

Minutes  
Regular Session of the Planning Board  
Village/Town of Mount Kisco  
Tuesday October 10, 2006

Meeting called to order at 8:00 pm Tuesday October 10, 2006 at the Municipal Building  
Mount Kisco, New York.

**Members Present:**

**Joseph Cosentino  
Anthony Sturniolo  
Doug Hertz  
Stanley Bernstein  
Ralph Vigliotti**

**Members Absent:**

**Joseph Morreale  
Sol Gibbons**

**Staff Present:**

**Nanette Bourne  
Whitney Singleton  
Michael Stein  
Janine McCulgan**

Meeting called to order by Chairman Cosentino at 8:00 pm.

**Public Hearing:**

**Application # PB2005-12**

**Louis DiLisio  
486 Lexington Avenue**

**Members Present: Louis DiLisio Jr.**

**Anthony Monteleone  
Bob Scopelliti**

Chairman Cosentino: This is for Louis DiLisio, 486 Lexington Avenue, we have a public wetlands permit, public notice, and didn't we declare Lead Agency on this already?

Nanette Bourne: Yes, you did, and this was just the form that was sent out.

Chairman Cosentino: Is there anybody that wants to?

Nanette Bourne: Do you want to open up the public hearing?

Chairman Cosentino: Yes. The public hearing is open. Is there anybody here that is for this?

Anthony Monteleone: On behalf of Louis DiLisio, Jr. and Senior, Anthony Monteleone for the applicant.

Chairman Cosentino: Is there anybody here that is opposing this? Okay, anything from staff?

Nanette Bourne: Do you want to close the public hearing now?

Chairman Cosentino: Might as well close it and leave ten days for a written notice.

**Motion: Vice-chairman Sturniolo**

**Second: Ralph Vigliotti**

**Aye: Doug Hertz**

**Aye: Stanley Bernstein**

**Aye: Chairman Cosentino**

Chairman Cosentino: Okay, let's get on, to – Nannette, do you want to...

Nanette Bourne: Sure. This afternoon Mike and Janine and I met with the applicant and their representatives, and we had done this at the request of the Planning Board because there seemed to be some miscommunication and some confusion as to their status and what needed to occur so this thing could come to a conclusion. I'll let the applicant and his representatives speak on this as well, but the application is fairly complete with a couple of items that still need clarification. One, not necessarily the most important item, is that there was a statement that was made that you received

ARB approval, and I don't think you've officially received ARB approval. You don't have issues, per se, but that's a formality that needs to occur.

Anthony Monteleone: There has been an appearance before the ARB, and the ARB heard the application.

Bob Scopelliti: If I may, Bob Scopelliti, I attended the meeting for the DiLisio's as they were out of town, and the exact wording of the Chairwoman of the ARB was that it was approved as presented, and a resolution would be sent in the mail to Mr. DiLisio. So, to me that sounded like approval; approved as presented.

Chairman Cosentino: The Secretary, Nancy Placona, who was there, said that it wasn't approved, but it's not a problem. So, Tony you should check on this. But it's not a problem; it's not an issue.

Anthony Monteleone: It's an issue of timing.

Chairman Cosentino: Whatever, but it's not...

Nanette Bourne: I think the words that Nancy said was before the ARB was going to do the final approval, they wanted to find out what was happening with the Planning Board and allow the site plan approval to advance.

Chairman Cosentino: There is not going to be a problem here.

Nanette Bourne: Other relatively minor items that are missing from the application have to do with the topography of the site. There are some changes in the drainage, and it would be recommended that the applicant's engineer try to take some of the existing topo that's available and put it on their site plan. Even though the site appears relatively flat, there is a grade difference, and it does affect drainage. There is a legitimate reason why topo needs to be put on the site.

Chairman Cosentino: The engineer will do that.

Nanette Bourne: Yes.

Chairman Cosentino: You're going to work with your engineer on that?

Anthony Monteleone: We met with them today after the meeting, and that's in the process right now. We're actually going to revise the site plan as far as putting everything on one single document for final approval by the Planning Board, so there will be one document, so we won't all be in confusion.

Vice-chairman Sturniolo: Nannette, if I may interrupt. On the one document concept, we should also include the landscape architects plantings and drawings.

Chairman Cosentino: At the last meeting we said he was going to use a landscaper. We never mentioned architect on that. I don't know whether we want a landscape architect. If we did, we've changed that.

Doug Hertz: We said we wanted them to consult with someone to find the appropriate plantings, because there was a concern about –

Chairman Cosentino: For the right side of the building?

Doug Hertz: The low growth, where they had talked about hemlocks and the concern was that it was a shaded area and the hemlocks would not be appropriate; would not grow. So they were going to go back and investigate what the appropriate plantings would be and come up with a plan that would thrive in that environment.

Chairman Cosentino: I remember that. So what you need to do is find out what – we realize you don't have a lot of space there.

Louis DiLisio, Jr.: What we did was, based on the discussions and recommendations at the last meeting, we went from a 7 ½ foot center to center spread to a 5 foot spread. We also contacted a nursery who said that the hemlocks would in fact grow better than an arborvitae in the shade. The only concern that they had was that we would have to spray them annually to stop them from – and that's what they recommended. The reason they recommended that was because they grow wide rather than just tall. And as we discussed, we hoped that at some point this will be more hedge-like.

Chairman Cosentino: And there's no room for anything else there.

Louis DiLisio, Jr.: We increased the number of trees by five trees based on the discussions at the last meeting.

Nanette Bourne: On this note, Mr. DiLisio had brought in some photographs of this site that shows very elegant gracious trees that surround it, and I question whether or not trees are going to be of any value. I wanted the board to look at this to provide some direction as to whether or not this is the kind of landscaping plan you're looking for. A landscape architect is not necessarily the only person that can draw up a plan. There are very good landscapers out there. The code requires that it be sealed by either an engineer or a landscape architect, but they have an engineer that can do it. They don't have a landscape architect.

Chairman Cosentino: Tony, can you make sure the engineer looks at this and stamps it?

Anthony Monteleone: We had that discussion, if I may, and what we plan on doing is showing the town how the planting will be made on the plan, and the engineer will sign off on the plan showing how deep they are going to be and the basic footing of each plant. We'll also provide documentation that the hemlocks will be the best thing to plant there based on the best advice we have. We're not experts, either. We're open to another type of planting, but no one has been able to come up with what that appropriate plant is.

Chairman Cosentino: Are you happy with that type of plant, Doug?

Nanette Bourne: Well, are you happy with this landscape plan?

Anthony Monteleone: We'll also show them how they'll be footed in the ground.

Louis DiLisio, Jr.: He's just going to show the root ball.

Nanette Bourne: (pointing) this is dirt. Typically your landscape plans have a little bit more detail, a walkway going to the building. I don't know if sod could grow.

Louis DiLisio, Jr.: We cannot plant grass here based on the tree coverage.

Chairman Cosentino: Have you been there to see the site?

Nanette Bourne: Yes. That's why I say I don't know.

Chairman Cosentino: You're not going to plant grass there.

Nanette Bourne: Yes, and I question whether or not even trees, given all the trees that surround it, are going to do well.

Chairman Cosentino: Well, we're not going to cut trees down either.

Doug Hertz: We're not the experts in this. We look to a good landscaper or a landscape architect; someone who does this for a living to say the most appropriate planting would be the best screening; we'll do the job required. We know what we want it to do, which is to screen the building from the neighbors and to look appropriate.

Chairman Cosentino: Do you know somebody, Lou, who can do that for you?

Louis DiLisio, Jr.: Again, I'm not one hundred percent sure, and this is ignorance, not being a wise guy. I'm not one hundred percent sure what it is that you're looking for. Are you looking for arborvitae; I can put different shrubs in there if that's what you're talking about.

Anthony Monteleone: They want something from a landscaper.

Louis DiLisio, Jr.: If I can defer to one of my contractor friends.

Bob Scopelliti: If you don't mind I will offer my expertise, because we're in construction, we build swimming pools.

Chairman Cosentino: You do landscape architecture?

Bob Scopelliti: I can tell you arborvitae is just deer candy. They will eat as far up as they can reach. So, they do not grow full, they grow tall, and they will be consumed

before they even get a chance to take root. So I would not for one second consider arborvitae. Hemlocks, they're grown there naturally, and there should be no problem. It's not an ornamental shrub, but what you want is screening, and that's what it will accomplish.

Chairman Cosentino: Well, I've seen your landscaping plans and they're nice. Could you help them with the landscaping?

Bob Scopelliti: Absolutely.

Chairman Cosentino: And let the engineer look at it so it could be stamped, whatever it has to. I've seen your landscaping; your landscaping is really great.

Bob Scopelliti: We could do a little rendering and colorize it and make it look pretty.

Chairman Cosentino: So, why don't you do it that way and let him do the landscaping?

Bob Scopelliti: I don't think it's necessary to actually employ an architect and go to the expense of a stamped...

Chairman Cosentino: Well, you're offering to do it.

Bob Scopelliti: I do it all the time, and quite frankly we've never had a condition where it was objectionable. So we'll take care of that for you.

Nanette Bourne: And I don't think it needs to be colorized. I just think it needs to be a little bit more detailed.

Chairman Cosentino: So work with him on that. What was the other one, Nannette?

Nanette Bourne: Lighting. They have shown where the lighting is going to be, they have not shown the photometric, and we recommended that if Mr. DiLisio has a light meter, he can go out and we gave him a copy of the illumination regulations, and he can take existing illumination readings.

Louis DiLisio, Jr.: I have a light meter. I use it when I design buildings.

Nanette Bourne: And he needs to take the readings of the entire site, not just this building.

Vice-chairman Sturniolo: The entire site foot candles.

Louis DiLisio, Jr.: Let me just ask if this is appropriate. What I thought I would do is put tracing paper over the existing building as well as the proposed building and in 25 foot blocks do readings at all of the corners. That's what we briefly discussed today.

Nanette Bourne: And then for the proposed lighting to get specs or tear sheets that give not only the location but the values just to show that they are full cut offs, and that they're not too...

Chairman Cosentino: And Doug and Tony could just check that.

Ralph Vigliotti: Maybe you could give a sample of what we're looking for. We just need to see that. Do you have a sample?

Nanette Bourne: The key to this is that all of the lights stay on the site and then at the property line.

Doug Hertz: I think that's the tricky part of this, because it is so close to the property line.

Louis DiLisio, Jr.: We talked about shielding the sides as well as the top, which, they typically don't come that way, but we'll put aluminum casing around it or something like that.

Vice-chairman Sturniolo: Yes, full cut off shields, and you need to show the full photometric light plan on paper.

Louis DiLisio, Jr.: As I said, I was thinking of doing it on tracing paper so we can overlay it right over this.

Doug Hertz: That's going to be hard because it's going to have to become part of the record.

Louis DiLisio, Jr.: Once it's on tracing paper we can photocopy it. So I'll just trace the existing building, the property lines, and then do that, okay? The lighting is shown here, and it's a motion sensor light, so it's not on other than when somebody walks by.

Vice-chairman Sturniolo: And you can also get a copy from Whitney of the proposed lighting standards that the Village Board is in the process of entertaining, because they are different than the current lighting standards.

Whitney Singleton: They are before the Village Board tonight actually.

Louis DiLisio, Jr.: Is that something that you could send me?

Whitney Singleton: Absolutely. Do you have e-mail?

Louis DiLisio, Jr.: Yes. Just give it to me.

Nanette Bourne: All of those things are really fairly moderate.

Chairman Cosentino: They could be done right away.

Louis DiLisio, Jr.: The lighting thing will be done this weekend.

Nanette Bourne: The biggest thing and this is outside of your jurisdiction is that they need to get involved with DEP.

Chairman Cosentino: And Janine, could you say something on that behalf for the DEP? How fast that could be done?

Janine McCulgan: Number one, I'm not speaking on behalf of DEP, but based on my experience, overall we looked at the plan real quickly today, but basically what DEP will have to do is go out and they are aware of this, and they are planning on going out there on Tuesday to do a percolation test for the drywells to handle the storm water out there. It seems like it's been accounted for in the plan, but we have to see the hard numbers which we haven't seen just yet. I think he may have dropped them off with Michael.

Chairman Cosentino: Okay, so we don't see much of a problem here.

Louis DiLisio, Jr.: We've been in contact with DEP. We are actually bringing them a file tomorrow, the application was submitted, and we did a DET Test as well as Perk tests last week with Koppleman, so they've done all their calculations; we put a package together which is being delivered to the DEP tomorrow morning.

Chairman Cosentino: For reasons of weather coming I need Nanette and Janine to be on top of this. Whatever help they need to get this done by November.

Nanette Bourne: Just to complete the list, DEP as well as the Village will require a sediment and erosion control plan, which is just standard. There is nothing earth shattering or special, it does need to be part of the plan.

Louis DiLisio, Jr.: As we discussed today, the only challenge we have with that is that we're eight inches off the property line here, and I don't want to put something on someone else's property. I just don't think that that's right. So on this side and in the front that's not an issue at all.

Chairman Cosentino: Okay. Is there anything else, Nannette?

Louis DiLisio, Jr.: I don't know if we have to bring it up is the rear door back in?

Nanette Bourne: What is proposed is a single door, and I think we discussed it today.

Chairman Cosentino: An Exit door?

Anthony Monteleone: We have two doors in the front, but for safety purposes the ARB and the engineer, Mike, indicated that a door in the rear would be appropriate. We don't have a problem with that, and we'll put the lighting above that door, which would meet the same standards.

Louis DiLisio, Jr.: We're going to put scone lighting. Just a low wattage scone light there.

Chairman Cosentino: We don't have a problem with that.

Louis DiLisio, Jr.: Did you say something about a window?

Vice-chairman Sturniolo: Are the windows operative because a question came up at a meeting last Thursday, where the building inspector had a concern about the ability to respond to a fire if the windows were not operative.

Louis DiLisio, Jr.: These windows will not be operative. They are going to be enclosed from inside. We don't want the windows, but for aesthetics, we've got to put them in. This is a storage barn, with shutters, as proposed.

Vice-chairman Sturniolo: Could I make a suggestion? Maybe you may want to have a conversation with the building inspector, because he is the one who raised the issue at a Thursday morning Planning Board Joint Village Hall meeting.

Louis DiLisio, Jr.: Actually we did last week. I actually met with him last week. He didn't say a word.

Anthony Monteleone: We'll deal with that.

Vice-chairman Sturniolo: Tomorrow.

Anthony Monteleone: So there will certainly be a break-through one way or another. They want fire access.

Vice-chairman Sturniolo: Whatever needs to be satisfied with Austin.

Chairman Cosentino: Tony, you've got all of these things that have to be done?

Doug Hertz: What about the driveway?

Anthony Monteleone: That came up today at the meeting, and we spoke to Mike about that, and Mike's suggestion was that since – for the planning purposes the access is going to be from Lexington Avenue, Mike would like us to show some driveway improvement from where the pavement ends between Lexington and the new building. And Mike suggested that we use plastic inserts in the ground filled with gravel, so that we can maintain that non-impervious surface.

Bob Scopelliti: That may or may not be the best thing to use. One of the questions that came up tonight was; Pete Gregory actually asked would it be reasonable or feasible to take and maybe do a cobblestone edging and put gravel in between the two.

Michael Stein: You still will have a concern with running the gravel. That's why I'm suggesting gravel tags, because it actually interlocks. You're not going to get any sinking.

Louis DiLisio, Jr.: The one thing that I'm worried about is that if we have to ever do any maintenance here, with these dry wells or anything else, you're going to have to go ripping up a twenty foot length of this plastic whatever.

Janine McCulgan: For your maintenance of your drywell you should have a port or something like that, so you can access this.

Michael Stein: Cover the grade, framing grade to grade so that way you can always access for insulates.

Louis DiLisio, Jr.: It wouldn't be a drywell?

Janine McCulgan: Yes. Because your supposed to maintain it on an annual basis.

Louis DiLisio, Jr.: Okay, that's something else we didn't know.

Michael Stein: You want an appropriate cover for both dry wells.

Chairman Cosentino: I think they come with a cover.

Nanette Bourne: DEP will direct you with that anyway.

Louis DiLisio, Jr.: So you wouldn't be averse to some form of edging with gravel, in place of – I'm not sure what we'll do, but we're looking at different options.

Anthony Monteleone: To meet Mike's concern about non-rotting and keep the drive surface.

Chairman Cosentino: There isn't much there to do. Nanette, anything else?

Nanette Bourne: No. We reviewed with them the submission requirements fifteen days in advance, that final actions are taken at regular meetings, the next possible...

Chairman Cosentino: I want to shoot for this for the first meeting in November.

Nanette Bourne: Okay and that should be do-able.

Anthony Monteleone: For final resolution and approval.

Louis DiLisio, Jr.: We should have the majority of the things by Tuesday, because when the DEP comes out we want to have as much of what we discussed to go through with them.

Chairman Cosentino: Nanette, stay on top of this with the resolution. Jannine, you're going to stay on top of this if there are any problems? But Tony has something here?

Vice-chairman Sturniolo: The first meeting in November is a regular session, and the submission date is October 25.

Louis DiLisio, Jr.: Does anyone know the date of when that first meeting will be?

Vice-chairman Sturniolo: The first meeting of November is November 14; again, submission date is October 25. It's a regular session.

Nanette Bourne: The 25<sup>th</sup> – 15 days.

Louis DiLisio, Jr.: That should be the 29<sup>th</sup> right?

Vice-chairman Sturniolo: I'm reading the 25<sup>th</sup> on our calendar.

Louis DiLisio, Jr.: We'll submit everything as soon as we can get it.

Nanette Bourne: New applications are 21 days.

Chairman Cosentino: Submit the paperwork.

Louis DiLisio, Jr.: As soon as we get everything you'll have it. We'll have everything except the DEP within the next week.

Vice-chairman Sturniolo: I have one last question for Nanette which deals with – if you could look at page 2 of the application. The application for site plan sub-division approval, down toward the bottom where it says will action require, will action require, the second approval from DEP and the box is checked off "no," but obviously they need a SPPP. And then the other question is will the action disturb any wetlands or wetland buffer? And you are encroaching into the wetland. So I think that should be changed. To the buffer, excuse me.

Nanette Bourne: No, what we looked at today, there are two different types of wetlands. One is the New York State Department of Environmental Conservation, the DEC Wetland. You are ways from that. You are within the Village wetland buffer.

Anthony Monteleone: So you want me to send in a formal modification? Modify second page, okay. Need approval and within Village Wetlands.

Chairman Cosentino: Okay, everybody understands what they are supposed to do so there is no communication problem here?

Nanette Bourne: And finalize your ARB status.

Louis DiLisio, Jr.: Well, if they told us that we were done, how do we finalize it?

Doug Hertz: That's not our understanding.

Anthony Monteleone: I'm going to talk to Nancy about that, hopefully get that coordinated.

Chairman Cosentino: Talk to Nancy about that and get it done.

Nanette Bourne: Yes, because in order to approve the resolution we need to have a date of ARB approval.

Chairman Cosentino: That's not a problem.

Anthony Monteleone: For the purposes of ARB approval, this meeting tonight and the Planning Board on us presenting or producing documentation to support the issues will be amenable to the ARB taking final action. This is the easiest way to say it. Maybe the hardest way to say it.

Chairman Cosentino: And they might have already, I don't know.

Anthony Monteleone: No, they haven't. Apparently they are waiting. They are waiting for an indication from this board. I'll talk to Nancy about that.

Chairman Cosentino: Let them know our indication.

Anthony Monteleone: I will. Thank you.

**Formal Application:**

**Filippo Simone**  
**127 Barker Street**  
**Filippo Simone, Property Owner**

Filippo Simone: Good evening, I am Filippo Simone, property owner of 127 Barker Street. I had to excuse my nephew Enzo Simone. He couldn't make it tonight as the engineer, so, whatever questions you have I will try to answer the best I can, otherwise we might have to make it the next time we meet.

Chairman Cosentino: When he was here the last time there were some minor changes. Ralph, you wanted to see some changes within the design?

Ralph Vigliotti: There were some discussions regarding the sod, but that was an ARB issue. Did you go before the ARB?

Filippo Simone: I think they did, yes.

Ralph Vigliotti: It has been resolved, it's been approved? Is this what they approved here?

Filippo Simone: No, that's the same thing, just a different layout. If you would like to see it, here it is. Same building. Just there is only one change.

Chairman Cosentino: They approved it already?

Filippo Simone: Which one?

Chairman Cosentino: The building, the ARB?

Vice-chairman Sturniolo: Then you picked up, I think Ralph, we were talking about picking up the stone from across the way at the law office building.

Ralph Vigliotti: Yes, cut stone.

Filippo Simone: Yes, we were going to try to pick up...

Vice-chairman Sturniolo: A visual...

Ralph Vigliotti: A fieldstone look rather than a cut stone look.

Chairman Cosentino: But wait a minute, let's back up a little bit. We don't know what the ARB approved, so we can't tell him what to put in there now.

Filippo Simone: To tell you the truth, I know somebody was there and approved something, but my nephew knows all the answers for that. Do you have any records or something there? Any paperwork? This is all I have.

Chairman Cosentino: We can find out now, we're going to call.

Filippo Simone: Unfortunately, my sister in law had a massive stroke or something, and my nephew had to go to the hospital. Otherwise, the plans would be a little bit better.



Chairman Cosentino: Danny's mother?

Filippo Simone: Yes. That's why he's not here. I'm sorry to be wasting your time.

Chairman Cosentino: No, you're not wasting our time; not at all. Which one is his mother, what's her name?

Filippo Simone: Ross' wife. Josephine.

Chairman Cosentino: She's the nurse.

Filippo Simone: Right. Now she's sick.

Vice-chairman Sturniolo: Where is she, here?

Filippo Simone: Northern Westchester Hospital, right. Now, where do I go? So, tell me what I have here, tell me what to do, and we'll see what we can do to proceed for next time.

Chairman Cosentino: So, you'll learn how to be an architect now.

Filippo Simone: Me? What do I know about architecture, I'm a mechanic?

Chairman Cosentino: When you retire as a mechanic.

Filippo Simone: That would be nice.

Vice-chairman Sturniolo: Fine tuning Italian race cars with two Webbers per cylinder. Those horrible days. Now it's easy.

Filippo Simone: Now it's easy. I know it came with a backhoe to do some kind of testing, and it passed the test, if that's what you're looking for.

Chairman Cosentino: No, that's percolation.

Nanette Bourne: There is a memo in here from Michael Stein.

Filippo Simone: Yes, I guess you need to give me a letter from him. Or, I should give you a letter? What ever letter you have, my nephew said to give to me.

Nanette Bourne: He's got a three page memo that has a number of items that will need to be addressed.

Chairman Cosentino: Can you give him a copy of it?

Filippo Simone: He might not have the letter, because he asked me about it.

Chairman Cosentino: Here, give this to him.

Filippo Simone: Okay, very good.

Doug Hertz: She's on a train, we got cut off, and I don't have the answer.

Vice-chairman Sturniolo: I wonder if Nancy would, next door.

Chairman Cosentino: She's not next door; she went home. Alright, we'll have to check with the ARB because where we're saying stone, we don't know what they approved.

Ralph Vigliotti: This is kind of awkward. We appreciate you being here but we'll have to put this on the next agenda.

Filippo Simone: Well, whatever the stones, or whatever you wish to put on special, I will do it. It's no big thing to me. I know what I like other people might not like.

Chairman Cosentino: Let me ask you a question. Would you feel better if you came the next meeting with Danny?

Filippo Simone: Well, yes. The only answers I have for you - am here to represent myself to the best way I can.

Chairman Cosentino: We don't have some information either. Why don't we put this on for the next meeting, and this way we can talk more intelligently than we are doing right now. So let's put this on for the meeting of October 24.

Filippo Simone: That's fine. Is there anything that you need from me?

Chairman Cosentino: Well, take that and show him that.

Nanette Bourne: This is an important three pages. There are a lot of items in here that need to be addressed, and continue to work with the DEP.

Filippo Simone: Very good, thank you. Goodnight.

Chairman Cosentino: We'll say a little prayer for Josephine.

**Special Discussion:Bank of New York  
55 Main Street  
Application #PB2006-14  
Peter A. Karis, Jr., Insite Engineering  
Frank P. Picucci, Bank of New York, JP  
Morgan Chase**

Nanette Bourne: This is on here for special discussion because at the last meeting, they were, I think it was the September 11 meeting, they were on for approval and they didn't have a lighting plan. A copy of the lighting plan was submitted to my office, I think on Friday, and you may have gotten a copy of it today. There are still some issues with the lighting plan. It's not ready. It doesn't comply with either the state law for ATM's or the Village's Code. Nevertheless, when we talked about this site you were anxious to allow them to at least plant because we are sort of getting to the season, and I think you wanted to have a discussion whether or not you will go ahead and plant now and have them come back for the final formal approval with the resolution of the lighting.

Chairman Cosentino: Now, Nannette, who has looked at this landscape plan on our behalf?

Nanette Bourne: IQ Landscape Architects reviewed it; changes were made consistent with the recommendations.

Chairman Cosentino: And you're pleased with it?

Nanette Bourne: Yes. They've done what we asked them to do. I have a memo on the lighting plan if you want to see it.

Chairman Cosentino: Give a copy to Doug and Tony.

Doug Hertz: So, what we were handed earlier was their submission, and this is your view?

Nanette Bourne: Right.

Doug Hertz: So, Joe, the thought is let's deal with the landscaping, let's deal with the time sensitive issues right now.

Chairman Cosentino: I think there should be a time limit on this lighting plan, though. I just don't want to give them Carte Blanche over here.

Peter Karis: I can tell, but we're anxious to wrap this up.

Chairman Cosentino: But we're going to give you a time limit.

Peter Karis: We'll address the memo and re-submit.

Vice-chairman Sturniolo: Midnight tonight?

Chairman Cosentino: Sixty days? You tell me.

Nanette Bourne: They don't need sixty days. You can even have them on a work session, your work session for October, or your regular meeting, which is the 14<sup>th</sup> of November.

Chairman Cosentino: Well, let's put it down for the 14<sup>th</sup> of November to come back with a lighting plan.

Peter Karis: Okay. Will the board allow us to move forward with the installation of the landscaping?

Chairman Cosentino: Yes, we want the landscaping to go in.

Nanette Bourne: Do you want to do that by motion?

Ralph Vigliotti: I think we should.

Vice-chairman Sturniolo: And you can put all your electrical in while digging. So all we have to worry about is the fixture.

Chairman Cosentino: You've got down that they are coming back, the 14<sup>th</sup>? So we need a motion now for them to start their landscaping plan.

Ralph Vigliotti: I'll move on the motion for Bank of New York at 55 Main Street, Application #PB2006-14, its conditional approval for installation of landscaping.

**Motion: Ralph Vigliotti**

**Second: Doug Hertz**

**Stanley Bernstein: Aye**

**Vice-chairman Sturniolo: Aye**

**Chairman Cosentino: Aye**

Chairman Cosentino: Okay fellas, you're all set. See you on the 14<sup>th</sup>.

Ralph Vigliotti: When will the landscaping go in, guys?

Frank Picucci: Actually, the landscaping, if weather permits, should be in by next week.

Ralph Vigliotti: Good. Okay.

Vice-chairman Sturniolo: And what about the concrete curbing?

Frank Picucci: That's going to follow. I'm discussing that with my new boss right now with which I have a meeting tomorrow morning. Chase wants to move forward with a lot of improvement with all these sites. So they are very aggressive right now. They have a team going out there, they surveyed everything, and they have some onsite consultants also coming back with a lot of ideas.

Vice-chairman Sturniolo: Would you be kind enough to update Nanette time frame wise? I mean, the lighting, we know is a simple thing to address, but when you are going to start the landscaping and when you are going to start the concrete. And then the pruning of the trees, overhanging signs, and all that can go on at the same time.  
Frank Picucci: They are already partially pruned.

Vice-chairman Sturniolo: Yes, and the dumpster screening as well. If you could just jot a letter to Nanette.

Peter Karis: I think it's safe to say landscaping will be installed before our next appearance, and then we'll have a time line laid out for the installation of the curb.

Vice-chairman Sturniolo: But in the meantime the concrete curbing and any blacktop work that you are going to have to do.

Peter Karis: Yes, that's no problem.

Vice-chairman Sturniolo: We are obviously facing that December 1 cut off in and around this area for asphalt plans.

Chairman Cosentino: Okay. Planning Board calendar.

Nanette Bourne: Rules and procedures?

Chairman Cosentino: We need Whitney for that one, so we'll skip that and go to Planning Board calendar.

Stanley Bernstein: All I would really do is check the submission times, count back 15 – 21 days, that's all I really have to do. The rest of it is okay. The dates are okay. There is one, we ought to be consistent, when it comes to July 24, if there is no meeting, and there should be no session.

Vice-chairman Sturniolo: Fill in the blanks, Stan, you mean on those two dates with no sessions?

Stanley Bernstein: There's no meeting. There are no dates of submission.

Doug Hertz: One says no meeting, one says no session.

Stanley Bernstein: Two of them say no session, one says no meeting. Both words are correct, but why not be consistent?

Vice-chairman Sturniolo: Absolutely right.

Chairman Cosentino: So, no meeting, no meeting, no meeting.

Stanley Bernstein: Or, no session, no session no session. However way you want to do it, it doesn't matter. It says work session, regular session, might as well use the word session. I just didn't check the lead times; I just looked it over tonight.

Doug Hertz: And we looked at this with regard to holidays and all that?

Stanley Bernstein: Yes.

Nanette Bourne: Actually, for the July and August.

Stanley Bernstein: Oh, for holidays of next year? I don't have a new calendar. I can't do that yet; I'll have to pick up a calendar.

Nanette Bourne: The submissions (**too many people talking at once**) – there would be two for the July and August meetings.

Chairman Cosentino: Right. There is only one meeting in each month.

Nanette Bourne: But for any formal submissions it would be 21 days and continuing review would still be 15. So there would be two different days. One meeting but two different dates.

Vice-chairman Sturniolo: Donna, would you be kind enough to let Nancy know that we need to put the approval of this calendar on the first meeting in January to vote? We went through it tonight just to get ahead, and kind of get it over with, and now the next thing we do need, I think, would be Whitney in here.

Chairman Cosentino: Well, let's finish the rest of this. Did we all read the letter from Austin in Panera? Complicated letter, but he got right to the point.

Vice-chairman Sturniolo: I've had that feeling all along, because I've seen those Panera places, and it is – they bake on the premises, but it is actually a restaurant.

Doug Hertz: Sure it is.

Chairman Cosentino: These clothing drop off boxes. I think they look ugly. Going back, maybe 18 years ago, I was on this board, and they had newspaper boxes, little pink boxes around the whole Village, and I spearheaded to get rid of them and it worked. They took them all away, myself, and the supervisor from Bedford, then was, Larry Dwyer, and we had 150 people picketing the roads, and they took the boxes away. These are clothing boxes. It looks like they were put there overnight. I think they are ugly and I think they should be put somewhere else.

Stanley Bernstein: Tell me something, does the landowner...

Chairman Cosentino: They get paid.

Stanley Bernstein: It's supposed to be a charity.

Chairman Cosentino: So, as far as I'm concerned it's a site violation. So a letter should be written to Jim Palmer stating that any place where there is one of these boxes, as far as we're concerned, is a site plan violation, and the boxes need to be removed.

Ralph Vigliotti: Mr. Chairman, should we move some legislation at some point in our code to have any of these proposed boxes with any of the owners of buildings in town...

Chairman Cosentino: It's a violation. It's code already.

Ralph Vigliotti: So it's a violation because it's not accessory use. Every single one is in violation.

Chairman Cosentino: That's right, because it's not on the site plan. It's a violation.

Ralph Vigliotti: But how do we create the process that they come before the Planning Board as an accessory use?

Chairman Cosentino: We don't want them to come before us because we don't want them. It's the same thing as putting a storage bin that we don't allow, for storage.

Doug Hertz: Right. But just to play devil's advocate, they do serve a positive function.

Ralph Vigliotti: On some sites they may work very, very well, and the accessory use may be permitted by this board if there's x number of square footage, if there's enough parking, setback requirements.

Doug Hertz: Inappropriate location.

Ralph Vigliotti: Yes.

Chairman Cosentino: Where is an appropriate location?

Ralph Vigliotti: We may not know that until we get our first...

Chairman Cosentino: Well, if they want to file and come before this board, fine. But right now I can't think of an appropriate location. You are going to have the guy come in – playing devil's advocate – you're going to have the guy come in who has a storage bin that we want to get rid of and say, hey, you're keeping those there, why can't I keep my storage bin also?

Ralph Vigliotti: What makes it interesting, Joe, is if a business comes before us for an accessory use and allows us to look at other thing on site, as well as that use...

Vice-chairman Sturniolo: That's a valid point.

Ralph Vigliotti: And if they want to do that, then let's create a process that's fair and equitable to everyone and allows us...

Chairman Cosentino: Keep in mind, they are not doing it because of the cause, they are doing it for the almighty dollar.

Doug Hertz: Understood, but nevertheless, it does give you a way to donate your things and perhaps will go to do some good.

Chairman Cosentino: Bring it to Goodwill. They all have stores.

Stanley Bernstein: Twigs Thrift Tree. There is one in Bedford Hills.

Chairman Cosentino: These other towns in Bedford that don't have these boxes, they come to Mount Kisco.

Vice-chairman Sturniolo: There are also numerous houses of worship in Mount Kisco that address this issue individually, and my personal feeling is these drop-off boxes, especially the two, and I looked at them the other day by The Pet Connection, look garish, cartoon like, and don't really contribute anything visually.

Stanley Bernstein: And there is always overflow and it looks like garbage in front.

Chairman Cosentino: I had to laugh the other day I was going to my office, and there were two guys and I had to look at these jackets, because both jackets said the school my son went to, Harvey. Guess whose name was on the jacket? One had Nick on the front of it. We don't know how he got it. My wife gave it to Goodwill or something like that. And the other one had somebody else's name on it. If they needed them, they needed them. But I know Goodwill takes them, I know that Twigs takes clothes, and there are a lot of other places in the Village, churches, that will take them too. So we really don't need these boxes. They are doing it for the dollar, they get paid for that. And then of course, the one who comes and gets them, of course he sells them, and he's getting paid, too. It's a business. Like this guy on Lexington Avenue. Every other week he's got a tag sale. This week he had four families in the same spot. That's a business.

Okay, so we need to write a letter to Jim Palmer saying that as far as we're concerned it's a site plan violation.

Vice-chairman Sturniolo: And who is going to do the letter?

Chairman Cosentino: Who writes our letters?

Nanette Bourne: Whitney.

Chairman Cosentino: Then Whitney has to write it then.

Chairman Cosentino: Just under correspondence – minutes of the Beautification, letter from Whitney to Karen Schleimer, and again Hollis regarding relocation of the dumpster. We read that letter. Dan Hollis is saying, well, I'll move the dumpster, to the north side or the south side, but I'll tell you one thing, I'm not going to move the concrete pad. Whitney called me up and I guess he wrote a letter back saying that he really wants him to move the concrete pad also. That was the deal, and that's what he should do. And Martavano said no I'm not going to do it. So, I don't know where that is left. Okay, as far as the rules and regulations, Whitney is in there, I think he's going to be in there for awhile, he said, so I don't know what you want to do and I'm not going to stand here all night waiting for him.

Stanley Bernstein: I have a lot of punctuation changes. Should we try and see if he can come out?

Chairman Cosentino: Mike, do you want to see if he can come out? Just go whisper to him. If he can't – if he has to stay there, we understand, we're going home.

Nanette Bourne: While he's checking on Whitney, I spoke with Austin about the Armonk Road.

Chairman Cosentino: We've got to stay away from there right now.

Nanette Bourne: You brought up the two items, and Austin did not – he was going to have something in the agenda tonight that Armonk Road is being dealt with separately, and there was no landscape plan for Garbuio.

Chairman Cosentino: There was no landscape plan?

Nanette Bourne: No. Landscaping was shown, but it was conceptual. A little bit like DiLisio had his. There were no details of it. So, Austin spoke with him and said spruce it up.

Vice-chairman Sturniolo: How do we create a paper trail with this, with Austin?

Nanette Bourne: Austin wrote something up, because he read it.

Chairman Cosentino: The guy should be ashamed of himself, though, being in business and keeping a place like that in the front like that. You should be ashamed. In fact, when I see him out in front I'm going to tell him.

Nanette Bourne: So, he agreed to answer.

Vice-chairman Sturniolo: Can you ask Austin for his follow-up paperwork on that? And then going back to the Armonk Road thing, I was at the same meeting that Nannette was at, and I think it was somewhat of a surprise to Austin that there were some violations going on there.

Chairman Cosentino: They've been going on for a long time.

Ralph Vigliotti: It's been going on forever.

Vice-chairman Sturniolo: And Westchester County Department of Health was down there to look for something, and they found some beds down below, sleeping areas, and the building department was notified as a courtesy phone call from them.

Ralph Vigliotti: I brought this to the attention of the Building Department.

Vice-chairman Sturniolo: In February?

Ralph Vigliotti: No, late May early June, and here we are almost November. The wheels do go slow.

Chairman Cosentino: Well, I think they have problems there that are beyond our control, and they are investigating it, and they don't want us to do anything until it's investigated.

Nanette Bourne: The Armonk Road was a separate issue that is being dealt with that does have action going on.

Ralph Vigliotti: Right. I'm aware of that, that's why I'm remaining a little quiet this evening.

Nanette Bourne: The other one is...

Ralph Vigliotti: The 41 is another issue.

Chairman Cosentino: Bolobar was raided, you know.

Nanette Bourne: Really, when?

Chairman Cosentino: And the way they did it was crazy. They never got a – they said that drugs were being sold from in the basement. This was the bar that was supposed to have been, you know you go there when you are cheating on your wife, and you go there and sit down and have a drink. It was one of those things. It comes that they found three young girls underage drinking there. They arrested them and it's not the Bolobar that it used to be. It's a hangout for teenagers and everything now. Noise - and they had some music one night. But they never got a search warrant. Never got a search warrant! And that's were all the activity was. So after they left, the guy just laughed. But they got three teenage girls drinking underage. But it really changed. Remember when the guy came in originally? Well, he didn't make it, so he sold it to this other guy, and this other guy has this teenage hangout now. Kavner's closed down, and you know who I want to hear who wants to go in there now?

Nanette Bourne: Who closed down?

Chairman Cosentino: Kavner's. They put the lock on the door. Somebody told me the other day that LaChina wants to go in there. But what she doesn't know is that she can't get a cabaret license there, either, because the guy across the street, the Indian's got them. But Kavner's closed down.

Nanette Bourne: Do you have punctuation; do you want to go through that? Do you want to go through it or just give it to me?

Stanley Bernstein: Well, I don't know if you can understand my writing.

Doug Hertz: There is nothing overwhelming or pressing in getting this done tonight.

Chairman Cosentino: No. Tony, why can't we do this next meeting, alright?

Motion to Close: Ralph Vigliotti

Chairman Cosentino: Second?

Doug Hertz: Well, I don't think we can close before we say goodbye to Mr. Stein.

Chairman Cosentino: Oh, is this the last meeting?

Michael Stein: Last meeting, this is it.

Chairman Cosentino: Well, Mike, Mr. Hertz is right. We've enjoyed working with you. We wish you all the luck in the world in your new business, and wish you'd stop by once in a while and say hello anyway.

Doug Hertz: And we can't wait till you're sitting in that seat so we can give you lots of grief.

Chairman Cosentino: Yes, you'll be on the other side of us, and you see the way we operate, we're very friendly.

Michael Stein: I look forward to it. I hope I will be on the other side soon.

Chairman Cosentino: Well, we'll look forward to it, and what can I say, everybody has to do what they have to do, you know?

Michael Stein: I'll make sure I have my lighting plan and landscape plan.

Stanley Bernstein: Just don't build on any inappropriate properties.

Chairman Cosentino: In other words, don't build at all.

Stanley Bernstein: You know what I mean.

Meeting adjourned at 9:10 pm

Respectfully Submitted By,

Stanley Bernstein  
Board Secretary