

Minutes

Work Session of the Planning Board
Village/Town of Mount Kisco
Tuesday April 26, 2005

Meeting called to order at 8:00 p.m. Tuesday April 26, 2005 at the Municipal Building
Mount Kisco, New York

Members Present:

**Joseph Cosentino
Anthony Sturniolo
Joseph Morreale
Stanley Bernstein
Doug Hertz**

Members Absent:

Ralph Vigliotti

Staff Present:

**Whitney Singleton
Nanette Bourne
Michael Stein**

Chairman Cosentino opened the meeting with the Pledge of Allegiance.

Public Hearing

**1. Northern Westchester Hospital – 400 Main Street
Public Hearing**

David Padget, Anthony Monteleone, counsels for the applicant, Joel Seligman, Michael Caruso, David Sours, architect, Donald Clinton.

Nanette Bourne: In anticipation of the number of residents in the village, in particular surrounding the hospital, coming out to tonight's meeting I thought it would be helpful for us to go through the basic SEQR process so they understand where we are and where the process is going. We are at the beginning stage of the proposed project and there is quite a bit that needs to take place in addressing a number of items by the time this project is ready for the Planning Board to take a vote to approve, modify or to deny. The first slide is an example of the number of steps that have to be considered by the Planning board in going through the SEQR process. Let me begin by saying the SEQR process stands for the New York State Environmental Quality Review Act. It a law that was adopted in 1975 and it requires that the Planning Board that has an approving authority to consider the environmental factors in the early stages of any project before they take any action. The next slide is the next stage of the process. If the board were to receive an application such as the one before them tonight for the Northern Westchester Hospital is to determine whether or not the action is subject to SEQR. In order to determine if it were subject to SEQR it is classified as a type 2, type 1, or unlisted. Type 2 would be minor type home improvements. Type 1 would be the large projects, like the Northern Westchester Hospital plan or, unlisted which are projects that would fall between those two. The proposed project that is being considered tonight would be considered a type 1 action. The applicant completed an Environmental Assessment Form and submitted it to the Planning Board and this environmental assessment or EAF just outlines some of the characteristics and the details of the project. The Planning Board made a decision to coordinate the review for this particular project; and what that means is that in addition to the Planning Board approval, a number of permits are required. For instance New York City Department of Environmental Protection will be required to provide a permit to consider storm water and water quality. What the Planning Board has decided to do is to act as the lead agency to act as the coordinating body and to consider all of the interested issues that are of interest to these other agencies. They will coordinate the review for the SEQR process. The next step is for the Planning Board to determine the significance. They consider the potential adverse environmental impact that the proposed action could have on the environment. They understand enough about the project to come to the conclusion that if there is no adverse environmental impact they would have given it a negative declaration. Another possibility is the conditional negative declaration. The third is a positive declaration which is what the Planning Board determined. A positive Declaration briefly states that there is a potential because of the size of the scope of the project for there to be a potentially adverse environmental impact and a more detailed analysis of the proposed action to be conducted. As a result they have requested that the applicant prepare a draft environmental impact statement. The first step that the Planning Board required in this DEIS process was that they asked the applicant to submit a scoping of the DEIS. The scoping is merely an outline of the issues that they

think need to be included and the methodology or the way those issues are going to be analyzed. Going back to the scoping. The applicant submitted this draft scoping, the Planning Board reviewed the draft scoping made numerous comments, changes and modified it so that the scoping document that is before them tonight still in the draft form. It includes Planning Board comments and it is the subject of the Public Meeting tonight and the Planning Board is hoping to hear from you as to the adequacy of the scope to make sure that all issues and items will be included. So that when seeing the document that is produced drafted DEIS it reflects the issues that is of interest of the community. The applicant will prepare the draft DEIS they will submit a preliminary DEIS to the planning Board. The Planning Board will review it and make sure that it is has covered all the items in the scoping document and it will not be accepted until the board determines that it comprehensive. Once the Planning Board accepts the draft DEIS as completed doesn't mean that the DEIS or the project is approved. It just means that the document is readable it is accurate and reflects the project and is suitable for public review. The DEIS once it is accepted will be circulated to the public again so that you have a chance to review it. There will be a public hearing that you will be invited back to make any comments any areas where you think have not been fully evaluated. Issues that you think have been ignored. Or other concerns that you have regarding the project. Those comments that the public and other agencies make will be presented in an oral form, which will come to the Planning Board again at the public hearing. Some people will make written comments and all of those comments will be combined in and the applicant will have to respond to each question issued that is raised by the public. That will be included in what is called a final environmental impact statement. The final environmental impact statement will include the draft DEIS it will include your comments and it will include all of the Planning Board who is serving as lead agency all of their responses. That final DEIS will be circulated for your review and after about ten days the Planning Board will then make findings. The findings will be the summary of the Planning Board's consideration of the entire project. It will come to some conclusions as to whether or not the applicant has identified all potentially adverse impacts and whether or not the applicant has addressed or mitigated them to the satisfaction of the Planning Board. At this point the SEQR process will be concluded and will be at the end of the process and that point the Planning Board will then consider the site plan and the zoning changes that the applicant is proposing. It won't be until the SEQR process is concluded that the Planning Board will be able to approve modify or deny the project and the proposed zoning. There are copies of the SEQR process that Michelle has put on the table if you would like to look at it. If you have any questions please feel free to ask.

Chairman Cosentino: What I am going to do now is, we have a sign up sheet and we are going to hear from Richard and Pat Visconte. You had some questions that need addressing.

Richard Visconte: We do not have any questions we just thought that you had to sign in.

Nanette Bourne: The applicant was going to do a presentation.

Chairman Cosentino: There are only few people here. Alright if you want to do that. The sign up sheet shows that someone wanted to speak. That is not a problem. Is there anybody that wanted to speak on behalf of the hospital? One, why don't you come up. Make your presentation since there is only one.

David Padget: The presentation will be made by Donald Clinton the architect.

Donald Clinton: I will be brief, the board and many members of the public have seen this presentation. We are planning at the board's request the long range growth of the hospital over the next ten-to- fifteen years. We have prepared this master plan submitted it to the board and it is on the basis of that master plan that we are submitting a scope to the DEIS tonight. The hospital today sits on the edge Main Street at the foot of South Bedford Road. Most of the site is paved as parking lot today. The goal is for the hospital is to grow as in a new emergency room uses up some parking space. There is parking space for new use. The plan that we had developed for the first time in Mount Kisco would be using parking garages. We see that as a plus because we will be able to liberate more of the site for landscaping as a result of that. The plan you see today has parking surrounding the site and the plan that we are proposing for the hospital is removing most of the parking in front of the hospital. It allows the hospital to grow at the north end where presently there is a Cancer Center under construction at the hospital. It would allow two additional floors on top of that building. Then it would allow a medical office building set back from Main Street and then tucked in between those buildings is the first parking garage. It's five levels partly below grade partly above grade and then set back from Moore Ave 30 feet and then stepped away from Moore Ave. Steps first it is four stories and then it five further in. Then the northern part of the hospital there are no other significant changes. At the southern part of the

hospital there is a new emergency room plan. It is an expansion of the existing emergency room. It would have the capacity to handle ambulances. One of the most important things that we are doing in that we are creating a route from Moore Ave around to South Bedford and to Main Street so that ambulances have two ways into the hospital. Today there is an emergency entrance from St. Marks Place into the parking lot for ambulances to get into the hospital. It is a gated entrance, which would not be required in the future as a result of this new road. In the long term master plan there is also plans for a garage at the south end. For that it is also tucked into the site and set back in this case 60 feet from St. Marks Place. The retail that is on the corner of St. Marks Place and South Main Street would be retained. That retail except for Conte's Restaurant belongs to the hospital but would be kept as retail services for the local community. In the long term there would be some additional space built in back of the hospital, an oncology wing and other clinical support wings at the back. As you know the hospital is seven stories today and it was planned originally for fourteen stories. I believe the elevator buttons actually have that on in the elevator cab. The plan is not to add to the height of the hospital but to add two stories to a wing at the back where it is low. So that the wing instead of just being two wings there would be a third wing. That is in the long term future of the project. Now just to put the phasing in context. The first phase is construction of the garage at the north end and a medical office building, construction of one the floors on top the current Cancer Center that is currently under construction. There would be one extension oncology floor that would be added at the back of the hospital. The road would be built that I described going along the back of the hospital. In the south the parking lot that is there today has sitting in it a small office building, that office building would be demolished. The parking lot would be organized better landscaped so that it would be able to hold more cars and also be easy to circulate and find your way around. That is essentially the scope of the first phase. In addition to that for you come in today it is confusing as to two entrances. There is a main entrance and then there is the emergency room entrance. In this case we would make the main entrance would now be under the hospital major ambulatory care out patient visiting part of the hospital would be at the north end with the medical office building was. Then there would be a connection to the hospital from that medical office building. It would begin to be more organized as a site that when you are coming just for the day or as an out patient you would go to the north end of the site and if you are an inpatient or visiting an inpatient you would go to the south end of the site. It would be less confusing than it is today. This is in broad terms the master plan of the hospital. I would be happy to answer any questions.

Chris Visconti: Did you say that gate would remain closed on St. Marks?

Donald Clinton: It would be eliminated.

Chris Visconti: So there would no entrance.

Donald Clinton: Down where the entrance that comes in to the back of Conte's that would remain as a driveway. The driveway that is farther up and goes into the parking lot would be eliminated.

Eduardo Oliveria: I am asking about this entrance.

Donald Clinton: This is a two family residential. The hospital in the early stages of our master planning worked for the hospital. There was no question as to what is to be done here. In fact at one point the hospital contemplated building parking there. We worked very hard on this and the thinking about this was there was a need in the long term for residential use for the hospital for nurses or doctors to be on staff that they have there. The board essentially said we are not in the business, we are in the hospital business we own these buildings we use them for our staff. We use this housing for our staff. One of the things that we are doing in the rezoning action is we are changing that parcel which is zone H for hospital back to a residential zone. So the intention is that Boltis would remain a residential zoning and residential use.

Eduardo Oliveria: This entrance will affect the people here today.

Donald Clinton: There will be no entrances.

Eduardo Oliveria: Whatever ambulances go by will affect the people there. That is my concern is the ambulances. It is a nice quiet neighborhood as soon as this is built we lose all of that privilege.

Donald Clinton: One of the things that we are attempting to do in the site plan is to buffer that road from Boltis Street.

Eduardo Oliveria: The noises will be heard.

Donald Clinton: We did make a determination that we were not creating any driveways or change the condition along this stretch of road.

Chairman Cosentino: Is there anyone else?

Kitty Vilkas: I also live across the street. Is it possible for us to get any copies of this as residents of the area?

Chairman Cosentino: I don't know if they have any.

Kitty Vilkas: I would like to study it a little bit more. Living right across the street from all of this we are all very concerned about what is going to happen to our property values and our own lifestyles. Thank you. It would be wonderful if we could get that.

Donald Clinton: All I can say in response to these concerns is that it was one of the first planning issues that we raised with the hospital, is what the appropriate thing to do. Essentially we are seeking to leave it untouched.

Kitty Vilkas: I like the fact that there is a nice swatch of green there to look at.

Pat Reilly: I just want to make a few comments. For this present Planning Board and for the previous Planning Board. I just want the residents to be aware of how hard they have worked. They're not yes people; they have worked for about five years on this project. When the Village of Mount Kisco was doing its master plan and that was a very important gesture for the village to do. The village purposely left out two areas, because we felt they were so complex that it would prohibit the master plan from completed in a timely fashion. So they left the Grand Union property, which is the biggest piece of property and the hospital property because the hospital at that time did not have their master plan. Something unique happened, I believe it was one of the first times that the Village of Mount Kisco sat down and almost worked step by step with an applicant. What I mean is again it wasn't a yes yes ok we want to give it to you. It was more of what does the village want and does the village feel was very important to protect our community. At the same time realizing that the hospital had to grow, had to change. The purpose of the hospital had changed greatly and so there was a meeting of the minds. They met almost weekly or every other week. That included the Planning Board and including our own building department our building inspector. It was a unique happening for the Village of mount Kisco. We all know how important the hospital is. It is very important to the Village of Mount Kisco. I am very proud of what has happened to this point. With the hospital and the Planning Board and the Village has worked so closely together. I know some of you here are from the area especially Boltis Street and I know why you would be concerned. Believe me from day one and I did when I was Mayor I did come to every Planning Board meeting. So I enjoyed watching this whole process happen. That was one of the biggest considerations especially on the Planning Board side. We don't want to have influx of high rise on our residential streets. Especially Boltis Street. So that was always one of the planning projects that both the hospital and the village tried to work out. I didn't realize that the residents part, as they explained the roadway for the hospital will be within the campus. So it won't be going in and out all over the place. It will be within the campus. I feel that I know if I lived on Boltis Street I would be concerned too. I would not want to see a high rise right across the street from me. Believe me they are making, their buffer is much bigger than what is demanded. I just want to congratulate both the hospital and the Planning Board because it has been a long time and it certainly is not finished yet and it still going to be a long time. I just wanted to reassure you that the village from day one wanted the best for the residents. We have a hospital and we want to do what is best for the hospital also. I just wanted to make that statement. Thank you very much.

Evan Lerner: How many current parking spots are there now and how many are planned?

Donald Clinton: There are 791 today and 1262 planned. This is when both garages are built.

Evan Lerner: At the north end parking lot that is the five square structures?

Donald Clinton: It is 649.

Evan Lerner: Would that be the tallest structure in the main part of Mount Kisco?

Donald Clinton: No the hospital itself is the tallest structure.

Evan Lerner: Baring the hospital do you know what the next tallest structure is?

Donald Clinton: Actually the building across the street is taller. This office building across the street is taller. This is three stories on a basement, the office building. The garage behind it is actually lower than that. The garage floor plates are not the same height as a normal office floor plates. It is not a tall building.

Doug Hertz: Let me just clarify, we have talked about five levels. Is it five levels above ground?

Donald Clinton: It is five levels entirely. It goes about a level and half down into the ground.

Doug Hertz: So about three and half levels above grade?

Donald Clinton: Moore Ave. slopes. The conditions vary. It is more on the ground at the Main Street end.

Chairman Cosentino: Is there anybody else? Those of you that came tonight I thank you and appreciate it, for your input. I hope you have learned more about what is going on, because that is what these comments were all about. They will be before us many more times. It is an open meeting and you are welcome to come and be part of the process. Nanette do we want to go to the scoping?

Nanette Bourne: What I would recommend is that you consider the comments that were raised tonight. Then the scoping outline should be on for your meeting. Then you can make whatever revisions you would like. Incorporate any comments as well.

Anthony Sturniolo: Should we also keep the written comment period open?

Nanette Bourne: There is no formal written comment period because it is not a public hearing. If anybody has anything further they can add.

Chairman Cosentino: This letter from one of the residents and I want it on record from Captain Merritts Hill. There are ten signatures and they are concerned about the traffic on St. Marks Street, Boltis Street and also Marion Avenue and what it would do to Rt. 133. I am going to make this part of the record.

Mary Smith: Will we be notified of any future meetings?

Chairman Cosentino: They will be on the agendas.

Whitney Singleton: Even if when there is future public hearings there will be notice. Going forward on the applicants coming in it would something upon you to check the agenda here online on the village web site or here at village hall as far as future meeting dates. If you want to call the building department to verify the agenda you are certainly welcome to do that.

Anthony Monteleone: Just before closing the public comment the president of the hospital would like to make a few comments.

Joel Seligman: I just want to thank the Planning Board for their continued cooperation and working together with us. I also want to reassure that is has been our intent to be as communicative as possible about our plans. About three or four months ago we held a series of open houses to the best of my knowledge we invited everybody that lived in Mount Kisco to come in and look at the plans and talk about them in detail. I believe they are also on file in the library. If you did not get that invitation we invite you over to walk through with us. We can learn something and you can learn something. There is no intent from any of us to conceal this. This is public process that we want supported. I thank the board for its support and for caring so much.

Anthony Sturniolo: The folks who are interested in getting a copy of the plan that were discussed before. John and Tony if you could make additional copies of that available and deliver them to Nancy who is the secretary of the Planning Board so those of you folks who wish to have a copy you can see Nancy Placona in the building department she will have them for you.

Mary Smith: Do we have to pay for them?

Anthony Sturniolo: No.

Mary Smith: I had to pay for this.

Chairman Cosentino: You had to pay for what?

Mary Smith: This thing, the revised draft scope.

Nancy Placona: Mrs. Smith came in and requested a copy and procedure is there is a charge for copies to cover the cost of the paper.

Anthony Monteleone: We will make copies available to the village and the residents at no cost.

Anthony Sturniolo: How much did you have to pay for that?

Nancy Placona: It was .25 a page and she requested three copies. It totaled \$12.00.

Chairman Cosentino: We will reimburse you.

Mary Smith: You will?

Anthony Sturniolo: Absolutely.

Chairman Cosentino: We will reimburse you.

Mary Smith: Maybe.

Chairman Cosentino: I will do it personally. I will make sure you get it.

Mary Smith: Thank you.

David Padget: I just wanted to say thank you and we will see you at the next meeting with respect to the adoption of the scope.

**2. The Premier Collection – 250 Kisco Avenue
David Sessions, Don Murphy, Eric Kaeyer, Architect, Sean Coughlin,
Rich Stavridis.**

Nanette Bourne: The next is the Premier Collection. They are two one being a public hearing on a Permit Disturbance to Natural Sensitive Areas and they are also on continuing review to seek material that we had spoken about a few meetings ago. I suggest that we combine the two. So all you have to do here is ask for comments and or hold it over.

Chairman Cosentino: The next public hearing is the Premier Collection. Is there anybody in the audience that would like to make comment? This is for Disturbance of Natural Sensitive Areas. Since there is nobody we will keep it open for ten days for written comment.

Doug Hertz: I make that motion to close this part of the public hearing but keep it open for written comment.

Anthony Sturniolo: On the question. For the record there is a public notice that we all have a copy of that refers to the comments pertaining to the natural resource disturbance permit application for the Premier Collection two existing parcels of land etc. at 250 Kisco Avenue. This is in receipt and documented.

Chairman Cosentino: We have a motion. Do we have a second?

Joseph Morreale: Second.

Chairman Cosentino: The second by Dr. Morreale, the motion made by Mr... Hertz. Secretary poll the board.

Board All Ayes.

Nanette Bourne: Michelle Robbins is prepared to discuss the items that are set before you.

Michelle Robbins: What I gave you was prepared by the applicant and the specs for the lights would be the outdoor lights on the site. These would be 12 foot poles.

Eric Kaeyer: It is a combination of 5 and 12 foot poles.

Michelle Robbins: You asked that the applicant show prepare lighting simulation that showed the mock of what the building would look like lit at night. From the vantage point I believe from Burger King. First one shows the Curtis instrument in the corner. This is a farther away view. This is unshielded lighting fixtures. The lighting simulation shows unshielded lighting fixtures because when we did the mock up with the shielded lighting fixtures you couldn't see them. We wanted to show you what they would look like unshielded. All lights would be shielded. This building is showing the interior light of the offices with two lights on.

Eric Kaeyer: Two by four light fixtures per office.

Michelle Robbins: They will all turn off at closing. This is the worst case scenario. This is a close up view.

Doug Hertz: Did you also prepare as we had requested from Kisco Avenue. We talked about two elevations, one from across the valley and one that was looking up.

Sean Coughlin: My recollection that we never decided on the second location. You were to let us know.

Doug Hertz: The only location we specified was Kisco Avenue. The second location across the valley was to be determined.

Nanette Bourne: We provided a couple different computer simulations models that gave us a direction of where to go. In looking at some of the preliminary conclusions it not shows on some of these computer simulations from Kisco Avenue. With the lights shielded you couldn't see any of the building. So what happens with the simulation you look up there and you would just see black.

Michelle Robbins: The fixture specified on the sheet is a full cut off fixture.

Doug Hertz: Because the site is obviously higher than Kisco, if you are walking or driving along Kisco Ave are you going to be looking up into these? Is the placement of the fixtures such that you are going to be basically looking up into the face of the fixture even though it is full cut off. Full cut is 8 feet below.

Eric Kaeyer: The difference would be if you look at these fixtures up here in the ceiling. If you are looking at this angle the intensity of the light fixture verses if you are looking this way. That these are cut off so when you see the bulb perhaps then you will get the intensity of the light.

Nanette Bourne: The computer simulation was not going to show.

Doug Hertz: We talked extensively about placement of night lighting; emergency lighting within the building. When it was turned off at night we would minimize or eliminate a glowing in that space. How successful is that going to be?

Eric Kaeyer: On the second floor emergency lighting, only required is the corridors space. We have solid walls in the offices which is different from Curtis. Curtis actually has open office space upstairs. So where you see lights coming through there that maybe office lighting it may be night lighting we can't tell. In our case where we have solid walls between the corridor and the offices, the office lights are off you are not getting the emergency lighting on the second floor at all. We actually did this rendering originally with all the lights off upstairs and thought that was kind of silly because you couldn't even see the building at all.

Doug Hertz: What about in the showroom space? We had talked about positions.

Eric Kaeyer: Here again in terms of the emergency lighting we talked about the emergency lighting actually being in the waiting area which is in between the two showrooms. There is a solid wall there as well. So you are going to get a little bit of a glow up there. I can't say that you're not going to get a little bit of a glow. We don't need to have emergency lighting in the showroom. We can have it in the area behind, which would light towards the entrance which is not the Kisco Ave. side it is the other side of the building. A lot of that elevation also what we referred to as spandrel glass which is solid. It is opaque glass, because there is a whole parts department in between

the service and the showroom. That is opaque glass so even if the lights are on inside you don't see through it, it is a solid wall.

Doug Hertz: The area right on Kisco Ave., the vehicle display area. How are those lit?

Eric Kaeyer: That is a fixture that is a little complicated. It is stuck into the ground shining up at the vehicle. When we were doing the photometric if you look at the drawing it shows zero because there is actually no light on the ground it is only a spot light on the vehicle itself.

Doug Hertz: We'll be limited to our maximum illumination for say signage and five foot candles at the face of the vehicle?

Michelle Robbins: You actually see it over at the Volvo dealership. The exact same type of lighting that they were proposing for this particular sight is currently in existence at the Volvo dealership right now.

Anthony Sturniolo: What is it? A bar type fixture?

Eric Kaeyer: Upward landscape lighting.

Doug Hertz: Those are all pretty close to the light.

Chairman Cosentino: Mr. Vigliotti is not here tonight he had surgery and he asked that we deliver a message and put it on record for him. He stated that he had some negative concerns about the cars at the bottom here and here. His concerns were having the displays at the bottom there and I just wanted to bring that up.

Eric Kaeyer: We reduced several cars that were down there. When we first did the site walk I remember we had about twelve and we currently have seven or eight. We eliminated 30%.

David Sessions: Along the display area here we had another display area over here.

Chairman Cosentino: I think one of his concerns, and I need to bring them up for the record, was that is other agencies such as Toyota or whatever wanted to put a rack outside for display and if we allow that here what would we do in a situation like that? I think the town certainly would be flooded with displays out in front of the agencies.

Sean Coughlin: If I could possibly address that. Florida is the best place I can think of to talk about that they actually have displays of the cars up in the air that you can see underneath and designed to show the suspension designed to show articulation, that is not what we are trying to do here. What we are trying to do is create a very tasteful display using some of the natural landscaping in place already, hopefully enhancing with flowers and landscape lighting to make it an attractive tasteful view of the cars. The same way we did it at Mt. Kisco Volvo where there is a display right out on the road. It is by no shape or form a display ramp it is hopefully a tasteful way to show one of our vehicles.

Anthony Sturniolo: The difference that we see with the Volvo it is a single car on a flat display. Basically behind it is a parking lot with cars. Here because it is green on the side and all the up it's a natural hillside. You expect to see cars on display in a black top parking lot environment. Then you start to place these cars in basically an un-natural setting when you start to take a natural state and carve it up into un-natural state by putting cars in. I don't believe the relationship of the cars to the sloping hillside visually enhances Mt. Kisco. That is my personal thought.

Sean Coughlin: It certainly compared to across the street Toyota where they have the cars lined up along the road.

Anthony Sturniolo: I am not using that as a benchmark by any means. This somewhat unique and those are my thoughts Mr. Chairman.

Chairman Cosentino: Does anybody else have any comments?

Stanley Bernstein: The word tasteful is basically is in the eyes of the beholder. This particular beholder doesn't think it is tasteful. I don't like to see a hunk of iron mixed in among trees and flowers and shrubs. I don't like it.

Joseph Morreale: I have a different point in that we walked on Saturday and realized that there is a like hood that cars are going to pull off. People would get out and go look

at them. This is a very busy street and a major intersection and lots of traffic. We really think that could be hazardous in the safety issues.

Sean Coughlin: I think it would be more likely that they would pull into our driveway. I can't imagine a car stopping on Kisco Avenue any more than they do for the Volvo store any more than they do for currently.

Rich Stavridis: They are set back there and it's not as if they are going to climb out and go up there. It's not a normal situation that is for sure.

Joseph Morreale: I am not sure of that. To get to see any of it especially the ones in the front you can't go up the driveway. It is much simpler to pull off the road park your car and walk the hill. That is the whole issue.

David Sessions: We presented at the beginning I think we had a dozen or more cars displayed out there. These are the same concerns that we heard a year or so ago. The board walked the site and I don't want to put words in the mouth. I think the board was relatively surprised that open some of the areas were and how far set back the area was from the road. We listened to your concerns and we cut out more than 50% of the display area along the road and some going up the driveway. Quite frankly I don't think we've heard any comments for the last four or five meetings on that. I am surprised to hear it now.

Chairman Cosentino: Every member is entitled to voice an opinion.

Davis Sessions: We are trying to meet you half way.

Anthony Sturniolo: We did a site visit and looked at it and these are the comments you're hearing now.

Chairman Cosentino: Does anyone else have any comments?

Doug Hertz: I would like to go with Dr. Morreale's concern. I drive down this road constantly I agree that it could invite some traffic issues. People turning their heads to stop and look. I understand what your point is. The fact is it is in harms way I think the display is done and I don't have any disagreement with the setting. The number of cars, the size and placement it is definitely concerning. I joined the board after that site visit so I was not there on that visit. It certainly is a concern of mine.

Chairman Cosentino: We were there on Saturday to see how it looks. There was a concern because of people pulling along side of the sidewalk and parking the car getting out looking at the cars. It is a major roadway there. I don't know what the board's pleasure is.

Eric Kaeyer: Why would that be any more of an issue in terms of somebody stopping to see these cars as opposed to stopping across the street to look at the cars across the street. This is a typical way of showing off cars.

Anthony Sturniolo: No because of the spot to stop and look.

Eric Kaeyer: Is there an easier spot across the street?

Anthony Sturniolo: No.

Eric Kaeyer: I guess in terms of setting precedent this is not a typical car dealership site in the fact that it is 40 feet up to the showroom. For people to know and see that this is a car dealership we would like to show off a few pieces of our merchandise. Where most other dealerships get to show their entire inventory and you see their entire inventory and you see the entire parking lot. As Sean Coughlin said we are trying to do this in a tasteful way where we can show off a few cars and still let people know that this is a car dealership. If this wasn't fifty feet up in the air we wouldn't have to do this at all.

Sean Coughlin: I would be willing to stipulate that if it became a problem if we had an issue of stopping on the street I would be willing to discuss and I am comfortable that enough that it won't happen.

Anthony Sturniolo: Going back to the typical site. Because it is that and you believe you need the display area down at the bottom because you can't see a display area up top. The concerns the commitment and the dedication that this board has to the overall look and quality of life in Mt. Kisco should not be compromised because you choose a site

that you can't traditionally display cars on. As opposed to somewhere else where the cars and office complex are all on the same plane.

Sean Coughlin: I would agree with that, but I would like to point out to the board that every other automobile retailer in town has cars displayed along their frontline. We are not asking for something that is unusual in putting cars somewhere close to the road.

Anthony Sturniolo: This is different because of the heavily wooded setting that is in and metallic cars don't grow on dogwood trees. Metallic cars coexist with blacktop.

Doug Hertz: I think also the number. Seven or eight cars is not a single car like in front of Volvo dealership.

Sean Coughlin: It is many times wider, much more frontage. If Mt. Kisco Volvo had more frontages we probably would have asked at that point for more cars over there. It is very narrow site.

Anthony Sturniolo: At the risk of repeating myself, then you have the amount of cars right behind the sole display car on the raised berm. Here cars are in the middle.

Rich Stavridis: You are saying that everybody else is doing it on asphalt you would think you would want this as opposed to the asphalt.

Anthony Sturniolo: I want to preserve the greenery.

Sean Coughlin: Most other automobile retailers in town haven't done any greenery in their displays at all.

Anthony Sturniolo: Correct, but this is green right now and this is the application in front of us as I started talking before, this is one member and this is my feelings about this.

Chairman Cosentino: I guess the board has a problem with it. Something has to be done.

John Aarons: Is the board ready to act on the site plan except for this issue?

Chairman Cosentino: I am not sure.

John Aarons: If that is the only issue left then I would ask that we see if we can reach a resolution at this point.

Anthony Sturniolo: Amongst yourselves. Re-think it and come back at a later date.

Sean Coughlin: That is what we are trying not to do.

John Aarons: We are trying to get beyond it tonight. That is why I asked if there were any other issues.

Chairman Cosentino: You have heard the board. This is a continuing review.

Anthony Sturniolo: We obviously discuss Mike Stein's concerns.

Michael Stein: I worked everything out with Dave Sessions from Kellard. We had addressed all our comments. One thing: while driving by Mt. Kisco Commons site, I saw all the torn-up gravel pave. I just raise the question and the board might want to consider since over at Mt. Kisco Commons gravel pave was an issue do we want them to do the similar and change the gravel pave to the same paving unit they are using behind the Elephant's Trunk?

Anthony Sturniolo: That may be a question not answered tonight because of the gravity and impact with what we are currently discussing.

Nanette Bourne: The issues with the gravel pave because and I am looking at Dave because we were reluctant at the outlet center.

David Sessions: The reason why it wasn't successful at the Outlet Center and the main reason is the center was open in October and they put sod sown in October. The cold weather set in and it didn't have an opportunity to set and bind and grow. Tractors ran over it and ripped the sod up. Quite frankly it looked horrible. Had it been put in, in the spring during the growing season it would have probably matted down.

Nanette Bourne: Do you see this comparable with the Elephant's Trunk? Take the same material here does it matter?

David Sessions: I have used gravel pave probably a dozen times in other communities and grass pave works fine. It is the timing. The timing that it was put down that was the problem.

Michael Stein: The other thing all the truck deliveries were done on site. The tractor trailer where it turned around would be along the edge of the gravel pave. That may cause it to rut up more.

Nanette Bourne: So it would be a repeat performance of the outlet center.

Michael Stein: So if we are then looking at the paver unit, the gravel may prevent something like that.

Sean Coughlin: I would say we are going to end up with a lot less tractor-trailer traffic, than Target did.

Michael Stein: You are still going to have the truck backing up into the area to unload the vehicles. You are still going to have a tractor-trailer up there with a heavy cargo. That is part of what caused the problem.

Chairman Cosentino: You are going to unload up on the top?

Sean Coughlin: We will not have a choice; otherwise I will not accept the cars. They will not unload in the street.

Whitney Singleton: They unload across the street.

Sean Coughlin: Not on Kisco Avenue, but on Kensico Drive.

Chairman Cosentino: The agency next door unloads on the street.

Sean Coughlin: We won't be.

David Sessions: I think the difference between the outlet center and this site is that we are proposing gravel pave here. The outlet center was proposing grass pave. It won't be grass or seed planted here. It is polyethylene cones with gravel on top. This is basically what is out there out at the outlet center now. So the grass is not going to be proposed, the grass can't be ripped up. It is a gravel surface over the supportive cones. That is a big difference.

Chairman Cosentino: I don't know. Mike what are you going to do? I am not an engineer.

Michael Stein: The way it seemed it is working with Elephant's Trunk. It was definitely favorable.

Chairman Cosentino: Elephants Trunk washed down. They had to do it over again.

Michael Stein: When?

Chairman Cosentino: This past year.

Nanette Bourne: What happened?

Chairman Cosentino: It washed down and they had to do it over again. I was back there. It was roped off and I wanted to go back there and see why. A section of it. Not all of it. I think it was water from the mountain.

David Sessions: A big part of that Elephants Trunk is on a pretty good slope. This is a little different.

Nanette Bourne : I think what we are all wanting is something that is going to be suitable for truck traffic and be durable and stable for the traffic. I am not favoring one over the other; I just want the most gravel pave grass pave whatever.

David Sessions: It is all rated for H20 loading. It is all structurally sound. Again this will not be a grass or sod application. It is strictly gravel and a flat surface.

Sean Coughlin: We also have it in another one of our locations; gravel. We are not having any trouble with the tractor- trailer traffic. As a matter of fact it is holding up better than we expected.

Nanette Bourne: Related to that I don't know if you got the letter from DEP today. DEP sent a letter that this does not require a DEP permit. There was an early on issue about the amount of area that you would disturb.

Chairman Cosentino: You saw this letter?

Nanette Bourne: It just came in today.

Anthony Sturniolo: Do you believe you have the right to store the cars on the property you have?

Sean Coughlin: We own the property.

Anthony Sturniolo: Do you believe you have the right to store the cars?

Chairman Cosentino: Austin Cassidy gave them permission.

Whitney Singleton: That was also presented to your board.

Anthony Sturniolo: Are there cars being stored anywhere else in Mt. Kisco?

Sean Coughlin: Outside, no. We have a couple in the warehouse.

Anthony Sturniolo: I mean inside in Mt. Kisco.

Sean Coughlin: I think we might have five or six cars in the warehouse.

Rich Stavridis: In the warehouse .You are talking about Jaguar/Landrover?

Anthony Sturniolo: Any cars.

Sean Coughlin: Jaguar/Landrover mainly there.

Anthony Sturniolo: You have some stored elsewhere?

Sean Coughlin: I have maybe four or five stored in the warehouse that is it. Basically cars that are prepped and are awaiting delivery.

Anthony Sturniolo: That warehouse is yours or rented?

Sean Coughlin: Rented.

Anthony Sturniolo: From somebody who is authorized to store cars on that site? Maybe you can find that out.

Sean Coughlin: I do not want to say yes or no because I do not know for sure.

Whitney Singleton: There may be a provision in the urban renewal regulation. You need parking spaces within the buffer.

John Aarons: Have you checked the regulations?

Whitney Singleton: No, I didn't. But I can check that out.

Chairman Cosentino: I think we should hold this off until the next meeting.

Eric Kaeyer: The buffer is a ten-foot buffer?

Whitney Singleton: That under the zoning ordinance under the urban renewal regulations.

John Aarons: Once this issue is resolved what is the next step?

Anthony Sturniolo: I think we should make that determination at our next meeting.

Chairman Cosentino: I think at the next meeting we will decide the next step.

Nanette Bourne: Would you like me to start drafting a resolution?

Chairman Cosentino: Not until we solve this at the next meeting. That will not take long.

Joseph Morreale: Could I ask a question of the lawyer? You started saying something before, "is this the only issue?"

John Aarons: What I was getting at was to ask the board to ask Nanette to start the resolution. If that is the only issue to get resolved one way or the other. You may have an urban renal regulation that may prohibit it. We will convince you it is ok and you will convince us to give it up. Something will happen pretty quickly. In the meantime we'll be out of the meetings.

Joseph Morreale: I was hoping you were going to say something different.

John Aarons: This little issue doesn't affect anything else on the site plan if I understand it correctly.

Anthony Sturniolo: It needs to be corrected and it is not a little issue.

John Aarons: I mean little on site.

Chairman Cosentino: I really want to wait until the next meeting to start this.

David Sessions; The board wanted a cut of the privacy fence around the proposed trash compactor. We are submitting that for the record.

Sean Coughlin: Green is what we were planning on doing, but if the board would like to see a different color. Black was my preference to be perfectly frank. Green ends up standing out a lot worse.

Doug Hertz: I don't know off hand where on the site that would be.

Michael Stein: It is at the rear of the building.

Eric Kaeyer: Towards this back corner.

Chairman Cosentino: Do you need to know tonight?

David Sessions: No.

Nanette Bourne: Did you close the public hearing?

Chairman Cosentino: Yes we did. We left it open for ten days.

David Sessions: Is it safe to say once the display area is resolved we can start the resolution. There will be no further issues and Mike Stein is happy with all the provisions?

Chairman Cosentino: Yes the resolution can start. Thank you.

3. August Pond – 151 Sarles Street Steve Coleman, Glen August, Del Bianco, Jerri Barret

Chairman Cosentino: This is a public hearing on August Pond on Sarles Street and they are proposing to build a pond at the entrance going into the property. Public Notice was posted. Is there anybody in the audience that would like to talk on behalf or against this?

Evan Lerner: I was just asking in relation to where the subject property is. Here is the main drive and the existing driveway is here and I was about to ask where the current house is in relationship to the pond.

Chairman Cosentino: At the top of the hill. The pond is really secluded and you can't see it from the road. It does enhance the bottom of the property. There is nobody else to speak?

Anthony Sturniolo: At our last meeting and also at the site visit, Steve you did not know the answer to this, but would have the engineer look at it. We had asked that you submit a letter. Has that been done?

Steve Coleman: I have that also. It is a letter from LBG Engineering. It re-enforces what we talked about at the site visit.

Anthony Sturniolo: Would you submit it to Nancy. We obviously can't accept it tonight. The purpose of the question is that although there are wells on this property that the applicant intends draw from to fill up the pond, I had a concern that drawing from the wells could it have a potential negative impact on the aquifer, which feeds Mt. Kisco water supply known as the Leonard Park well field. We need to read what that letter says and then have our experts' analyze it and review it.

Steve Coleman: My understanding is it is the same engineering firm that did the work at Leonard Park. They are very familiar with and have done the studies at Leonard Park.

Chairman Cosentino: I do not have any questions.

Joseph Morreale: You are going to place the pond on the west side. Which is towards I presume other homes on the other side of the property.

Chairman Cosentino; There are no other homes.

Joseph Morreale: There are no other homes? What is on the other side of the property?

Doug Hertz: There are other homes but it is pretty far away.

Steve Coleman: Approximately 1/2 mile.

Joseph Morreale: So there is no danger of any kids wandering into or fall into the pond?

Steve Coleman: It is set back approximately 100 feet from Sarles Street. There is only one access in through the main driveway into the property. It is well secluded.

Whitney Singleton: You said it was existing well pumps? I just want to make sure they are not proposed.

Steve Coleman: They are not proposed. They are existing wells on the site in that location.

Whitney Singleton: They are not domestic water supply.

Steve Coleman: Years ago they use to serve as domestic water supply.

Chairman Cosentino: What happens now is they have a line coming up from Sarles Street that feeds the house at the top of the hill. These wells were previously connected to a pump that is at that house. We looked at them on the site visit. They will be there now just to feed the pond.

Whitney Singleton: There are issues with the Health Department with regard to using wells.

Chairman Cosentino: They will have to solve that.

Nanette Bourne: Mike have you reviewed?

Michael Stein: Not yet. I do not have a copy of the plan.

Nanette Bourne: Obviously the village engineer needs to review.

Steve Coleman: We submitted copies in the beginning.

Nanette Bourne: Maybe Nancy can get you a set of those.

Chairman Cosentino: Do we have a motion to close the public hearing?

Anthony Sturniolo: I make a motion to close the public hearing for 151 Sarles.

Stanley Bernstein: Second.

Chairman Cosentino: Secretary polls the board. Board All Ayes.

4. Wasseem – 22 High Street Heath Wasseem

Anthony Sturniolo: Does anyone wish to comment? This is for a permit to disturb natural resources area.

John Fermann – 45 Brook Street: I was just wondering what it was going to look like from Brook Street looking up at that.

Heath Wasseem: No changes. This work has already been done.

Viewing of plans

John Fermann: It's done?

Whitney Singleton: Perhaps we can explain. This work was performed by the applicant without a permit. The applicant was not directed to get a permit by the previous village engineer and to it was reviewed by the current village engineer, which revealed that a steep slopes permit or a permit to disturb sensitive area was in fact necessary for that work.

Michael Stein: I believe a permit was issued to put up the wall and do some grading in the back. There was some work done not in conformance with the approved. A stop work had been issued prior to my going and taking a look at it. I have gone back up to see if everything has been corrected and conforming to the approved plan. Fencing and looking at the plan the disturbance to steep slopes was more than 100 square foot allowance, which meant it had to go before the Planning Board.

Whitney Singleton: That would explain why the work was performed prior to a permit.

John Fermann: It is not going to look any different or change?

Michael Stein: No.

John Fermann: The notice I got was a proposed change.

Whitney Singleton: I think the board has received some other comments as well, written comments.

Michelle Robbins: Just so the board knows I was there for a site visit. Michael had expressed some concern about and I can show you. The tree that was along the fence line, apparently there was some disturbance around the roots. As you can see the fence was right up into the roots. I went out to make sure the tree looked like it had not been damaged from the work that was done. My assessment is that the tree is likely to be fine. We prefer not have the fence posts dug into the tree roots.

Stanley Bernstein: What kind of a tree is this?

Michelle Robbins: It is a Locust. What I would like to recommend to the board as a condition of approval that we go back and monitor this tree in a year, to make sure that it is thriving. If it is not then at that point we need the applicant to come back and talk about replacing it. At this point I think the tree is probably going to be ok. In fact the fence may have issues. Michael did notice when he was out there some disturbance around the root area. The tree does seem to be ok, but sometimes you don't know for a while.

Stanley Bernstein: Do you think there was any compaction?

Michelle Robbins: I don't think so. It was at the bottom of the slope area. Did you see any compaction?

Michael Stein: Not necessarily no.

Heath Wasseem: It was a small two inch pole. It was literally between the roots as opposed to through the root structure. It is only about a two inch zone and it is a tree that is approximately 80 feet high, so the root structure must go out 20 feet in each direction. The impact on the root zone would have to be minimal for the entire root zone.

Joseph Morreale: Is the tree right on the property line?

Anthony Sturniolo: Yes. Michelle you had mentioned re-visiting it in a year. A year obviously to me represents a reasonable time period that something is either going to

thrive or it is not. Plus a year from this time we'll be looking at it in the spring when its health is most visible or no longer dormant, and you can see buds and greenery etc.

Michelle Robbins: If at that time it looks like there are any issues or it doesn't look like it is thriving, we don't necessarily have to say a year we can say the next five years. That is up to the board and should be a condition.

Anthony Sturniolo: Whitney where is this applicant in the legal system at this point?

Whitney Singleton: They are awaiting the issuance of the permit.

Heath Wasseem: I am in the Planning Board's hands.

Whitney Singleton: Then once steep slopes permit is issued his court case will be closed out. That is my understanding with the prosecutor and the village manager. They are waiting for the permit to be issued or not issued.

Stanley Bernstein: in other words we are being asked to retroactively approve a steep slopes permit.

Whitney Singleton: Retroactively. That's why I wanted to get some perspective on this application. I don't know the entire history of it. But my understanding is that the applicant was not aware nor was he told by the then village engineer that a steep slopes permit would be necessary for the work that he proposed. Upon Michael's review of this and what was being done there the work exceeded the scope of what was represented to Howard or whether it was because there was not sufficient information before Howard or whether he was unaware of it. There was no indication that a steep slopes permit was necessary at that point in time. When Michael ascertained that there was, he issued a stop work order.

Stanley Bernstein: How did the litigation get involved?

Michael Stein: Actually a stop work order was already in place. That is why I was actually looking at the project to begin with. That is when it came up.

Whitney Singleton: I think what basically is going on here is that appears there were some mistakes made here. It was a good faith error.

Heath Wasseem: I submitted a plan to the town and was unaware of a steep slopes permit and upon compliance with the current village engineer this came up. So I was completely unaware at the time.

Anthony Sturniolo: Anybody else with comments?

Stanley Bernstein: We do have a letter from the neighborhood: Chairman Joseph Cosentino, Mt. Kisco Planning Board. Chairman Cosentino and board members my property directly abuts the property of 22 High Street which has requested to be permitted to level an area of 285 square feet at the rear of their property. My garage and house are located directly down grade from the above property. Although I have no objections to the grading of a level patio area butting their house. I am greatly concerned by the possibility of a change in the nature of water flow in the area. During the original construction of the house at 22 High Street my property was inundated with water. My garage flooded on a regular basis and water entered my basement on occasion. Neither of these conditions had occurred prior to these changes in grade. If a permit is issued in this project I would like guarantees that every effort will be taken to minimize of any run off of water or soil to my property during the construction. Once the project is completed all water related issues will have been resolved. Should any damage occur to my property the owners of 22 High Street would be responsible and should be immediately compelled to correct the situation and fully pay for any repairs or clean up which would be required. If you need to contact me my phone number is etc. Sincerely Nancy Sheehan 15 Brook Street.

Anthony Sturniolo: Mike it kind of sounds like there is a concern certain mitigating measures were taken and am I correct there has been demonstration of water flowing into the other property.

Michael Stein: From the work that was done it was minor re-grading of the slope. There was not a tremendous amount of fill added in and there wasn't any increase in impervious area. I am not sure as to the extent of how this would have increased the amount of run off going to the neighbor's property.

Anthony Sturniolo: The increase in fill was done when?

Heath Wasseem: Time Frame? September/October of 2004. I had a letter stating in my application from my engineer to the fact that there is no change in the existing or prior run off from what it was. Basically it was just a minor addition of fill. It was not a changing of direction of flow water at all. Just maintaining the existing drainage.

Anthony Sturniolo: Mike you have seen this letter?

Michael Stein: I am not sure of the letter.

Heath Wasseem: It is actually in the application.

Michael Stein: I only got the packet today. If it is in I have not had a chance to read through it.

Anthony Sturniolo: Before we go any further I think we need to take a short break and when the Chairman returns we can pick it up. Obviously he needs to be here for the next step.

Testimony resumes Chairman Cosentino:
Since the work was done and completed already what do we need to do?

Whitney Singleton: I don't know if the work had been done or not is of significance.

Chairman Cosentino: Has the work been completed?

Heath Wasseem: Yes.

Whitney Singleton: There is an application for permit to disturb sensitive natural areas. There were two public comments and one written.

Chairman Cosentino: You are going to be liable if there is any run off. You understand that?

Heath Wasseem: There is a statement in my original grade permit from my engineer stating there are no modifications to the existing drainage. It is just a site addition of fill to the existing site. No changes.

Chairman Cosentino: We are not going to be responsible that is between you and your neighbor. For the record.

Heath Wasseem: No changes have been made what so ever.

Chairman Cosentino: Understand what I am saying. I understand you. As far as we are concerned you need to deal with your neighbor not us. Your neighbor can't deal with us. This is something between you and your neighbor.

Heath Wasseem: Ok. So what do we have here in that pursuit?

Chairman Cosentino: It has nothing to do with us. I am just telling you that we received a letter and obviously they received water on their property. She states she never had water before.

Heath Wasseem: In the construction base prior to my ownership of the property.

Chairman Cosentino: You heard this letter right?

Heath Wasseem: Yes sir.

Chairman Cosentino: We will give you a copy of it. I just want it on record that this board has no responsibility on what happens in the future.

Heath Wasseem: I just want for the record as well your statement is exact as quoted "during the original construct the house at 22 High Street my property was inundated with water." That was prior to my purchase of the property sir. I would like to submit my notice of notification to Nancy.

Chairman Cosentino: I guess what you are looking for is our blessings. Is that what they are looking for Mike?

Michael Stein: Yes.

Chairman Cosentino: Go back to the building department say go ahead and get your permit. That is up to you if you feel that everything has been met. I don't think this board has a problem or any legal reasons that we see.

Whitney Singleton: I have no issues. My understanding from prior discussions with Michael is that the drainage issue, if there is an issue is not created by the applicant.

Chairman Cosentino: The board does not have a problem that I know of.

Nanette Bourne: You might want to note that the recommendation of the tree and to watch it and take a look at it in a year.

Chairman Cosentino: I think it is on record already in a year Michelle and the baby can go back and look at it. So Mike you are happy with everything?

Michael Stein: Yes.

Whitney Singleton: You need to close the public hearing and make a determination.

Chairman Cosentino: Is there a motion to close the public hearing?

Anthony Sturniolo: So moved Mr. Chairman to close the public hearing on 22 High Street regarding the permits to disturb natural sensitive areas.

Chairman Cosentino: Is there a second?

Joseph Morreale: Second.

Chairman Cosentino: There is a motion by Vice Chairman Sturniolo and a second by Dr. Morreale. Secretary polls the board.

Chairman Cosentino: Board All Ayes.

Anthony Sturniolo: I think we now need to formalize and form a motion for the permit, which is issued by the building department. Having said that I will put that in a form of a motion that the Planning Board recommends that a permit be issued to homeowner Heath Wassen at 22 High Street to disturb natural sensitive areas.

Doug Hertz: That the permit will have stipulation with the review of the tree.

Nanette Bourne: Just so I am clear the Planning Board is issuing the permit for the disturbance for the natural resource areas, not building.

Anthony Sturniolo: I will amend that to say Planning Board.

Chairman Cosentino: on that permit a stipulation would be that you go back in one year and check that tree. We have a motion by the Vice-Chairman do we have a second?

Stanley Bernstein: Second.

Chairman Cosentino: Second by Mr. Bernstein. Secretary polls the board.

Chairman Cosentino: Board All Ayes. Thank you for coming.

5. Continued Discussion

Anthony Sturniolo: Back in January we had a re-organizational meeting. We talked about 9-10 items that I listed in a memo form. What we need to do is, I guess, Whitney, the best term would be to say re-affirming certain things and making recommended changes and adopting resolutions to procedures. The first one is audio-magnification. It was discussed at a time we were going to hold off on perusing that any further. The second one is the easel that is not here that should be there and we were going to also encourage applicants to use electronic computer generated projection systems, like tonight's power point presentation regarding SEQR. Why don't we get the ball rolling on that? How do we encourage applicants to do this?

Chairman Cosentino: I think we will have to let them know.

Nanette Bourne: What I have seen in other communities is that is just part of the application packet. Is that whatever they submit whatever plans are submitted they are to copy onto a disk or use a computer or an overhead? I don't think we have an overhead. But they can be submitted on a disk. Electronic file can be sent and then can be converted to a disk.

Anthony Sturniolo: How do we make that happen?

Nanette Bourne: It becomes part of the application. If you look at the form it says you have to provide electronic conversion of the presentation.

Anthony Sturniolo: Would we then be required to provide the electronics to project it as well?

Whitney Singleton: That would be the reason you are requiring it, to assist in presentation.

Anthony Sturniolo: Not the applicant to provide the electronics.

Nanette Bourne: The other communities I am familiar with they either provide the laptop or an overhead projector.

Anthony Sturniolo: So as we go through this we would have to depend on your laptop system?

Nanette Bourne: The village would have to supply the laptop.

Stanley Bernstein: I see this at the village board meetings all the time. Tom Warren has one projector and a laptop.

Anthony Sturniolo: So then Nancy once that application comes in then we are going to have to make arrangements when necessary to borrow that from the village.

Nanette Bourne: Actually it would be every meeting.

Anthony Sturniolo: Right every meeting.

Doug Hertz: If the village owns that, it should be used.

Anthony Sturniolo: Part and parcel of the set up of the room. The screen is here and that is the easy part.

Doug Hertz: I think it is reasonable to move us into at least the late 20th century at this point. We don't have to be in the 21st.

Anthony Sturniolo: Three is the lighting standards. You have a copy of it. Nanette, Michelle and I worked on it. We worked up a draft. We looked at it at the last meeting. Doug had some comments on it. We are at the point regarding the change in lighting standards that we would basically the way Michelle put it in some form that is acceptable to Whitney so it can be incorporated or be sent to the village board with a recommendation to adopt XYZ.

Michelle Robbins: I just wanted to make sure Doug that everyone agrees with it.

Doug Hertz: I reviewed it and it looks great but I have one very minor comment. I don't know if you want to do this now. Page 5 items 6B. You're requesting a CRI pole lamps. Do we also request collar temperature? To me it seems more important than their CRI. We are not taking photographs.

Anthony Sturniolo: Is there anybody else?

Doug Hertz: That was my only comment and it looks great. Congratulations.

Anthony Sturniolo: Just so everybody knows what we are talking about is updating our village code and starting lighting standards. Primarily on commercial applications. This has been a concern of this board of excess night light in the sky; glare illumination lighting spilling over from one property owner to another property owner. We've also been concerned lighting being used as signage. More so than just the light of the sign or the light of the secure area, but to act as a draw from a distance. So you can see something bright. Example: you're traveling out west on interstate 80 and there is a big sign that says EXXON and you can see that sign three miles away or anything else like

that. What we are trying to do with lighting is prevent that from happening. Another example that this board finds unacceptable is the lighting used in and around the parking lot area at Bed Bath and beyond right off the expressway. It is excessive. We want to curb that and that is the purpose of making these suggestions to present to the village board for their consideration and modifying the lighting code.

Joseph Morreale: Item 6B says, "shall be required to comply". That reads to me that when it comes to residential lighting do they have to conform whether it was put up before or after the enactment. Is that correct?

Michelle Robbins: In regard to light trespassing glare.

Joseph Morreale: But that is correct, it doesn't matter once this is passed if people have trespassing light they have to correct that.

Michelle Robbins: Number 7 and 8. Compliance and then violation and legal action.

Anthony Sturniolo: So Whitney your guidance at this point.

Whitney Singleton: I think the changes need to be made. Some of these are referencing some that your board has updated already. She is referring to penalty provisions with corporate offenders. That will have to be tweaked. I have some concerns that I want to go back and look at. With regard to lighting of ATM's. They may be preempted by New York State banking laws, which I think they probably are. A couple of other issues with regard to pre-existing non-conforming use. I can go over them with Michelle. This could be a four or five month process with the village board.

Anthony Sturniolo: Do not vote on it tonight?

Whitney Singleton: It is not a question of voting. It is simply work up another draft to be put in your package for your next meeting in a form which is acceptable to the board. You can vote to refer it to the village board.

Anthony Sturniolo: At the next meeting?

Doug Hertz: Whitney, is it possible to, in some way, indicate the change and what has been changed, whether they are highlighted or in italics?

Whitney Singleton: We can strike out things that are removed and underline the new.

Doug Hertz: Just so we do not have to review the whole code again.

Anthony Sturniolo: So Nancy if you could put this on the agenda in the same position 3 for continued discussion. Joe do you want to comment on number 5? As far as getting the building inspector involved in reviewing conceptual applications.

Chairman Cosentino: We need to do that with Nanette also. We need these reviewed by Austin before they even get here on the conceptual. If we have a conceptual there is not enough information as far as zoning and etc. and it takes us too long with the client. If we have information like we had before where it was done for us and sent in our packet. We would know more about it. Also there are certain applications that we need more input.

Nanette Bourne: Those are two different issues. We came up with a form that we are using for conceptual application. As long as we have a conceptual application packet then we do a review for the Planning Board when it gets in your packet. We do not always get the conceptual review application. If you look at the Planning Board application it says that all copies of application need to be sent to us directly. When they are, then we automatically fill out this form.

Chairman Cosentino: Yes, but you know it is going to be on the agenda.

Nanette Bourne: Not all the time. Sometimes I don't know that there is a conceptual application until we are working with Nancy.

Chairman Cosentino: Then that is what we have to do. We need you to know that there is a conceptual on the agenda.

Nanette Bourne: That is right. That is why we need to have the applicant know that when they submit something, 8 copies have to come here and a full set has to come to us. Other wise we won't get it until the Wednesday before the Planning Board meeting which isn't enough time for us to review it and get the information into your agenda.

Chairman Cosentino: What happens in getting the fee? A lot of times they give us the fee and the conceptual takes longer but we will get billed more than what they are getting down, then they choose not to come back again and then we are stuck with the bill.

Nanette Bourne: We have a pretty good idea. Michelle and I have been working on this and we allow two hours of time for a conceptual review. We just go through the basic if it doesn't comply with zoning what are the most generic issues. That is a two-hour staff time to do that review. You are right about the escrow.

Chairman Cosentino: I do not want to use taxpayer money to pay whoever we have to pay. I want to use the developer's money. If there is two hours of work in doing it then we need to get paid for the two hours.

Whitney Singleton: I think that fee has already been increased.

Chairman Cosentino: I see bills here for conceptual.

Whitney Singleton: There was recognition that there were not sufficient moneys being paid.

Chairman Cosentino: Why should the taxpayer have to pay for somebody else? It is not fair to them.

Michelle Robbins: I was also thinking about Michael Stein as well if you are going to be reviewing conceptual also.

Anthony Sturniolo: We had that already built into the draft as far as the time and dollars associated with Michael's review..

Chairman Cosentino: That is important.

Nanette Bourne: The other issue is. This is Austin's review because he is reviewing this not for planning and zoning but from building issues. Austin's tenure with the village is a valuable source of information to the planning board. Whether or not we set it up verbally at meetings or just do a quick summary that he use to do. It would be very helpful.

Chairman Cosentino: What ever it takes to get us the information that we need so we don't have to stand here for hours at a time passing questions that we should have already. I think we save money in the long run.

Whitney Singleton: It is not only helpful but required in the code to review with the building inspector.

Chairman Cosentino: Then let him review it.

Nanette Bourne: The building inspector needs to be physical told that this is part of his job. I think he has been told that he should not.

Chairman Cosentino: Then we will have to set up a meeting.

Anthony Sturniolo: Wouldn't it be simple if the planning board wrote a letter or memo.

Chairman Cosentino: To Bill Williams?

Anthony Sturniolo: Requesting.

Chairman Cosentino: Why don't we do that and send a memo to Bill Williams.

Whitney Singleton: I don't think that is necessarily a bad idea. But the reality is that Austin is required to review these applications before they come to the board. It is as simple as that. Your board is getting applications, which were in certain cases remotely compliant.

Chairman Cosentino: Write a letter to Bill Williams stating that on conceptual reviews that Austin has to review. Site Plans and any site plans should be reviewed before it comes to us.

Doug Hertz: As per village code Whitney?

Whitney Singleton: Yes. 110-45.

Anthony Sturniolo: Review and written comment back. Number 6.

Chairman Cosentino: On site plan violations. We all drive the village and in the past if anybody saw a site plan violated they would come to me and I would pull the site plan. Even after we give an approval and we find that the site plan has been violated with a violation we can pull that site plan at any time. If the building is complete the chairman has authority to pull the site plan and we can review it. Even with landscaping. Sunday we took a ride and found two buildings within the village that they are not compliant with landscaping. We are going to pull the site plan and review them, because they did not comply.

Nanette Bourne: Number 4.

Anthony Sturniolo: We skipped over that. In our packet we have the documents. Whitney do we know the actual application forms for conceptual review have they been updated to reflect the current dollar associated with them?

Nancy Placona: That column is blank on the form and is filled in at the time of receipt of the check and payment for the application. There is no dollar amount printed on the application.

Anthony Sturniolo: Who is responsible for the accuracy of the dollar amount? Is that through you?

Nancy Placona: Yes. Whoever takes the application in and we do have the new fees posted.

Anthony Sturniolo: That is what this document is the new fees. We also have that Nanette was kind enough to put together awhile back, which is stamped draft. It deals with application procedures and forms. To a certain degree we are using part of it?

Nanette Bourne: The way this came about was when Patti Tipa was in the building department she knew and was familiar with what she should be asking for. Patti asked Michelle to draw up a procedure. Instead you could hand some of the applicants and it be in simple English so that they would know exactly what the steps were and what they had to do and when they had to do it.

Anthony Sturniolo: When does this piece kick in? Nanette what would you recommend to expedite this? How do we get this etched in stone?

Nanette Bourne: For those of us that have received these and deal with them. This is actually the procedure. This is like the practical way that things go through and may vary slightly with the code. It is the way the application should get to you. This wasn't intended to be modified it was intended to be information to be handed to the applicant so it would be clear to them what they had to do. The next step is to see if this is how you want it to be done.

Anthony Sturniolo: Just going by the conceptual review.

Nanette Bourne: Are you looking at the application form?

Anthony Sturniolo: Yes. If that is given to the applicant the applicant fills it out etc. Then that becomes the stepping stone for the beginning of the conceptual review process. Currently is the applicant filling that out?

Nanette Bourne: No not this one. There is another.

Nancy Placona: There is a copy of a conceptual in your packet that is before you tonight. That is the form that they are filling out for a conceptual review.

Nanette Bourne: It doesn't have as much detail.

Anthony Sturniolo: All it does is check the box off with a dollar amount. This is a lot more detail than obviously this is a lot more comprehensive for everybody not just the planning board, the entire building department and for Nancy as well. My thinking would be how do we make this happen on an on going basis?

Nanette Bourne: This just could be our practice and this becomes a new form. This doesn't have to be involved.

Whitney Singleton: I think there is some updating that needs to be done to the form.

Nanette Bourne: Whitney is saying that there needs to be some updates to the information. The form he hasn't spotted any changes. After he looks at maybe what we could do is just get his input and then just start using that.

Anthony Sturniolo: Whitney we could put this in play or in place to start the use.

Whitney Singleton: I will give you my comments that this format for both the guidelines for the applicant in an actual application for conceptual review and application for site plan sub division approval by the next meeting.

Anthony Sturniolo: Then at the next meeting we can embrace this.

Nanette Bourne: Whitney and Michelle are working on the changes for the illumination maybe they can update this so we can have a final draft for you to look at the next meeting. Then you can just put it in play.

Anthony Sturniolo: That sounds great. The next one is the calendar number 7.

Nancy Placona: The calendar is complete.

Stanley Bernstein: The calendar is all set except for July August and December. You have to decide which meeting you will have for each of those months.

Anthony Sturniolo: Let's decide tonight.

Stanley Bernstein: We don't have to do it tonight we can decide the month before.

Nancy Placona: if you decide tonight it gives people a future plan as to what their plans may be for the summer.

Anthony Sturniolo: This will also be on the web site.

Nancy Placona: You are scheduled for the 9th and the 23rd in August

Chairman Cosentino: Last year we took off the month of August.

Stanley Bernstein: Let's work with July.

Chairman Cosentino: I think we should go with the 9th and take the 23rd off. July we will be meeting on the 12th and not meeting on the 26th. In December we will meet on the 13th and no meeting on the 27th.

Stanley Bernstein: So all three will be regular meetings.

Anthony Sturniolo: So Stan and Nancy we can have this put on the web site and distribute at our next meeting. The next thing is Whitney's rules and procedures and changes. Do we have a copy of that?

Whitney Singleton: The changes that that you requested for the proposed rules which you have incorporated and that does require a vote from the board to adopt them.

Chairman Cosentino: I have no problem with them.

Doug hertz: I am fine with them too.

Anthony Sturniolo: Mr. Chairman I will make a motion that the planning Board adopt the rules of procedures for the Mt. Kisco Planning Board as presented to us and date them April 26, 2005.

Chairman Cosentino: We have a motion by the Vice Chairman do we have a second.

Joseph Morreale: Second

Chairman Cosentino: Second by Dr. Morreale. Secretary please polls the board. Board All Ayes.

Anthony Sturniolo: The last item is the recommendation to change the village code and we accomplished one tonight and it will be finalized in two weeks regarding the lighting standards and I just need to double check some notes with Nanette on the running list. I know you had some ideas and I do also. I will phone you during the week. I will put it out as a memo to incorporate in the next meeting. The lighting changes: Whitney we need to come up with parking stall width regarding handicap spaces. We need to come up with one number so we don't have the issues that we face with 30 West Main and Target and A&P.

Whitney Singleton: As far as adopting regulations which would be forced on the applicant that would not be for your board to adopt that would be for the village board.

Anthony Sturniolo: It would be another recommendation from us like the lighting changed to the village board.

Whitney Singleton: I think that Mike is familiar with this and the prior application and maybe he could shed some light on it.

Michael Stein: NYS building code refers to a lot of different federal codes. That would be 8-foot wide access aisle would be required. An 8 foot parking space minimum. The village code doesn't have any provisions for handicap access aisle so NYS building code would automatically dictate that it would have to be 8-foot access aisle provided. The village's code for a parking space varies from 9 feet to 9 ½. So the way the applications have been looked at since the village code is more stringent for parking space, the village code is followed for the parking space even if it is a handicap parking space, with an 8 foot access aisle provided. That is how we have looked at it here as well as the majority of other communities we do work in.

Anthony Sturniolo: So what we are saying is our standard parking code space is 9 ½ by 18'- 6. What you have now in terms of a handicap space is 9'-.6 plus another number.

Michael Stein: That is correct.

Anthony Sturniolo: So what we need to do is codify this?

Whitney Singleton: Isn't there a different standard Mike where you have two handicaps spaces adjacent to one another?

Michael Stein: We have two handicap spaces adjacent sharing an access aisle. The access aisle still had to be 8 feet.

Anthony Sturniolo: Are you saying the hospital?

Michael Stein: Right. You still are going to have an 8-foot access aisle regardless.

Anthony Sturniolo: If we are embracing the 9'-.6 plus 8 again it becomes another memo to the village board with a recommendation?

Whitney Singleton: If you viewed at some of the locations in town where we were either compliant or non-compliant the village property or private property. I think you have come to the conclusion that 17 ½ feet is a pretty significant width if there is only going to be one handicap space. If you look at some of the handicap spaces that we have in town they are not even close. The state requirement is a total of 16. The question is do you want to make a provision to narrow the width of the space or do you want to keep it the 9 ½ plus 8 feet?

Anthony Sturniolo: Whatever recommendation you make we need to come up with one number so again get away from the confusion that we are currently having.

Whitney Singleton: Right now the application that has been done by the building department and the engineering department has been the 17 ½ feet. That was applied when we went back to the outlet center site. They complied with that, right Mike?

Michael Stein: Yes. So did Commerce Bank.

Anthony Sturniolo: So how do we feel?

Stanley Bernstein: You are not going to find too many parking lots that can afford 17 ½ feet.

Chairman Cosentino: You have the vans that come in and the wheelchairs that pull out and down you are going to need that room. It is not just a matter of getting a car in there. Now they have vans. The wheelchair has a platform that comes out. You need that extra room.

Michael Stein: In some of my conversations with State Code Department, they won't issue a variance on the access aisle.

Chairman Cosentino: WE need to get what we can get and that is the maximum. If you are going to make it handicap you make it handicap no matter who goes there.

Doug Hertz: I think the other point is our aisle width for 9 ½ feet assures you have to open some doors. Part of that is door-opening space. Well if you are already giving 8 feet on one side you really need to open up the door space. The flip side we are always at a shortage for parking spaces. I would hate to lose an additional parking space in the village that would be fully compliant in every other way. To give an extra footage if we don't think it necessary.

Chairman Cosentino: I think it's not whether it is necessary, I think it what we are held to.

Stanley Bernstein: Not the 9 ½. That is New York State.

Doug Hertz: We could make a provision of 8- 8 1/2 when it's contiguous to an 8 foot handicap space.

Chairman Cosentino: I have seen these platforms come out with the wheelchairs that roll out.

Stanley Bernstein: If you have an 8 foot access space and the 9 ½ is designed to allow each door open at the same time on both sides of the car. When you have one side of the van does not have to have doors open because it is taken up by a ramp.

Chairman Cosentino: Mike what are most towns?

Michael Stein: Off hand I am not sure. I know compact spaces are usually 7 ½ to 8 feet in width.

Chairman Cosentino: You are satisfied with that?

Michael Stein: It is kind of tight.

Chairman Cosentino: Eight is tight.

Michael Stein: Say you have a van pulling in there you are going to have driver possibly exiting through that door, and if there is a passenger in a wheelchair coming out.

Chairman Cosentino: I myself I am only one person and I am for the 9 ½.

Anthony Sturniolo: The 9 ½ is not in question.

Michael Stein: The 8 foot access aisle is in question because that is the New York State Building Code. It is the actual width of the handicap space itself.

Joseph Morreale: How wide is a van?

Chairman Cosentino: I think you need to know the van plus the platform.

Joseph Morreale: How wide is the van? Is it 8 – 9 feet?

Michael Stein: Seven.

Whitney Singleton: You would have to negotiate to turn in.

Joseph Morreale: This is what you are dealing with. You are going to have people who are in wheelchairs coming off the platform. So what do you need to do?

Michael Stein: Do you have the numbers for the width of the van with respect to the parking space.

Chairman Cosentino: I think you should do that.

Joseph Morreale: I am sorry Mike I did not understand.

Michael Stein: The width of the van itself to find out what a typical van width would be.

Joseph Morreale: We would have to find that out.

Chairman Cosentino: Why don't we do find out.

Anthony Sturniolo: We are going to put this over on the agenda in two weeks?

Whitney Singleton: We are going to come back with all the other things.

Anthony Sturniolo: The discussion?

Nanette Bourne: If Mike can provide some language that can address this, then at our next meeting we can put it together and send off.

Anthony Sturniolo: Mike, that works for you?

Michael Stein: Yes.

Anthony Sturniolo: Again Nancy we will add this to the number three continued discussion for the following meeting. That does it Mr. Chairman for number three.

6. Continuing Review

United Realty Services – 29 Carpenter Avenue Elliott Senor, Paul Bergins, council for the applicant, Juan Camacho

Nanette Bourne: Mr. Chairman can I request that you switch the conceptual application with 29 Carpenter Ave.?

Chairman Cosentino: Sure.

Nanette Bourne: Michelle has been dealing with 29 Carpenter.

Paul Bergins: I would first point out that although the calendar calls this United Financial Corp this is a revised application to the site plan that was issued to United Realty Services. You might want to somehow correct one way or another. The application to revise the site plan, you may recall that this is a site plan for a 14 unit project on Carpenter Avenue. It was approved on September 9, 2003. At that time the applicant was represented by now Judge Farrell. The site plan was extended of January of '05. The proposed amendment we believe is very modest. It doesn't change any of the building footprints and it doesn't change the building size and it doesn't change the height, it doesn't change the parking except that we have made one space a handicap space. The landscaping is also identical. The only changes to the site plan regarding the building A which is the northern building. The only change to the site plan is that the applicant has decided that rather than building four studio apartments he will convert those to two one family apartments, one bedroom. That would change the overall number from 14 to 12 and because of that the only change in the site plan would be that the walkway now does not show four entrances but only two. That is the only change in the site plan as far as this building is concerned. As far as this building is concerned the foundation has been poured and when the foundation was poured it became apparent that the lower level of the building which would be characterized as a cellar had 10 foot ceiling heights. What the applicant was proposing to do is use a portion of that lower level for a living space changing a one bedroom apartment into a duplex two bedroom unit. Using the remaining portion of that lower level for a storage area in which he could place all of the meters that would serve for both buildings. That would necessitate a change in the site plan. There had been a retaining wall which was provided solely for the purpose of screening the blank foundation wall. Now that blank wall would have a door and window the proposal is to remove that retaining wall and replace it with a walkway. Those are the only changes.

Chairman Cosentino: No added apartments?

Paul Bergins: No added apartments. In fact there are two fewer apartments when all is said and done. The four studios would become two one bedroom.

Michael Stein: What does happen now is six feet more of the foundation is exposed. That is part of the reason why the retaining wall is eliminated. The top of the retaining wall was originally elevation 500 and is now down to elevation 494. More of the foundation is being exposed and it is my understanding that it is actually going to level the foot underneath on this side of the building.

Chairman Cosentino: For the duplex.

Elliott Senor: If I could further expand on that.

Michael Stein: Just with this drawing here.

Elliott Senor: The red is the retaining wall that was in front of the building. That was the length from one end extended past the end of the building. The building was constructed because of the existing grade the natural grade, this green part is what was built as foundation. In order for the foundation to go down to un-disturbed soil. A wall was proposed and I was not part of that application to be placed in front of the existing buildings wall. Its sole purpose really was for screening and beyond that was then a whole bunch of plantings that would still be put in. We are not changing the plantings plan at all. So you have a retaining wall the top of it was 500 the bottom of it was 495 so as a five foot high wall and its sole purpose in our opinion was basically so you would not see the expanse of a blank wall. What we had found was because of the height of the existing foundation is actually 12 feet. The proposed wall would also have to go down to that elevation to undisturbed soil. It would be filled in front of it up to this elevation here. Because of the height of the building what we are proposing was to use that part of the building for living space and create this as the building view. In my opinion and our opinion looking at the building from a distance with the retaining and then the building wall essentially you're seeing the entire from the bottom of retaining wall to the peak. Our finished grade after if you allow this is 494 which is one foot lower than what was the bottom of the retaining wall on the previous approval. As you can see we are one foot lower than the bottom of the retaining wall.

Anthony Sturniolo: Does that one foot difference run the entire wall?

Elliott Senor: No it does not. It's only in front of the one unit. The second unit it comes back up.

Chairman Cosentino: Mike do you agree with this so far?

Michael Stein: Yes, but the one thing that I don't agree with is the building height. I am not sure and I know there is a question of building height. That is why there was a stop work order on the project. So now exposing more of the foundation another six feet down it may create more of an issue. I am not sure of the answer if in fact now that it would make it non-conforming. Off hand I would not know.

Elliott Senor: That would clearly be a matter of demonstrating the calculations.

Stanley Bernstein: You were not there at the original site plan. I was there at the site. We spoke about it with Farrell and that retaining wall was not to mask anything. That retaining wall was put there to maintain a slope. I stood on that slope and I said to Mike Farrell I am going to fall down. We spoke about that and that is why the retaining wall was put down there. What are you doing about that slope? That is a tremendous steep slope. We gave you a steep slope permit.

Elliott Senor: Once we lower the ground in front.

Stanley Bernstein: It was cut and fills. What are you going to pull out twenty feet?

Elliott Senor: The existing grade there is 488; the existing natural grade prior to construction was an elevation of 488. The reason for the retaining wall was to there be sloping up and then they had to build the retaining wall. The existing natural grade is 488; the bottom of the retaining wall is 495.

Stanley Bernstein: I don't remember the numbers 480 or 495. I do remember very specifically standing at that point and saying that I am going to fall down. That retaining wall was put there to maintain the slope. Not to mask anything, bare that in mind.

Michael Stein: Where the retaining wall was before it would basically level off now right from the edge of the sidewalk it slopes directly down to the adjacent property.

Elliott Senor: The original done by Kellard showed a two in one slope on the bottom of the wall for the property line.

Michael Stein: On the bottom of the wall for the property line not coming off of the sidewalk.

Elliott Senor: There wasn't any sidewalk there. It was the bottom of the retaining wall to the property line. The same slope that we are showing here. You won't have the steep slopes because now you are going to be down at the bottom of the retaining wall level. We are not doing it by cutting. The material was never there in the first place. We did a topographic map, which matches in most cases, what it is.

Stanley Bernstein: I am going to go look at it.

Michael Stein: This also was here I believe.
(Viewing of drawings)

Elliott Senor: What we want to do in the front is construct a free standing two foot retaining wall with a two foot picket fence on top of it. So that is going to be free standing just to give it some country feel. That is on this plan here.

Chairman Cosentino: That was on the approved plan?

Elliott Senor: No that was not on the approved plan.

Chairman Cosentino: You are asking for that now?

Elliott Senor: We are asking for that now.

Stanley Bernstein: Did you look at this?

Michelle Robbins: They were back in the office maybe several months ago. I had referred them to the building inspector. There maybe some height issues on this particular plan. There was a stop work order and things disappeared. Since then I have just seen this particular plan and this is new. Essentially now you are creating I guess this is the original limited service line in here and changing it.

Michael Stein: Looking at this it does seem this one that most of the disturbance has. But these trees here weren't clear.

(Too many people speaking and viewing of drawings)

Elliott Senor: WE are adding. This was the actual and essentially a copy done by us of the original site plan. We submitted this to the building department and Mr. Stein for review. The original plan did not show the handicap parking space and the walkway, a couple of other things that were required by the state building code. This grading is the same grading that was on the original one and the same disturbance area. We are adding a little bit of disturbance here because we are removing and tried to remove all the retaining wall. The grading is essentially the same on this we just added in here and a little bit in there. We can go back to a lower retaining wall and achieve the same disturbance area. WE are bringing the siding down within 2 feet of the finished grading. It would be the same matching siding as the rest of the building. Even down over the concrete. The alternative would be to change this to a stone facing that would resemble the retaining wall. The retaining wall wasn't specified on the original plan as to what material that was going to be supplied. If we continue on the original site plan we are going to create a stone faced wall. If need be at your thoughts was to create a stone veneer on the lower section of the wall instead of bringing the siding down all the way. So it still looks like the retaining wall.

Paul Bergins: We are obviously going to have to satisfy the building department. I would assume we would have to satisfy or at least Mr. Bernstein that this is not a situation in which you have a cut and fill. Those things will have to be done.

Elliott Senor: You can walk the site now and basically it became evident about the lower area because the foundation went down to original grade and there is a big area that could be used. As far as the building height is concerned we did an average grade calculation to see how we met with the building height. It is on here and has been submitted. Our building height overall height is 31 feet. Where 35 feet is allowed.

Chairman Cosentino: You are at 31 feet and allowed 35 feet on the height. So there is no problem there?

Elliott Senor: The building department obviously checks our average height.

Michael Stein: It is also 2 ½ story max.

Whitney Singleton: We can spend all night here and Michael and I have already spent several days on this issue with the applicant. I think a lot of these issues will be flushed out when Michael makes his comments.

Chairman Cosentino: I think the issue is the change from efficiency to a bedroom. There is no difference in the number of cars.

Elliott Senor: I was going to say that there is no real additional impervious surface because we are taking out and cutting in.

Chairman Cosentino: The change is efficiency to a one bedroom.

Elliott Senor: We have an overall 12 apartment but overall essentially the same number of sleeping units.

Chairman Cosentino: I think that is the issue here right now.

Elliott Senor: I think the site plan and the exposure of the foundation. I don't know if you have concerns or the grading in that area.

Michael Stein: More exposed along that side. You basically have four stories exposed from here to here.

Chairman Cosentino: If there is more concrete going to be exposed I think the nicest thing would be the stone.

Elliott Senor: This is a walk through all the way across here. This is more of a crawl space; it is a low ceiling area where we are going to put right now all of the meters, electrical and gas. They were all put on the side of the building at the end and creating this hollow space in there allows us to put all the meters for both buildings. We are going to have meters for both buildings in an enclosed space in the cellar.

Doug Hertz: I think anything that reduces that extensive siding is a help.

Elliott Senor: We had discussed that with the owner. We have no problems creating a stone veneer.

Chairman Cosentino: I don't have any questions.

Michael Stein: Keep in mind this is the side you are going to see as you come up the hill.

Elliott Senor: The only place you can see is from down Rt. 117 as you turn to go north on Main Street. You can't see it coming up Carpenter and you can't really see it from, there is a big pine tree along that front line.

Chairman Cosentino: You are only going to see it in the winter.

Elliott Senor: Our plan shows the original approval was a whole bunch of shrubbery. We didn't bring that plan with us, but we are going to plant the same shrubbery, create the same buffer.

Chairman Cosentino: I don't know if you can plant the same shrubbery now because we are going higher on the wall.

Elliott Senor: The shrubbery was at the low end of the retaining wall so which is essentially this level of the ground.

Chairman Cosentino: You may want to add more shrubbery to that.

Doug Hertz: You need to review this, but clearly if we are dropping down what would have been a visual screen. I think we need to mitigate that more significant landscaping.

Juan Camacho: From Rt. 117 and Carpenter Avenue the idea of that particular corner is because it is so far away from Carpenter Avenue. You really have to look hard from Rt. 117 to see it. The buildings are in front of this particular project and also it is pretty far away Rt. 117. I would do whatever extensive planting that is required so this will not be seen. When I saw the concrete wall when it went in and I really should have said at that point stopped that immediately. Because the wall is there and whether we put a five-foot wall from Carpenter or Rt. 117 if that is the case. The stone veneer would be a more natural type of stone maybe a fieldstone. I will do all of the planting that is necessary just in case somebody happens to turn their head on Rt. 117 while driving or walking and maybe it would be viewed in the middle of January. That is probably when you will see.

Elliott Senor: We are losing two apartments but we are gaining one bedroom, which is more advantageous than a studio.

Anthony Sturniolo: You will have less parking impact?

Elliott Senor. The 31 spaces were provided on the original plan and 31 spaces are what are provided now. Originally they were only required 29 and they had 31 and now we are required to 30 and we have 31.

Chairman Cosentino: I think if you make the wall nice. As far as the wall the front that you are doing I believe that goes back to the ARB because it is the front. You are going to have to send that to the ARB because you are changing the front.

Elliot Senor: If they say one way or another we won't make the change.

Chairman Cosentino: We can't help you there you have to go before the ARB.

Juan Camacho: They only review esthetically.

Chairman Cosentino: I don't have any problems with the wall if it's stone.

Michael Stein: Just so you know there are two eighteen inch tree line wall on the northern side and they are basically going a couple feet off.

Chairman Cosentino: You are going to have to check that out.

Michael Stein: I just was letting you know.

Chairman Cosentino: You are going to have to change the original site plan to incorporate this.

Elliot Senor: Right that is why we are here.

Chairman Cosentino: I myself do not have a problem with the make up unless one of the other board members does. I do not have a problem with the stone. Unless anybody has anything else, you have to go before the ARB.

Michelle Robbins: You may be affecting some of the landscaping.

Juan Camacho: What I will also bring at the next meeting the landscaping plan.

Chairman Cosentino: Michelle will take a look at it and see what we all need.

Elliott Senor: What is the next step from this board's point of view? Do we have to go for a public hearing on this?

Whitney Singleton: Before it comes back to your board you are going to have to have a staff review.

Chairman Cosentino: Get your staff review, do the plans and come back before us.

Paul Bergins: Can we get on your next agenda?

Chairman Cosentino: I do not know what is on the agenda.

Doug Hertz: Are you going to be creating new elevations for the ARB.

Elliott Senor: All the elevations are already done. The back will change because of the stone veneer. This is a stairway that we showed to get down to the entrance.

Anthony Sturniolo: So it's a new application in essence.

Paul Bergins: Is there anything else to submit?

Nanette Bourne: You are revising your plans, or are these revised plans.

Elliott Senor: These are the revised plans. There is no revision to the site plan itself. The only revision is going to be to the architectural elevation showing a stone veneer opposed to the siding coming down.

Nanette Bourne: So we will review this plan here?

Elliott Senor: Yes.

Michelle Robbins: Then you will get us the landscaping plan?

Juan Camacho: I want to submit the landscaping that I have now and if it is required to have additional landscaping then obviously I would then submit. I will submit it to you and you will let me know if that is going to be something that is acceptable.

Whitney Singleton: I just want clarification for my review. If the proposed site plan does not differ from the existing approved plan?

Elliott Senor: It does in terms of the side walls here and proposing a free standing wall there and we have a little more grading.

Whitney Singleton: So your site disturbance agrees here.

Elliott Senor: I have the zoning table and I have the building calculations.

Nanette Bourne: So if your landscaping plan does change because you're grading changes.

Juan Camacho: Only in this corner in that area.

Nanette Bourne: But you're grading changes.

Juan Camacho: But it is the same landscaping plan as before. We can add to it if necessary.

Michelle Robbins: If any of the trees in the front of the property need to be removed for that wall. That we will need to see on the landscaping plan.

7. Conceptual Application

a. Bellizzi Restaurant – 153 Main Street Isodoro Albanese, owner.

Chairman Cosentino: Will you tell us what you want to do.

Isodoro Albanese: You received the letter and basically we are looking to move across the street. We purchased the building where the gas station is.

Chairman Cosentino: You are the deed owner. You have the deed.

Isodoro Albanese: Right now they are going to a 1031. So we are just waiting for the deed to change.

Chairman Cosentino: But you purchased and you are closing and it is yours?

Isodoro Albanese: The closing on the contract, yes. The deed is not in place right now.

Whitney Singleton: He is doing a 1031 exchange so the seller doesn't have to recognize half the gain. His position is and acquisition is a 90-day period that is all they really have to. Have you closed on the property yet? You have title to the property?

Isodoro Albanese: No, not yet.

Chairman Cosentino: You put on the application that you are the owner.

Isodoro Albanese: I think that I have total control of the property right now.

Chairman Cosentino: Applicant and owner of property is you.

Isodoro Albanese: To me I am the owner. Basically what we want to do is take down the old gas station that is there and move the present business that we have Bellizzi restaurant over to this location. Here are some of the drawings. From the drawings we have here we brought the building to the front in order to get rid of the curb cuts in front in order to move the traffic, and the parking lot would be in the back.

Chairman Cosentino: You don't have any driveway back going back here.

Isodoro Albanese: No because we put the building in front. Right now this is where the street curb cuts are now. If we put the building all the way back then we can have the entrance on Main Street instead of having it in the back. The parking lot would be in the front.

Chairman Cosentino: These parking spaces in the front you can't use as part of the count. They are village property.

Isodoro Albanese: If we get rid of the curb cuts in the front it would create more for parking.

Chairman Cosentino: You can't count them as your count. That is village property.

Anthony Sturniolo: You don't own that property.

Isodoro Albanese: But if we get rid of the curb cuts from the front instead of the back.

Chairman Cosentino: You still don't own that you can't use it as your car count. Whitney I see over here retail seating, full kitchen it is confusing.

Whitney Singleton: So that the board is aware. The applicant stated in his letter to you. I have met with the applicant on two occasions. Nanette have you?

Nanette Bourne: No.

Whitney Singleton: I know Austin has met with you at least one occasion. Just to give him an idea of what will be involved and I have explained to the applicant and his attorney. They have to come before your board on a conceptual basis and get an honest feed back as to what you think of this application. I took the liberty of anticipating what you would say to a certain extent. As far as the visual and esthetics improvements I also indicated to Mr. Albanese that it doesn't mean that this planning board can or will look the other direction when it comes to parcel. He needs to have an analysis done as to whether or not there is sufficient parking on site or by way of obtaining parking in lieu of payment for parking spaces to build the size restaurant that he is proposing. I believe the size of the lot is approximately 12,000 square feet. He is proposing approximately 12,200 of square footage in the building.

Isodoro Albanese: Since I spoke to you we have changed it and brought it down 4,000 on one story and 4,000 on the top floor.

Whitney Singleton: You also have 4,000 in the basement.

Isodoro Albanese: Yes for storage.

Whitney Singleton: it is still 12,200 square feet.

Isodoro Albanese: Ok, but the parking regulation---

Whitney Singleton: You are absolutely right. The negligible parking requirement. This isn't the first time the board has had to deal with parking requirements for basements. If you were to refresh the question to the board with regard to parking requirements CB2 zones. There is a partial recognition that the CB2 is in a central business downtown location where there is a lot of pedestrian traffic and a municipal lot. So there is recognition that meeting full parking requirements is not necessary. I know the board always likes to have parking. It is not fully required by this applicant. The applicant is only required to provide 75% of the spaces that would be normally associated with the

use or uses on this property. I had urged Mr. Albanese to confirm with Austin and get confirmation from Austin that his parking calculation is in fact correct. I don't know whether you have done that.

Isodoro Albanese: Going over my meeting with him that is everything we went over. He said he was going to write a letter.

Whitney Singleton: He didn't do that. I have made a couple phone calls to Austin to confirm that. I don't necessarily agree with the parking calculations for this or even determine what the parking calculations are. Basically what that applicant is stating is that he is not a restaurant. Therefore does not need to meet the requirement of a restaurant. He is a retail food establishment and he is proposing waiters and waitresses and food is being prepared and consumed at tables for a portion of the restaurant. He has proposed in another portion of the restaurant to have a self-serve. I think you will see the upstairs there is a 3,200 square foot area, which he is proposing one parking space for. The reason I say this is not to say that his numbers are wrong. I am simply identifying that the parking requirement for this site are going to very subjective to review and he his going to have a big task in how to deal with creating such a large building on such a small site and having relatively high intensity use on the site.

Doug Hertz: The 75% calculation is that a calculation that is in recognition of the zone?

Whitney Singleton: Yes.

Doug Hertz: So the village code allows a 25% discount because of proximity to other municipal on street.

Whitney Singleton: On top of that the applicant is allowed to discharge up to 50% of that ultimate required parking count by making a payment to the village in lieu of providing parking. Theoretically a use which would normally provide and I am using arbitrary numbers. In the CB2 zone somebody that would normally be required to have 100 parking spaces is only required to provide 75. Of that 75 he can discharge 37 ½ parking spaces.

Anthony Sturniolo: 50%.

Doug Hertz: No 37 ½.

Whitney Singleton: He can get it down to what I think Mr. Albanese is saying. Even if you take his numbers he can't even get half of the required parking on his site. Half of the 75%. That is part of why he is coming to your board to get your reaction.

Chairman Cosentino: I have to tell you. You have a beautiful building and anything is better than what is there now. But this building is too big for the site.

Isodoro Albanese: WE are going from 160 seats down to 126 seats.

Chairman Cosentino: The building itself is too big for the site.

Isodoro Albanese: in order to get those kinds of seats, the upstairs is for the patron the same way we do now as the arcade.

Chairman Cosentino: Where are you going to put parking?

Isodoro Albanese: Parking is in the back.

Chairman Cosentino: You only have 15 spaces and you will need a lot more than that.

Isodoro Albanese: But for 126 seats basically I am short about 16 spaces.

Chairman Cosentino: You are short about 21 spaces. There are more than 21.

Isodoro Albanese: Right now I have 11 of my parking spaces at the church. Is there anyway we can use that? It is an adjacent parking lot.

Chairman Cosentino: It is abutting.

Isodoro Albanese: But if we have employees that are parking there. Usually if it is for customers, but I do need parking for the employees.

Chairman Cosentino: That is up to the church. You can't put that in your car count.

Isodoro Albanese: if I get a letter from the church stating that we can use those parking spaces?

Chairman Cosentino: No.

Isodoro Albanese: It is basically, I `m trying to keep a business that has been there for a long time.

Chairman Cosentino: I agree. I think you have a beautiful building there. I think it is nice, but that is for the ARB.

Isodoro Albanese: But if it was CB1 I could build 8,000 square feet. I could have 250 seats. We have Borders we have the Town Hall, we have the library. If it was CB1.

Anthony Sturniolo: I know this is a conceptual and it is not a whole detail thing. I am confused at the very beginning of your letter. The letter says to Village Board of Mount Kisco. We are not the Village Board of Mount Kisco. Then it says conceptual review, then the letter goes on and in the last paragraph it says, " I am asking the board." I don't know which board you are referring to. To give me a variance for the parking spaces I need. The Zoning Board of Appeals gives variances not this board.

Isodoro Albanese: Basically I am coming here just to get an opinion of what I should do. Is it better for me to continue to do something like this? If I go by the amount of parking we have here I would be able to put 80 seats. 70 seats don't work.

Anthony Sturniolo: What do you mean it doesn't work?

Isodoro Albanese: There is no way that you can make enough money with 80 seats in a restaurant.

Anthony Sturniolo: Our village laws and zoning code is not for sale. You are saying you are going to demolish an eyesore of a building and put something nice, and asking us to absorb the excess parking that you can't provide for this nice building?

Isodoro Albanese: But I am going from one side of the street to the other. I am using the same parking. If this was a couple years ago and it were retail that would be one parking space for 150 square feet. The last couple of years they changed the law. A pizzeria is not considered retail anymore it is considered a restaurant. That law has changed and we can't use it as the same way as across the street. Right now we are nonconforming in our space. If we were to leave there he can't rent it to another restaurant. We were the ones that created it 14 years ago.

Anthony Sturniolo: Mr. Chairman I think what we need to do is refer this conceptual application to staff. Especially have Austin take a look at this, and look at this entire parking count issue. This looks real serious. The parking in the front as the chairman said earlier you can't take that into your count for providing parking.

Whitney Singleton: I know what you are saying you are bringing your traffic over to the other side of the street. There are no little kids crossing the street.

Anthony Sturniolo: Suppose this becomes not the kind of food establishment that little kids would go to any longer?

Isodoro Albanese: I have done it for 14 years.

Anthony Sturniolo: Suppose plans change tomorrow.

Isodoro Albanese: What would it change to? Unless I change it to retail which requires less parking.

Whitney Singleton: The point I am trying to make is the fact that you are moving from one side of the street to the other they still have to view you as they would any other applicant. Whether you are moving across the street or New York City. They have to evaluate this site and this site only.

Isodoro Albanese: How does this work near Target?

Chairman Cosentino: Target complies. I know I am telling you they comply.

Isodoro Albanese: What about Borders.

Whitney Singleton: Borders is in a CB1.

Isodoro Albanese: I am just trying to say these are all outside people that are coming in. people that have been here for 37 – 40 years.

Chairman Cosentino: It doesn't say in the code that if you are here 37 years you can change the code.

Isodoro Albanese: Things have changed in order to better something.

Chairman Cosentino: I agree it is a beautiful place here. It is too big. You are making a big improvement and we love it.

Isodoro Albanese: So what are you suggesting my next step is?

Anthony Sturniolo: The next step what we are going to do is have staff review and let us see what staff comes up with. One of the big issues is when the building inspector looks at this carefully and comes up with some parking numbers.

Isodoro Albanese: I met with him for two hours and this is what we came up with.

Nanette Bourne: I think the value of having staff reviews and normally we would include in our own initial review. Is that there is probably a limit to square footage. There is some amount required for the site. I think Austin reviewed.

Anthony Sturniolo: Did Austin encourage you to come here?

Isodoro Albanese: Actually Whitney did and I met with Austin to come up with a certain amount of parking. What is my next step going to be? Is it totally forgotten about moving my restaurant?

Nanette Bourne: Part of the reality is that that the site can only accommodate so much square footage and parking. The site is the size that it is.

Isodoro Albanese: That is why I am trying to gain spaces here. As far as buying parking spaces it went from 10,000 to 25,000. Which you are talking ½ million dollars. That is a lot. My choice is either to totally forget about this. I have gas stations that have been calling that want to do it. I don't think the town wants that. Or to sell it to the Martabano's they own the property next door and maybe they can do something with it. The other thing is Dunkin Donuts wants to take over the space. That would be perfect as far as the square footage. I don't think it is the best thing for the town.

Chairman Cosentino: if the glove fits you have to do what you have to do.

Doug Hertz: I was looking quickly at this. There is an area that is storage. If you took some of this off to create parking you would be going in both directions.

Isodoro Albanese: The only way you're going to create parking if you split the building.

Doug Hertz: What about this area?

Isodoro Albanese: There you have your dumpster; instead of having the dumpster there you could move it back. There is no way to get through.

Chairman Cosentino: You would have to go before the ARB anyway. You have to go to staff and see what they can do for you. We can't do anything for you right now.

Whitney Singleton: The reason I suggested that they come to your board was to get to get a read from you. I can't make these numbers change.

Chairman Cosentino: I want to help him out but I can't.

Whitney Singleton: If I go with the number that Mr. Albanese provided your board and I don't necessarily agree with him. He needs 38 parking spaces. If you add up his numbers he has actually added them incorrectly. Thirty eight parking spaces which means even if he paid \$750,000 for a payment in lieu of parking he still must provide 19 spaces on the property. There is no way that your board can do anything to go around it. I think that Doug made a good point. He is working in reducing the square footage he is reducing the parking requirement and at the same time creating more space to provide parking.

Chairman Cosentino: He will have to take off a lot of footage in order to comply with parking.

Doug Hertz: He can take off some of the second story. It is not impossible. We are talking about 19 and you've got 15. Knock it down a little and you have a little bit more space for parking. You take the requirement down a little, you are almost there.

Whitney Singleton: This is also predicated on the fact that we are talking about a site that the applicant is claiming is not a restaurant. Food prepared served by waiters and waitresses to people at tables where they consume it. It is not being interpreted as a restaurant.

Isodoro Albanese: You have a full service side which full service dining room.

Whitney Singleton: Under your parking calculations, I don't see any word referring to the word restaurant. I see retail seating, retail kitchen full serve area full serve kitchen.

Isodoro Albanese: So the full service area would be the restaurant. Even if it is restaurant or retail for seating you are still 1 to 3 square footage.

Whitney Singleton: If you are a restaurant you are 1 to 75 square feet.

Isodoro Albanese: No you are 1 for 3 seats. Which is more than the square footage.

Whitney Singleton: Your allocation of the seating within the building. If you do 1 per 75 square feet we are talking in an access of a 100 parking spaces.

Isodoro Albanese: But upstairs which is the arcade doesn't have a separate entrance, so that is used mainly for the people that are in the restaurant that are dining there.

Whitney Singleton: You are allocating for 3,200 square feet of playroom and arcade, one parking space?

Isodoro Albanese: You are required to put one parking space for the employee that is working that area.

Whitney Singleton: If this were deemed to be an arcade, which you refer to as an arcade. The parking requirements for arcade have to be one space per 200 square feet.

Isodoro Albanese: But our arcade is different than most. You can't get into the restaurant unless you are eating there. The same way as in the town.

Whitney Singleton: But all I am saying is this is under your interpretation in the most favorable light. Even under those interpretations Mr. Albanese you still have to meet a minimum parking requirement.

Isodoro Albanese: That is not my interpretation it is Austin's. He gave me those numbers.

Chairman Cosentino: We can go on here all night. The best we can do is to get together with staff.

Nanette Bourne: I am not sure what more we can really do. As much as I like what you are trying to accomplish the site is as only big as it is.

Stanley Bernstein: I just want to remind you and the board that we disallowed figuring spaces this way on Kisco Avenue. Where each tenant was different and each tenant had a different parking requirement. We said that all the parking for the entire building had to be the same. Now he wants to do the same thing and wants to take each area differently. This should be considered as one entity a restaurant, and that is the space that is required.

Chairman Cosentino: How many arcade machines do you have?

Isodoro Albanese: Fifty or sixty.

Anthony Sturniolo: Is this an arcade or restaurant?

Isodoro Albanese: Have you ever been in there? It is a place where families to come with play areas for the kids. We don't allow children without parents in these areas. We hold birthday parties for them. It is a family atmosphere.

Anthony Sturniolo: I think Nancy should draft a memo to Austin requesting his review on this application.

Chairman Cosentino: Yes that we have reviewed it and ask him for his input.

Whitney Singleton: I really do not want to create a ping pong affect. If you want to send this to staff for review, I will be happy to write a memorandum. Nanette can write a memorandum, and Austin can write a memorandum. Under the final analysis it is going to demonstrate that there is insufficient on site parking for this application. Either the building needs to be reviewed or something like adjacent property needs to be obtained to provide the parking.

Chairman Cosentino: I don't want him to spend thousands of dollars on different things.

Whitney Singleton: That is why I told him to come to you and I believe he is doing a good thing to the property, but it is not for me to tell an applicant that something can be done with the parking. The numbers are what the numbers are.

Isodoro Albanese: Can we try to change it to a CB1? How is that procedure in order to do that?

Chairman Cosentino: We can't do that.

Isodoro Albanese: Would that be the village board, appeals.

Nanette Bourne: You would petition the village board to change this to a CB1. You have to explain the reasons why you would want this changed and give the idea of what is to be put on the property. That solves part of your problem. That is not saying the board is going for it. It still is not going to solve all your parking problems.

Isodoro Albanese: Wouldn't that be compliant if it was a CB1?

Whitney Singleton: Not with the second floor. You would still have to provide parking.

Isodoro Albanese: No it would be one floor 8,000 square feet.

Whitney Singleton: You would build on the entire footprint of the lot.

Isodoro Albanese: No you are still going to have parking in the back at some parking in the back. Even if we put offices upstairs you have to provide all the parking for the second level. If we put an office upstairs, but if you don't we still would be able to park some cars in the back.

Whitney Singleton: The Village Board has to make the assessment is there enough parking in the downtown area to rezone your property and presumably put other properties that are currently in the CB2 zone.

Isodoro Albanese: Right.

Anthony Sturniolo: Then the other issue is if there was rezoning it would have to be done under the tent of the master plan of the village and the rezoning if it conforms to the mater plan is one thing. If it doesn't that becomes the litmus test what is know as spot zoning. If the master plan has been violated and because of the rezoning, at sometime would have to be explored.

Isodoro Albanese: Downtown is all CB1.

Whitney Singleton: Downtown is not all CB1. That is the point I am trying to make. When you come in with a petition to rezone your property there will be other property owners in the vicinity that will want to be a part of that petition. Why not the movie theater? Why not the Brass Horn? Why not the deli across the street? The question is do we have a surplus of parking in the municipal lot? The parking has to be supported somewhere. Whether it is on private property or public, it must be supported.

8. Continuing Review

Northern Westchester Hospital – 400 Main Street

Anthony Montelone ,counsel for the applicant, John Partenza, Joel Seligman, Michael Caruso, David Sour, architect

Anthony Montelone: We are here primarily to ask for a temporary certificate of occupancy for the Cancer Center. We are not trying to have your board feel sorry for us. It is critical that we get it immediately because we have surgeons coming in from Europe to train surgeons affiliated with the hospital. Actually they will be treating a couple of patients. The training is hands on with patients and these surgeons coming in can't just come in one day or another. We tried over the past month to explain to your board where we were deficient with the Cancer Center. The fact there is 486 square feet of additional space, technically. We tried to explain that. We also came and said we did some site plan revisions that we should have come before you with. The contractors on site, it made sense and I believe your board went there and saw those changes. They were probably things that should have been done but we did not do them the right way. Some of you may have seen the facility it self. It is state of the art and is a magnificent facility. We are here to answer any questions to satisfy any of your requests or demands. Place any conditions you wish that are reasonable and I am sure they will be met, so we can get our temporary certificate of occupancy.

Anthony Sturniolo: When would you like to open?

John Partenza: Tomorrow.

Anthony Sturniolo: Can you outline for us that you are going to treat the patients tomorrow?

John Partenza: There are two for tomorrow and one for Thursday. Then there are two right now scheduled for next week. These patients are scheduled ahead of time.

Chairman Cosentino: These are for training.

John Partenza: Two tomorrow are for training and the other two would be for linear cell which we hope to have on line for next week. They would continue to test it and get it up and working. By definition it needs to warm up and it just doesn't turn on. Patients would be scheduled appropriately. I am sure within that time frame we could address completion any stipulations you would put on us.

Anthony Sturniolo: Have things turned out with the conversation that we encouraged you to have with Austin regarding the handicap spaces?

John Partenza: Austin verbally told me we needed 4 spaces and that one could be on the upper left adjacent from the entrance.

Chairman Cosentino: The upper entrance?

John Partenza: Yes, that is a common entrance needed for the building that would qualify there.

Chairman Cosentino: So you have 4 spaces down there with the one extra parking space.

John Partenza: We are required to have 4. How we configure it is really up to the board when we find out the exact size and whether we can fit all 4 down there or three.

Chairman Cosentino: I would rather fit 4 comfortably and have the other parking space on the top some place.

John Partenza: Once we get the stipulation, if it fits the footprint then that is where they will go.

Anthony Montelone: You may have to do some additional site plane proposals.

John Partenza: If the grade requires a retaining we will put a wall there and re-stripe. Also the abutments.

Michael Stein: The plan shows the configuration of the handicap spaces 8 foot wide with 8 foot access aisle. You did fit the three in there with that without removing any curbing. That is the way it is currently presented on the drawing they gave us. Along the western parking area they did away with a grass area and tried to have three other spaces.

(Viewing Of the Plans)

Michael Stein: here is the added fence and they are adding three additional spaces here.

David Sours: What we are trying to indicate is that we could make up spaces that we had lost in the original site plan. Actually we lost 2 spaces but we have the potential of gaining 3 spaces there. We would leave it up to the Planning Board if you want us to make up those spaces that are where we could make them up.

Chairman Cosentino: Weren't they the length shy?

Michael Stein: That is why I am looking at this here. I wasn't sure if this conformed to code.

David Sours: We can configure it in that location.

Michael Stein: Moving that handicap space over here you are going to lose spaces here so the three they are putting they are basically going to replace. You are not going to gain one it would be a wash.

Anthony Sturniolo: The other issue that we looked at is the second floor 474 square feet and was that done because of the change in command from your predecessor?

John Partenza: I believe what happen David was the architect. The original project was a demolition of the existing building by permit. Then we came before the board to build a second floor. We put a site plan in there. At that time all we did was measure the top of the drawings that existed for the first floor. Then estimated 11/2 that is the only place that I could find where the 11/2 came, which was a part of our original application. We designed it basically in that footprint but it came out to 474 square feet.

Chairman Cosentino: The footprint is the same?

(Too many people speaking.)

John Partenza: Rather than doing it with drawings we did it with ruler outline of what we thought it would be.

Anthony Sturniolo: The other item we looked at Saturday when we were there is the placement of the walkway and the railing, from one side to the other. It surely does make sense to have it where you suggested.

Michael Stein: All that is on this drawing.

Anthony Sturniolo: The reconfiguration of the driveway is on this drawing as well. Then there was another point Mike?

Michael Stein: There was the planting. There were some existing trees.

John Partenza: They were cut down because they were dead and we had done some major changes in replanting.

Anthony Sturniolo: What are missing on this plan are the handicap spaces.

Michael Stein: One of the things I would ask as I said before the 8 foot parking space. It's just a matter if you wanted it shifted over to give 9 1/2 feet or if 8 foot will be sufficient? If the 8 foot is not going to be sufficient you want the 9-9 1/2. That modification is needed to move the curtain over. If you are going to say 8 foot is fine then they can just do the restriping.

Anthony Sturniolo: There is also the replacing of the movable wheel stops.

John Partenza: Yes. That was completed today and will be based on the size of the spots.

Anthony Montelone: If your board wants to take under consideration whether to increase those handicap spaces to 9 1/2 we can place them at 8 now and if you tell us to do it we will make them larger later.

Chairman Cosentino: I was thinking of those vans that have the ramps that come down. That is the only reason.

Anthony Montelone: Make the decision tonight and we will comply. Do you want to reserve that right to make that decision in the future?

Anthony Sturniolo: There is a draft of modification to the approved site plan that we have tonight. It is also a recommendation to the building inspector to issue a TC of O. Whitney maybe we should go through this and then look at if make any language changes to this draft at this point to at least get that part down.

Whitney Singleton: (inaudible)

Actually you have one problem the open paragraph referred to basically whereas the last revised plan was 6/30/03

Nanette Bourne: We have a new plan.

Whitney Singleton: We have a new plan tonight, which does or doesn't reflect everything that you need?

David Sours: It doesn't show the new parking spaces developed the way you decide it should be. Last revised is 4/11/05

Nanette Bourne: So if we are to go this route we can add a condition to address the future plan.

Anthony Sturniolo: The change in the first paragraph whereas.

Whitney Singleton: Page 1 item number 4. It appeared the plantings need to reflect they conformed.

David Sours: The plantings reflect everything that was built and I understand that a tour was made of the site and found that the plantings were acceptable.

Whitney Singleton: Do they conform to the original plan?

David Sours: No they were adjusted so we show an as built condition.

Whitney Singleton: SO I think that should say that they do not conform as opposed to appear to.

Anthony Sturniolo: So take out the do not appear.

Anthony Montelone: Or not appeared to.

Whitney Singleton: There is a similar change on condition of approval #7 the same thing.

Anthony Sturniolo: Going back to page 2. Whereas- the application fee of \$1,800 is that accurate?

Chairman Cosentino: No.

Whitney Singleton: The check on the package shows \$300.00.

Chairman Cosentino: Then I will go with what is stated.

Anthony Montelone: If there is anything you can take it out of the account.

Chairman Cosentino: There is nothing in the account.

Nanette Bourne: The application fee we received \$1,800 when you first came in. It hasn't been updated since '03.

Anthony Montelone: We will pay any additional required fee.

(Too many people speaking)

Nanette Bourne: The issue is and not only for them but for a number of other applications. When some are coming back for modification for site plans it is not a new application it is continuing review application. Are we requiring a new application fee?

Whitney Singleton: We recently changed the fee structure regarding and that it would not be required.

Nanette Bourne: So you have not submitted the \$500.00.

John Partenza: We submitted \$300.00.

Whitney Singleton: The application fee is \$500.00. So another \$200.00 is owed.

Nanette Bourne: Whereas an application fee of \$500.00 is required and \$300.00 has been received by the board, then the condition is that they have to make up the difference.

John Partenza: It will be delivered tomorrow.

Anthony Sturniolo: Down on the bottom on Page 2 should we change some language where it talks about the driveway and compliance with their through site plan and eliminate the beneficial changes made to improve the safety of the site plan. Should we change that language?

Whitney Singleton: Take out the word beneficial changes. However they do not constitute an objectionable alteration of the approved plan.

Stanley Bernstein: If I am not mistaken this can possibly be changed depending on the new configuration of the new road. Remember we discussed that?

John Partenza: As we were talking about our other master plan and the access road in the back and the parking garage.

Stanley Bernstein: So this configuration may not necessarily be permanent? It should be reflected in this whereas.

Whitney Singleton: You are talking about a separate application that may change this.

Stanley Bernstein: We are calling it beneficial.

(Too many people speaking)

Anthony Montelone: Where changes made to improve the safety of the site plan.

Nanette Bourne: We're not in compliance nor do they constitute objectionable alterations to the site plan.

Whitney Singleton: You allow the change as long it is beneficial by the board.

Anthony Sturniolo: The next whereas that goes as part of the calculations, I think maybe, we should consider some language that talks about the "larger than stated" in the resolution and something about "demonstrated a miscalculation" in the square footage.

Anthony Montelone: As a result of building on the existing footprint?

Anthony Sturniolo: Or just miscalculation.

(Too many people speaking)

Anthony Montelone: Resulting from a miscalculation.

Anthony Sturniolo: Then looking at #5. I would like to suggest take out the word temporary.

Whitney Singleton: Take out the word temporary or take out the temporary or final?

Anthony Sturniolo: Temporary or final. #6 Mike, the question do they need a RPZ verses a standard backflow prevention device because of the uniqueness of the use?

Michael Stein: Off hand I am not sure if AWWA standard would be for the housing. I would have to take a look. I am not sure if the application had been submitted.

Joel Seligman: Actually we use the existing hospital's water. We had those tested twice to do that so they are up to date.

Michael Stein: The hospitals would have been a RPZ.

Anthony Sturniolo: Also on that #6 maybe takes out the last part of the sentence and adds this application "shall be returned to the planning board" and take out the part about a determination "shall be made by the village inspector."

Whitney Singleton: The first sentence is ok?

Anthony Montelone: Shall be?

Whitney Singleton: The second sentence should say that this application in the event of any modifications to site plan this application shall be returned to the planning board. This is basically the same thing as continuing review.

Anthony Sturniolo: We already addressed 7. Whitney, in # 7 the third line where it says building engineer and building inspector are we comfortable with final certificate of occupancy?

Whitney Singleton: Yes.

Anthony Sturniolo: Therefore we would read 11- final certificate of occupancy as well.

Anthony Montelone: What about that blank in 10?

Chairman Cosentino: 4 total.

Anthony Montelone: So it is not 4 additional it should be 4 total?

Michael Stein: 4 total.

Anthony Montelone: Take out additional. 4 handicap spaces must be constructed.

Anthony Sturniolo: Toward the end of 11 should we add New York State Fire and Building Code?

Whitney Singleton: That would be appropriate. Going back to the 4 handicap spaces what are going to be the dimensional requirements.

Anthony Montelone: Which means the dimensional requirements of the building code to the satisfaction of the Planning Board?

Whitney Singleton: I think that it is up to your board to determine what standards you are going to apply to standard. At least in the existing location so they can be relocated.

Anthony Sturniolo: Considering the fact that we haven't really nailed down the issue of the width of the access stalls.

(Too many people talking)

Anthony Montelone: Do you want to add your standards as determined by this Planning Board?

David Souers: As an architect, who designs a lot of facilities, the hospital is certainly in the business of health care and they are in the business of making accessibility available to all their patients and handicap accessibility. Certainly if they find that 8 foot spaces are not sufficient they will make those changes and come before you to ask for that permission. They have the space there. We had designed it for 8 foot wide spaces and 8 foot wide aisles, so I would recommend that you accept that for now.

Chairman Cosentino: I would just like more spaces because of the ramp that comes out. You have people in wheelchairs there come out on a ramp.

David Souers: Everyone that comes to the cancer center comes escorted.

John Partenza: Nobody would come without assistance.

Chairman Cosentino: They still have to get out of the van.

Anthony Montelone: Do you want to leave it to be determined in the future? You can tell us tomorrow you want 9 ½ you can tell us three weeks from now.

Chairman Cosentino: Personally I would rather say 9 – 9 ½ now.

John Partenza: The larger vans would pull up in front and let off in front. They wouldn't park, whatever the boards pleasure.

Chairman Cosentino: If you made them 8 you wouldn't have to rip open the curb right? Do you want to try the way it is just to get it done? Is this ok with the board?

Whitney Singleton: I do not want to have any on going discussion. It is not permissible for you to change your mind later. If you want to go with what is there that is fine. We should probably just delineate that this approval would be subject to the applicant submitting a revised site plan and designated that such showing what modifications to the plan that is before your board right now. Delineate what those changes have to be. Ultimately we have to have an approvable plan here. You can't just say that we'll be happy to approve a plan and we authorize these changes that are written out narrative and it has to b shown on some plan which in 12 years can be pulled out.

Nanette Bourne: One of the final conditions has to be the applicant shall submit a plan reflecting all of these changes.

Whitney Singleton: Yes, but what are those changes. We need to delineate those.

Anthony Sturniolo: So this matches the ultimate site plan.

Whitney Singleton: What changes need to be made to that plan sitting in front of the board?

Chairman Cosentino: Back to the changes to between 8-9 1/2.

Joel Seligman: One of the changes was the 3 additional parking spaces and the designation of the other handicap space.

Nanette Bourne: So far we have to do is determining the dimensions of the parking space.

Chairman Cosentino: If we determine that as 8 everybody else is 8 right? We have to stick with that right? I thought we had to go by one standard size? Let's just leave it the way it is and see what happens.

Nanette Bourne: So then it is the way it is and we don't have to change this? Or are we going to designate this 8 foot.

Chairman Cosentino: Designate that as 8 foot.

Whitney Singleton: Why don't we change paragraph 10 to say within X many days and whatever the board says the applicant shall be required to submit?

Nanette Bourne: That would be number 12.

Whitney Singleton: The applicant shall be required to submit an updated amended site plan reflecting everything referenced herein including 4 handicap spaces and with a minimum stall width of 8 feet. Did you designate locations?

Chairman Cosentino: One in the upper entrance and three on the lower.

Anthony Montelone: You want to put that the Planning Board will retain original jurisdiction and continuing site plan review?

Whitney Singleton: How long are the periods are you going to give them to do this?

John Partenza: We only need a week.

(Too many people speaking)

Anthony Sturniolo: Does anybody else have any comments or suggestions to this draft language? As one person on the board we need to hear and say it. Accommodating this need literally I feel that six hours away from the time a patient is going to arrive. In my opinion is different than accommodating a need a t the last minute to have an emergency planning board meeting or something for a large box store that is painted red and has a bulls eye on it. I believe the priority we are faced with here and the importance here far out weighs what has been done in the past and the urgency and the immediacy of this. Miscalculations were made in square footage and in ramps and this and that and I as one member of the Planning Board do not believe it was done

deceitfully or intentionally or a way to skirt the approval process. I also believe there is a way that the hospital wanted to save X amount of dollars and probably winds up costing you more money and rectification problems. What we could do is to, and I am just throwing it out, is make a recommendation to the building inspector to grant a TCO and then in two weeks, Whitney, at the work session what would we then have to do?

Whitney Singleton: You couldn't vote on a resolution at a work session. If you vote on it tonight subject to these things being done. You would just be reviewing the plan for compliance.

Anthony Sturniolo: That would be the cleaner way to do it than to go in two weeks which is the work session and say basically because of the issues in front of us we need to suspend our rules of procedure. My suggestion is to vote in a positive manner and I will be the person to make the motion. That we adopt this resolution with the modifications or the changes we've made and authorize the building inspector to grant a TCO so in 6 ½ hours you can begin to start to save somebody's life. This is important to me. I think we need to move forward on it.

Chairman Cosentino: I agree with you Tony and I am glad you made that suggestion because if you didn't I would have. In chairing this board I hope the rest of the members go along with this because I think it is important and I think it something that is needed and glad to have it in our town. I don't usually second the motion but I will second this.

Anthony Sturniolo: I would also ask if you would be willing to stipulate for the record that we are dealing with this now and then in the future is the results of the scoping outline and everything else that we're not asked to change the procedures or the rules to accommodate another cliché in the future in the overall picture.

John Partenza: I think the relationships were developing in communication and preclude that happening.

Chairman Cosentino: We have a motion on the floor by Vice Chair Sturniolo.

Doug Hertz: Just as a comment I agree with Mr. Sturniolo and you Joe about the importance of this. I would be remiss not to say I am a little unhappy to be put in a position where schedules were made and we've been asked to accommodate that. These doctors schedules were put in place a long time ago and you were aware of that. We were not aware of that. I don't like it but that being said I understand the business you are in is not a box store and the days cannot be pushed back. You gentlemen have demonstrated satisfaction you are doing the right thing and everything is coming together.

Anthony Sturniolo: We have heard this as a rumor on the street about opening up on Wednesday.

John Partenza: We are going to try.

Anthony Sturniolo: If somebody had come to us sooner we wouldn't be massaging things.

Chairman Cosentino: We have a motion by the Vice Chair and a second by the Chair. Secretary please poll the board.

Board All Ayes.

Anthony Montelone: I would just like to thank your board for the consideration and the long hours that you put in not only tonight but other nights. We have put in procedures and really laid down the law that the mistakes that had been made in this application up to now will not be made in the future. WE can't guarantee that but that is our goal and we are going to stay on top of everyone that we do it the right way. Everybody here tonight is going to ensure that no more mistakes happen that are within our control. The fact that people are going to be treated tomorrow we are not saying to you. You have to do this because of. We never anticipated we would be here tonight with these problems. We shouldn't have been here tonight. We should of gotten the C of O before we did things right and we will do them right in the future.

Anthony Sturniolo: At the next Planning Board meeting we are going to see everything we discussed in a cleaned up version.

Nanette Bourne: A revised resolution and you need to send me your revised site plan that has all the changes.

Whitney Singleton: The motion that you made tonight was for an approval to amended site plan.

Anthony Sturniolo: Also to recommend to the building inspector to authorize the issue of the TCO.

Whitney Singleton: Nancy will convey that to Austin?

Anthony Sturniolo: Yes.

Nanette Bourne: You need to submit one set to me at my office and 6 sets to the building department.

9. Correspondence

Anthony Sturniolo: Bet Torah, have they been to the ARB?

Nancy Placona: Yes. They were approved.

Chairman Cosentino: On RD Management I have a bill here, do they follow up. It is \$25,000 and not for nothing when we made this they we said they could pay the 30 days. It is past 30 days. Why aren't we collecting the money?

Whitney Singleton: We are not collecting the money because they haven't paid. I can anticipate non compliance of applicant and property owner and I can put provisions in. I can't go over there and put a gun to their head and make them sign a check.

Chairman Cosentino: There are some people here and I am going to meet with Nancy. They are not coming before the board until they pay their bills.

Whitney Singleton: That is fine. It should never get to the point where the planners are not paid. There should be sufficient escrow balance to make sure.

Chairman Cosentino: This guy sends a bill and doesn't go after them.

Whitney Singleton: What we provided for in the agreement was and they signed and acknowledged their right to do so by way of contract. We put in the agreement that in the event that they do not pay their bills we make take such steps and include in their tax bill and collect it in the same fashion that we would a tax bill. It constitutes a lien on their property and we get interest. There is nothing else I can do.

Chairman Cosentino: It is not fair to the tax payers to keep paying.

Whitney Singleton: They are not paying for it. Just the same way if someone doesn't pay their tax bills.

Chairman Cosentino: Who is not paying for it?

Whitney Singleton: The balance of the taxes.

Chairman Cosentino: Are these people getting paid out of the general budget?

Whitney Singleton: No. This is specifically coming from funds associated with this particular project. I am not saying the police officers are not getting paid. We are getting paid that money. That is the way everything works.

Anthony Sturniolo: It is the timelines of it.

Stanley Bernstein: What about the money for the parking spaces?

Chairman Cosentino: That is being worked on. Memo from Austin Cassidy dated 4/18/05 regarding comment on site visit to the Boys and Girls Club. Letter regarding Woodcrest at Leonard Park.

Anthony Sturniolo: On that letter talking about the on site wells for irrigation for plants and all that. What about the external water bibs that outside each individual home?

Michael Stein: Those are going to be attached to the village water system.

Anthony Sturniolo: Then home owners would then use that water to water their plants and this is only the well issues for the common areas?

Michael Stein: I don't know the specifics of how the well system is set up for the irrigation. The hose bibs are definitely going to have to be tested in the municipal system because you can't be like an inter connection within the building.

Anthony Sturniolo: Diamond Properties regarding the storm water evaluation.

Whitney Singleton: Disregard that. That is dated back in the beginning of April. That is when they were trying to come in and by pass your board.

Anthony Sturniolo: Diamond required the review by the wetland committee purposed the village manager, building inspector, and one member of the Planning Board. Then there is the Michael Stein letter which we do not have to address.

Michael Stein: That was more information based on how the meeting went.

Chairman Cosentino: Do we have a motion to adjourn?

Joseph Morreale: So moved.

Anthony Sturniolo: Second

Meeting Adjourned 12:40 p.m.

Respectfully Submitted by:
Stanley Bernstein
Board Secretary

