup> this letter was written. These conversations took place in January.

Whitney Singleton: The end of December beginning of January. The applicant had to meet with the building inspector and go through the requirement that he wanted shown on the plan.

Chairman Cosentino: I have an idea on Lundy Lane and Lenox Place. I think we all should walk this and actually go look at it. I was there the other day. You don't actually see.

Stanley Bernstein: As soon as they changed the one way I took a drive. It is complicated but it can be manageable.

Chairman Cosentino: We need to go down and look at this before we make a recommendation.

Whitney Singleton: The problem and I have gone many times and looked at it myself. I think that it is a good idea to go. One of the issues that we are going to face is the entrance into the south parking lot is a little bit of a jog up the street. If you are going to make it a one way street you are going to be encouraging people to go the wrong direction.

Chairman Cosentino: it is difficult and that is why I said we have to look at it.

Whitney Singleton: that is why I said you can contemplate something that they did at St. Marks Place. Where the parking lot behind Bueti's, if you come out of one side of the parking lot it is one way for half a street. You may want to do that too.

Chairman Cosentino: We need to go there. When is the board available? Saturday? How about Saturday 1/22/05 at 9:00 am?

Anthony Sturniolo: Motion to adjourn the meeting of Thursday the 13<sup>th</sup> of January at 11:20pm  
Board all ayes.

