

Minutes
Work Session of the Planning Board
Village/Town of Mount Kisco
Tuesday November 28, 2006

Meeting called to order at 7:55, Tuesday November 28, 2006, at the Municipal Building Mount Kisco, New York.

Members Present:

**Vice Chairman Anthony Sturniolo
Stanley Bernstein
Sol Gibbons
Doug Hertz
Joseph Morreale**

Members Absent:

**Chairman Joseph Cosentino
Ralph Vigliotti**

Staff Present:

**Nanette Bourne
Jannine McColgan
Whitney Singleton**

Vice Chairman Sturniolo: Good evening everyone. Welcome to the Mount Kisco Planning Board meeting. This is our work session of November 28. The first item on our agenda is to accept the minutes of October 10, 2006.

Stanley Bernstein: Mr. Chairman, I move to accept the minutes of October 10, 2006.

Doug Hertz: I'll second that.

Vice Chairman Sturniolo: On the question, anyone? There's a motion by Mr. Bernstein, second by Mr. Hertz.

Mr. Gibbons was not here, Dr. Morreale was not here.

Vice Chairman Sturniolo: Okay, we have a problem. Let's hold this over for our December 6 meeting.

PUBLIC HEARING:

**Application No: PB2006-21A
Grand Prix New York
333 N. Bedford Road**

Members Present: Neil Alexander

**Sy Aryeh
Michael Gallin
Jim Diamond
Lester Steinman
David Stollman**

Recused:

Doug Hertz

Vice Chairman Sturniolo: What we have in front of us is a letter from the Mount Kisco Planning Board regarding the Declaration of Lead Agency. We have the full EAF, we have the Public Notice, and we have the Affidavit of Publication and the applicant will go through that in a moment, and at this point, Grand Prix, when you're ready, come forward, identify yourselves for the record.

Michael Gallin: My name is Michael Gallin. I am the architect working on the application. I am also submitting the receipts and the Affidavit of Publication.

Jim Diamond: Jim Diamond with Diamond Properties.

Sy Aryeh: Sy Aryeh, Grand Prix, New York.

Neil Alexander: Neil Alexander.

Michael Gallin: With the permission of the board, we'd like to make a presentation as part of the public hearing to any interested parties. We'll give a brief overview of the application, and then if there is specific parts of the application that you feel needs some further explanation, if you could just enumerate them to us and then we will provide clarification on the specific areas.

Vice Chairman Sturniolo: If anyone feels warm throughout the course of the meeting, please feel free to open the door and prop it open with something. Please continue.

Michael Gallin: Grand Prix New York application is to put an indoor go-kart facility with accessory usage into the warehouse building at 333 North Bedford Road. The site is a 30 acre site, we received approval to utilize the site for multi-tenant use, and this specific application is for a special permit for this particular use, which is different from the original use that was approved. The original use of the warehouse is obviously different from that, and within the zoning code falls into what's called a membership club. So you need to become a member to race the cars at the facility, and there is a membership fee, and an ID badge and other protocols that are involved in that process. This color rendering shows the overall site. You can see parking lot, most of the parking is on the east face of the site, North Bedford Road here, Icehouse Road is becoming the main primary entry for the site, and it's a right turn in and full movement of the traffic light then left turn in. The northern entry was to have been the storage entry of the site; it's becoming a limited access entry with right turn in, right turn out only. A new traffic light is being implemented at this location as part of the multi tenant in the building. The Grand Prix New York facility will be in the center of the building, at this location as shown on this plan. This is the same plan in black and white. This focuses on the site; this is focusing on the facility itself, so this yellow area on the site represents the area of the facility. You can see the serpentine tracks that are laid out. The facility will consist of two tracks. The two tracks will be able to operate simultaneously, each track can have up to a dozen karts on it at a time, and races are approximately ten minutes in length. The remaining space is accessory space. In addition to the tracks, the facility will support the racers by serving food. There will be a series of conference rooms, because the market for the facility is really two-fold. One, the primary market is the corporate market. The corporate market is basically large corporations sending a group of 24-30 people to the site. They rent the entire facility for a period of time; two-three hours during the middle of the day and will utilize the tracks as part of team building exercises. The conference facilities are there to support that function so that they can have meetings and discuss business at the same time as the recreational activity. It's comparable to corporate golf outings and corporate team building. There will also be some simulators in the facility. There will be a reception desk where you'll do your checking in, your log-in, a small office component to handle the administration of the facility, and a small store that sells memorabilia only to members. They sell racing memorabilia and accessory products. There will be a small locker room for members to utilize. The other component of the business is the recreational racer. That typically happens not during standard business hours, it would happen in the evening and on the weekends. There are teams and leagues that are set up, as far as the facility goes, it operates...

Sy Aryeh: Monday through Thursdays, 7 AM to 9 PM.

Michael Gallin: That pretty much covers the function of the site and the facility. One thing I think is important to note the market of the clientele is relatively high end, it's an expensive facility to utilize, and because there's a membership fee, we are definitely looking for repeat business, and within the space, especially within the accessory area would be very high end. It is not a recreational facility for children. It is not an amusement park by any means we're racing aficionados in the corporate market.

Sy Aryeh: It's a high end sort of a racing experience. It's a very high end sort of entertainment and recreational experience that is basically a corporate environment. Corporate events, event marketing type efforts that companies do; it's a part of their marketing mix. That's the corporate side, and it's something that is very effective. It's a very effective tool that they use. It's a good business in that it brings very good sort of clientele to the facility: small groups with small traffic, and again it's a very good sort of alternative to corporate outings like golf and things like that. They also use it for educational programs and for sales efforts to bring their favorite clients; spend a few hours there and give them a very good time. That's the corporate side, and again, like Michael said, the recreational side really goes towards the high-end sort of affluent racer in New York that wants to go and to have these leagues and competitive events. The karts are very high-tech, safe karts that are made specifically to run indoors. We expect people who come here to spend on average two to three hours, and they spend quite a bit. Races are very short. They're quite expensive: each about \$25. They spend over \$100 per visit in about a two to three hour time. So one of the things that I think is very

good about Grand Prix New York in Mount Kisco is it brings a very good type of clientele to the town, and I think that it's complimentary in both ways. It's a beautiful town and I think that it introduces people from very good areas that would be able to come here. And I think another good thing about it is inherently the use is very low traffic and very low impact in terms of the kinds of numbers and people that come. There is no truck traffic, which is a very good thing for the town of Mount Kisco. It's generally upscale vehicles, just cars that come; again, no traffic numbers that are evenly spaced throughout the day. I think that's also very complimentary.

Michael Gallin: I think we've touched that it's a local operation of a business. I just want to also clarify for the members of the public. This is a public hearing. We've actually been in front of the board now for several months, and they have asked us to study a variety of things. Traffic is one of the elements that they've asked us to study; noise is another element. We have provided extensive material to attempt to convince the board that the environmental impacts will not be significant from this site. We've demonstrated (we believe) that the noise levels will not be perceptible from the actual operations of the facility from the go-karts to the exterior environment. We've also put in a series of...to assure that the traffic levels from this facility will not be any greater than would be generated by a warehouse facility during extended business hours. We've also demonstrated that when this facility operates off hours that the traffic levels for the entire site will be well within the acceptable levels for this site.

Vice Chairman Sturniolo: Thank you. Last time, is there anybody in the public who would like to comment on this application, whether you've signed the sheet or not? Okay. There will be no further comment, we have a few housekeeping chores that we need to discuss, but at this point I look toward my fellow Planning Board members; we could now close the public hearing and keep it open for a ten-day written comment period, which is our traditional manner. If somebody would like to make that motion and second it, we can move forward with the second part of Grand Prix tonight.

Stanley Bernstein: So moved, Mr. Chairman.

Vice Chairman Sturniolo: Is there a second? If there is no second, then the chair will second the motion to close the public hearing tonight, and keep it open for a ten-day written comment period.

Motion: Stanley Bernstein
Second: Vice Chairman Sturniolo
Aye: Joseph Morreale
Aye: Sol Gibbons

Vice Chairman Sturniolo: The public hearing is closed, and again as I said, we'll keep it open for a ten-day written comment period. The next thing is, Les and David, we have a letter from DEP. Could you kind of walk us through as to what the applicant needs to do?

Lester Steinman: On October 31 the Planning Board secretary circulated a copy of a Notice of Intent to be Lead Agency letter. It was sent to agencies which would be identified as involved agencies, and would have perpetrated authority with this application. The 30-day period has not yet expired. To date, we have had one response that came from New York City DEP. It came to our attention this afternoon. In that response, the city was not identified as an involved agency. The city, in this letter, said that they don't have any objection at this point to Mt Kisco still being the lead agency; however, they did not receive the Part 1 of EAF and the application materials, because those were only sent to agencies that we identified as potentially involved. They would like to have those materials so they could determine whether they do have any jurisdiction in this matter. It would be my suggestion at this point that the applicant who has that material contact DEP directly, arrange to deliver those materials, and it may be possible by virtue of e-mail to send them down in that fashion and hopefully get a response in a short period of time from the city as to whether they have a further interest and comments on this application.

Michael Gallin: We'll be happy to do that. We just ask that Les be kind enough to get us a copy of the transmittal from DEP so we have a contact point.

Lester Steinman: We have a copy for the applicant. So that having been said, the board is not in a position tonight to take any action with respect to lead agency; with respect to any determination of environmental non-significance, and with respect to any determination on the application at this point.

Vice Chairman Sturniolo: Because we're still waiting for that 30-day time period. Having said that, then our next Planning Board meeting would be December 12, and if we could get this resolution prepared so that we could vote on it at that meeting. What

we're looking at is two things here. One is a special permit use application; the permit I should say, and the second thing is a modification to an already existing approved site plan for Grand Prix, and those are the two focus issues that we're going to be dealing with on the 12th.

David Stollman: As well as the NegDec.

Vice Chairman Sturniolo: And the NegDec as well, yes. My fellow Planning Board members; any further comments?

David Stollman: Just a couple of things. We got this Grand Prix New York Operational Restrictions from you. It's not dated. Would you update this with anything that may have changed? I think this is circa September, and update it please and date it and get it out to us as soon as you can.

Michael Gallin: Yes.

Lester Steinman: Could you also give us a further update on the status of this application in Bedford?

Michael Gallin: A further update on the status of this application in Bedford. We forwarded all the material that had been submitted to Mount Kisco to the Bedford planner, and they have given a verbal. We verbally have been told that they have no involvement. Based on that, it has not been submitted to the Board in Bedford.

Lester Steinman: Were you anticipating getting some written confirmation of that?

Michael Gallin: At this point, no.

Lester Steinman: I think you are going to have to, at a minimum, put a letter in the record to our board which memorializes that conversation. I leave it up to you whether you think it's appropriate to memorialize it for Bedford's purposes.

Michael Gallin: In addition we sent a letter to Bedford requesting a determination about whether or not there was interest, whether or not they would like us to submit this to the board. As a follow-up to that letter, there has been verbal confirmation that they would not, and we would be happy to submit the letter that we sent to Bedford as well.

Lester Steinman: Use that as an attachment; just memorialize the discussions with Bedford.

Michael Gallin: We'll do that unless by some chance they are willing to give us a written.

David Stollman: Michael, one of the things that the board seemed to be most interested in at the last Planning Board meeting was the bar/café restaurant; however that is shaping up. Can you update us on that, and I would think that the board would want to be approving some specific floor plan. So, has the floor plan been modified? What's the latest thinking on that?

Michael Gallin: I'll speak on the floor plan and then I'll ask Sy or Jim to answer about the operational issues. The floor plan has not gone to the next level of development in terms of design, as we are pending approval. The conceptual layout will not change other than the fact that described previously: that the bar and the restaurant area will be combined to a single space and smaller. It will be reduced in size.

David Stollman: I would think that the Planning Board is going to want to see that, have that in advance of approving the project as opposed to just leaving it out there as a condition. It's a kind of thing that would normally be discussed, and kind of hashed out, and if you ever wanted to modify it you'd come back and get that modification, but what's being shown right there now is not what you're proposing to do, right?

Michael Gallin: In terms of the bar and the restaurant that is correct. But it will be interesting to hear from the board as well. Obviously there is an effort involved in developing the space and we're trying to get a sense whether or not the conceptual use as outlined is deemed to have no environmental impact and meet the criteria of a special permit.

Vice Chairman Sturniolo: Obviously we're not voting on anything tonight, nor is it a straw poll or anything; but I think the way you presented this application is something that the board will probably look favorably upon once it sees all the details such as what

David just outlined regarding the relationship of the smaller café area. As much work that can be done prior to the 12th is to your benefit.

Michael Gallin: So I hear you requesting that we provide an up-dated plan that shows a revised space.

Vice Chairman Sturniolo: The revised space.

Sy Aryeh: I think that's fine. We'll be happy to do that. Conceptually speaking, in terms of the general component of what we have here as a space; it's not really changing so much. What's really going to happen is going to be a reduction in proportions. One significant change which you know about is the fact that the bar will be moving into the restaurant. The restaurant will basically maintain the same exact position in terms of the space; the same orientation. We will just reduce it in size a little bit. The general space will shrink a little bit. But again, major components will stay the same. The major concept will stay the same. I'm just concerned that if we do another conceptual drawing or a drawing of what it's going to look like in a short period of time that further revisions of what would generally be the same exact general intent and concept would cause issues. So maybe what I'm asking is: is it possible for us to take a strong intent on concept as something that we can hope to, not an exact floor plan, because that would be kind of difficult to have to do.

Neil Alexander: That's where I was going to jump in. I think, David, what you are trying to sense is a ceiling as to how many users based on how many seats or chairs; not a slate configuration. It would have to get modified if you decided to change the table configuration.

David Stollman: From my point of view a maximum would be fine. The maximum size of the restaurant and bar, whatever it's going to be. In terms of time frame, we'd like to, given the fact that the board has just asked us to prepare these resolutions, we'd like to have them done about a week from now. Say Tuesday of next week. So, if you can update the operational restrictions and do the floor plan for the space, submit them together within a week or by the end of this week if possible.

Michael Gallin: I think that's realistic. And if I understand correctly, you're not asking for a final plan, you just want a plan that reflects conceptually what we've been talking about. Obviously we're not producing construction documents in a week, but we're producing drawings that represent the schematic with the revisions.

Vice Chairman Sturniolo: What it's going to look like.

David Stollman: The board doesn't normally approve conceptual plans and then get a building permit based on that, so I think a good compromise might be for you to prepare this conceptual plan for the maximum size of the bar/restaurant, and as a condition of the approval, you produce a specific plan that the Planning Board can take a look at, or the building inspector can take a look at. It has to be consistent with this plan before you get your building permit.

Michael Gallin: The building inspector will be looking at the plans, obviously, so we have no problem with that condition that the construction documents need to be consistent with the schematic plan, and if not we'll need to be back in front of the board.

Sy Aryeh: In terms of concept and space.

David Stollman: We just want to make sure that the building permit is based upon something that is very similar to.

Michael Gallin: A combined bar/restaurant, maximum size.

David Stollman: Is that okay?

Vice Chairman Sturniolo: Absolutely. Do you have anything further?

David Stollman: No, that's it.

Vice Chairman Sturniolo: That having been said, you've got some fast homework to do with DEP starting tomorrow morning, and Donna, if you would just put a note that this goes on the agenda for December 12 under Final Action, and it's for the Special Use Permit and for a modification to a previously approved site plan along with the NegDec and the other documents.

Sy Aryeh: Thank you very much.

CONTINUING REVIEW:

**Application No: PB2006-06
Peter & Denise Stonsby
91 High Street**

Present: Peter and Denise Stonsby

Vice Chairman Sturniolo: Our next item under Continuing Review is Peter and Denise Stonsby, 91 High Street. Would you be kind enough to come forward and identify yourselves for the record?

Peter Stonsby: Peter Stonsby

Denise Stonsby: And Denise Stonsby.

Vice Chairman Sturniolo: What we're looking at is and I'm going to turn most of this over to you, Jannine, is a memo from you to the Planning Board outlining seven or eight concerns with the application, and then a response. Is your engineer here tonight?

Peter Stonsby: No, he's not.

Vice Chairman Sturniolo: And then a response from the applicant's engineer. Do you have plans with you?

Peter Stonsby: I submitted my copies to you. I submitted 11 copies.

Jannine McColgan: I have extra copies.

Peter Stonsby: As per last month, my first item I would like to say is my engineer put... wrong on our plans, and that is one of our issues with the retaining walls we had started talking about.

Vice Chairman Sturniolo: Jannine, would you join us. I think it would be easier.

Jannine McColgan: There are a couple of different issues regarding confusion over the location as far as north arrow, which actually is still wrong by the way.

Vice Chairman Sturniolo: So we need to correct that on this plan tonight?

Jannine McColgan: Yes. There are a couple of different things that have to be revised on this plan. Some new things that were put on here is the driveway profile or change in profile, and also grading on the front lawn, which are not huge issues, but new things that they put on there. Some of the other information is a little confusing as far as when the survey was originally taken, and that needs to be actually spelled out on the plans, because it's not clear whether it was done before or after the fill was put at the site. So, therefore it is unclear whether or not they actually have the six to twelve inches of cover that's required over the material that was placed there. One of the other issues is clarifying the tree removals, the number of trees to be removed. You have it on here, but whether or not that meets the code.

Vice Chairman Sturniolo: So those basic questions you have...

Jannine McColgan: Still with the engineer, with Dan.

Vice Chairman Sturniolo: Waiting for his response?

Jannine McColgan: Correct.

Peter Stonsby: Did you contact him?

Jannine McColgan: Yes.

Peter Stonsby: And he did not contact you back?

Jannine McColgan: No.

Denise Stonsby: Since the time when we submitted the plans to you; since the 6th?

Jannine McColgan: No. I didn't receive them on that exact day, but I contacted him earlier; the end of last week or the beginning of this week.

Vice Chairman Sturniolo: So maybe you can encourage your engineer to help.

Peter Stonsby: I don't understand. You said there were issues with the driveway?

Jannine McColgan: These are new things that are on the plan. Everything was back here in the rear.

Peter Stonsby: Everything was taken afterwards, after the fill was added.

Denise Stonsby: The survey was taken after the fill.

Peter Stonsby: All the survey numbers were taken after.

Jannine McColgan: In certain areas you don't have six to twelve inches of coverage as required in the rear part, and it's just a matter of re-grading.

Peter Stonsby: Re-grading what?

Jannine McColgan: The rear.

Peter Stonsby: A matter of my engineer grading it properly? Giving you the proper numbers?

Jannine McColgan: Giving you the proper amount of cover over.

Peter Stonsby: Okay. And what were the other issues, the tress, which we were planning on removing?

Jannine McColgan: As far as the number of tress and the number that you have to replace, yes. And size. That has to be clarified.

Peter Stonsby: Is there anyway we can get this together and again, and maybe do this before the next meeting.

Vice Chairman Sturniolo: The simplest way to do it is to get your engineer to return Jannine's phone call and make these modifications on the plan. If he were here tonight, he would have heard it firsthand and could have started working on this project tomorrow morning on your behalf.

Peter Stonsby: I have to pay him every time he shows up.

Vice Chairman Sturniolo: It's true you have to pay him, and the reason why you're paying him is from day one, because of the fill that was put in the back of your property; that's what triggered everything.

Peter Stonsby: I'm not a doctor, I'm not a lawyer; I'm a carpenter. My family has owned this property since 1935. We've always paid our taxes. I was hoping that we could just get something moved along here. It seems to be taking so long not that you guys care, but we're paying two mortgages; one of them is on a house that I can't live in.

Vice Chairman Sturniolo: The sooner you can get the engineer to clarify...

Peter Stonsby: I submitted these plans on October 30.

Vice Chairman Sturniolo: And Jannine had some comments on them, she reached out to your engineer to discuss her concerns, and that's where we are tonight.

Peter Stonsby: In other words I'm another month now away from anything.

Vice Chairman Sturniolo: As soon as you get your engineer to address and make the changes.

Peter Stonsby: When did you contact my engineer?

Vice Chairman Sturniolo: In this past couple of weeks. I'm sure he'll tell you exactly when you call him tomorrow morning, when the phone call took place.

Denise Stonsby: Is there a letter that goes with those requests, Jannine, so we're clear with him? I can leave you my business card to just document that to me at work

tomorrow morning. So Peter and I will be able to get in touch with him, so it's in writing. Sometimes we find that the dialogue isn't as clear as the letter with our communication with you guys and with Dan.

Peter Stonsby: So, he did not address the issues that you required?

Vice Chairman Sturniolo: Am I correct, Jannine, he didn't return your phone call, and wasn't ...

Jannine McColgan: He didn't address completely.

Denise Stonsby: The October 30th memo that had seven or eight items? So what you're saying is the circling back; these plans don't address those seven items.

Jannine McColgan: It addressed some of them, but there are still more that require additional clarification.

Peter Stonsby: So my question as a carpenter is how do I get it altogether at one time?

Vice Chairman Sturniolo: There's two ways, really, to do it. You could, one; have your engineer address these changes tomorrow and I need to stop at this point. Nannette, do you need to add anything to this part of the conversation?

Nanette Bourne: No, this is really an engineering issue between Jannine and your engineer. I think we've provided you with whatever help we can in planning.

Jannine McColgan: So then there would be no issue if they wanted to be on the agenda.
Nanette Bourne: As far as I'm concerned, we're really looking to you to satisfy your concerns with regards to engineering.

Vice Chairman Sturniolo: So as soon as you get Mr. Mastramonaco.

Peter Stonsby: So is this possible we can get something with intent to get a draft resolution up by next meeting if things are met?

Vice Chairman Sturniolo: That can be done once there is a level of satisfaction that this board has when it looks at the revised site plan.

Peter Stonsby: Is there anyway you can do that now? In other words, if one of these lines goes from 425 to 424, is that going to be an issue? I'm just trying to move things along here.

Vice Chairman Sturniolo: I understand. The only way to move it along is to get your engineer to give Jannine a call and completely address the issues in this October 31 memo.

Peter Stonsby: So there is no way by looking at this that you would decide that it would be okay if we went for a draft resolution next month.

Vice Chairman Sturniolo: Not at all, because nobody knows what issues may arise as the engineer sits down, goes through the memo a second time and addresses Jannine's questions.

Peter Stonsby: Jannine, is it a question of six to twelve inches? And what is he off by?

Jannine McColgan: It varies in areas. It's a matter of him re-grading it and tying it into his retaining wall. It may change the height of the retaining wall, which may change his detail here.

Peter Stonsby: In other words, it's an unfinished thing here.

Vice Chairman Sturniolo: This is not finished?

Peter Stonsby: This is not finished. This portion of the yard is not finished.

Denise Stonsby: It never finished. We had to stop in December once the fill was reported.

Peter Stonsby: I remember you and I were there measuring it. At one point right now, the retaining wall measures 4'6". So we take that rock out, and we put a rock in that's six inches less. See what I mean, we're in a construction phase.

Jannine McColgan: Right, but everything has to be on the plan.

Peter Stonsby: And it is.

Jannine McColgan: It's not, is what we're saying.

Vice Chairman Sturniolo: There are things missing.

Jannine McColgan: Dan has to revise it, and then we can go forward.

Peter Stonsby: And then we'll come back next month so you can make a decision.

Vice Chairman Sturniolo: Correct. Once Jannine is satisfied that her questions are answered, then it could appear on the Planning Board agenda. No sense wasting your time and our time if the issues have not been addressed.

Peter Stonsby: Agreed. Agreed. And this is going to be under the Planning Board next month for a continual review again?

Vice Chairman Sturniolo: Correct. Once we see these revised plans.

Peter Stonsby: So there are no way that you... in other words, if I have these done, if I can get him on this tomorrow, and he has them done by early next week, I submit them to you, you take a look at them, she's okayed them, can we then proceed?

Denise Stonsby: So the bullet point under December 11 would be both items?

Vice Chairman Sturniolo: The next Planning Board meeting would be a regular meeting, so if all of this stuff is done on a timely basis, and for lack of a better term is blessed by Jannine, then we can go forward looking toward a resolution of approval. To your benefit, the faster you can get your engineer to dial 1-800-Jannine tomorrow morning, the better it is.

Nanette Bourne: Just for clarification, to be on the regular meeting for the 11th it requires 15 day submission.

Vice Chairman Sturniolo: That's right, 15 days, which would mean...

Peter Stonsby: Are you pushing it back due to the holiday?

Vice Chairman Sturniolo: We've already passed it. It's the 22nd.

Peter Stonsby: Which I was informed that under continuing review we had to go under the 22nd anyway, we weren't conceptual at that time.

Vice Chairman Sturniolo: So why don't we, if this is acceptable to everybody, in an effort to help you, if you can get all this done by the end of this week.

Denise Stonsby: Which is the first, Friday is the first.

Vice Chairman Sturniolo: Yes, and then we could look forward to that meeting of the 12th.

Peter Stonsby: Okay, I will be on him tomorrow morning.

Vice Chairman Sturniolo: Are you comfortable with that Jannine?

Jannine McColgan: Yes.

Vice Chairman Sturniolo: Thank you. The next item on the agenda under final action tonight is Lexus.

FINAL ACTION:

**Application Number: PB2005-15
Lexus
275 Kisco Avenue**

**Present: Roland Baroni
Sam Scatterday**

Vice Chairman Sturniolo: We have a resolution in front of us. Mr. Baroni, if you would please identify yourself for the record.

Roland Baroni: I'm Roland Baroni representing 275 Kisco Avenue, here tonight to have you consider a final resolution.

Vice Chairman Sturniolo: Whitney and Nannette, if you would be kind enough to walk us through the resolution regarding the highlighted changes from the last time you looked at this.

Nanette Bourne: Sure. The resolution is the same resolution that was in your packet a couple of Planning Board meetings ago. It has been modified to incorporate updates in the plan as well as modifications put in by Whitney. Everything has been modified as indicated in with the shading. I have both shaded copies as well as clean copies. I got a call today from Mary Glasso at DEP that recorded that they don't have a DEP permit yet, but that she feels confident that the plans are not likely to change substantially.

Doug Hertz: Nanette, to that point there was a question last time about, I think a note from DEP about the size of the retention basins; that something might have been too low.

Nanette Bourne: She reported that the size is going to be modified slightly, but it's almost going to be imperceptible because she wanted to pull the basins away from the property line a little bit, but that they weren't going to change substantially in, obviously their volume or location, or general size.

Doug Hertz: And it's not going to change? For me the issue is screening. These things change in size and change in location, the way the landscaping plan was set, everything was screened rather nicely or as best. I mean, we lost obviously a great deal of trees and things I would have loved saved.

Nanette Bourne: What she reported is that the change is going to be imperceptible.

Whitney Singleton: Additionally, if there is any modification by the DEP that would be substantive in nature as to not permit the applicant to maintain the landscaping as proposed, they would have to come back. And that's been standard for any application that's come before your board. If there is any substance or modification by DEP, as in the case of 293 and a couple of others on Lexington Avenue, the applications have come back to you.

Doug Hertz: Sometimes what's not substantive for DEP is substantive for us.

Whitney Singleton: I understand.

Nanette Bourne: Now, in going through this, Whitney and I were looking at some of the changes and we have some refinements; nothing substantial but just some improvement in how it reads.

Vice Chairman Sturniolo: Would you like to follow along with a copy?

Roland Baroni: Nannette gave me a copy.

Nanette Bourne: Some of these refinements have to do with the fact that the plan on October 24; John Collins submitted a revised off-site improvement plan, and that off-site traffic improvement plan referenced the proposed light at the southbound Saw Mill ramp, a proposed light at Holiday and Kisco Avenue, re-striping and including a left-hand turn lane on Holiday, but it did not include the plan for a right turn in and right turn out at Hubbell's, which the Planning Board has requested, and the applicant doesn't object to, and it also didn't specifically show the two travel lanes in each direction on Kisco Avenue. So this resolution reflects the fact that those two changes still need to be made to the improvements. John Collins' represents adequate right of ways, they'll have to do soon some additional surveys, they'll have to coordinate these plans with the Village engineer, but it's not expected to be problematic.

Whitney Singleton: Do you want to go through some changes we discussed?

Nanette Bourne: Sure. On Page 2, the bottom two bullets reflect the revised storm water pollution prevention plan as well as the traffic improvement plan that I just mentioned. On page 3, Whitney and I recommend that the first shaded item be made more generic.

Whitney Singleton: That was basically my concern; is that it was not comprehensive enough to cover all aspects of the comments by the public, so what I had suggested would be for what we discussed for potential for deleting that paragraph, and in its place it would read as follows: *Whereas the Planning Board has received written and oral comments from the public regarding all aspects of the application.* I don't want to limit it just to the traffic.

Vice Chairman Sturniolo: Make it all encompassing by using public.

Whitney Singleton: And, if you drop down to the bottom of the page, that whereas on the bottom of Page 3, and the whereas on the top of Page 4, really should be combined, and if you will allow me, I'll just go ahead and read through it, and perhaps it will be clear. *Whereas the applicant represented that adequate right of way exists and proposes to install and accept the financial obligation for adding a left-hand turn lane at the proposed signalized Holiday Drive, a right turn lane into and out of Hubbell's Drive, and two travel lanes in each direction along Kisco Avenue.* Here's where the modification would come: And then pick up with the next paragraph. *And further acknowledges that the above noted traffic improvements are the financial obligation of the applicant and subject to the approval of the Board of Trustees.* So those two whereas' will become one. And then the next whereas is simply replicated. It's in there; it's not needed to be in there.

Vice Chairman Sturniolo: It's just generically referred to that subject prior.

Whitney Singleton: And then that's it for all the recitals and the whereas'. Now, on the issues of the conditions of approval, the only changes that we see are the ones that are highlighted, and I don't per se have any modifications beyond what's in those conditions. The only thing is in E-mailing back and forth to Nannette, we did leave out one thing at the bottom of the page, where it says, and be it Further Resolved.

Vice Chairman Sturniolo: Which page; I'm sorry?

Whitney Singleton: At the bottom of Page 6. You can go back to the conditions; I just didn't want to forget this. At the bottom of Page 6 where it says *Be it Further Resolved, that upon due consideration by the board,* there was another *Be it Further Resolved* paragraph that would read, or does read, *Be it Further Resolved that the Village attorney is directed to issue this Board's endorsement of any applications to the board of Trustees for permits or consents required for the traffic improvements proposed by the applicant.* Some of the traffic improvements that is required as part of this project is not within your board's domain just to authorize to happen. You can condition their approval on these things happening, but the ultimate consent for these modifications has to come through the Board of Trustees. If we think that they should restrict right-hand turns into and out of Hubbell's Drive, that is something that your board is suggesting be done and is requiring be done, but technically the Board of Trustees needs to make that authorization. That will be required to be done, and it simply is affording the opportunity to let the Board of Trustees know that this is something that you are in favor of, and in fact required, as part of this application.

Vice Chairman Sturniolo: That makes sense.

Whitney Singleton: I just wanted to stick that language back in, we don't know how it got left out.

Nanette Bourne: Also, on Item 22 that language needs to be smoothed out.

Doug Hertz: I think what you're trying to say is an amount to be determined.

Nanette Bourne: Yes.

Doug Hertz: Whitney, if we're talking about additional language, on Item 29, Condition 29, we're talking only about re-stripping signage, but it may be that the Village would require an island or some other physical barrier there. So maybe the language can be broadened and include any other change to facilitate that right turn in right turn out.

Whitney Singleton: Okay.

Roland Baroni: Our plans won't reflect that, though. Our plans are not going to reflect an island, so why would we now put something in the resolution that the plans definitely aren't going to be reflective of?

Nanette Bourne: This is part of the coordination with the Village Engineer. There are other developments being proposed on Kisco Avenue, so I'm in favor of being a little bit general at this point, because this really needs to be better defined and worked out with the Village Engineer.

Doug Hertz: That ultimately won't be our approval.

Whitney Singleton: If it's part of the approval process by the Board of Trustees, they say if you think this is a good idea, this should have been done long ago, we authorize this modification, however, and they say that they want a particular sign in a particular location, or whatever that might be, I think Doug is looking for the flexibility to make sure that that gets incorporated. And that's all that you're talking about, right?

Doug Hertz: Yes. That they accept the financial obligation to do whatever improvements on that intersection that the Village Board requires. Really the only thing that I see would be some sort of small traffic island to help facilitate the right turn in right turn out.

Whitney Singleton: I think Nanette and I can incorporate that language.

Vice Chairman Sturniolo: I also have one constructive suggestion. On Page 6, Item 23, where we say all automotive repairs shall be conducted within the building. Could we also make that read all automotive repairs and adjustments shall be conducted. And then Whitney on Page 4 where we have a copy attached hereto under 5 and 6 regarding ARB and ZBA, it's just boiler plate to reference what's there. And then number 13 on Page 5, the form satisfactory to the Building Inspector and Jannine for the staging of the construction plan is pretty standard. Joe, Stan, Doug, Sol? Comments?

Doug Hertz: That's all I have.

Stanley Bernstein: We discussed Item 16 about a sentence in addition to BPM's; possibility of no pesticides or fertilizers in reference to Information Bulletin No. 248 of the Cornell Cooperative Extension Service.

Vice Chairman Sturniolo: Stan, further?

Stanley Bernstein: No.

Nanette Bourne: Stan, if you could give me...

Stanley Bernstein: Do you remember I submitted about a six-page document that...

Nanette Bourne: Is that what it's from?

Stanley Bernstein: It incorporates this. That six page document was part of the conditions for the Trump project at the lake. And in addition to BPM's, it was a plan for a use or minimizing pesticides and fertilizer. If you can perhaps consolidate that into a sentence or two.

Nanette Bourne: If you want me to reference Bulletin 248.

Stanley Bernstein: Actually, I don't know if we could really use that item, because it was specific for a particular applicant, whereas this is general.

Nanette Bourne: Do you want this to be changed to reference Bulletin 248?

Stanley Bernstein: What do you think?

Nanette Bourne: I have been looking, and I would like to find something that gives very specific direction.

Stanley Bernstein: I know. There is something from Wisconsin.

Nanette Bourne: And we don't really have it here in New York yet.

Stanley Bernstein: Yes, you really can't memorialize it.

Nanette Bourne: And this was the best; this is what we got from DEC, this language.

Stanley Bernstein: From DEC, correct. We'll just have to keep searching. That probably would be better than the Cornell Program, because the Cornell Program is tailored to the individual home owner and not to a large project.

Nanette Bourne: So, we'll keep searching.

Stanley Bernstein: Yes. And actually, it's not mandated. It's just a suggestion to the applicant. It's not a condition that you can't use pesticides or fertilizers; it's a suggestion that we would like it to be done that way.

Vice Chairman Sturniolo: That's what lobsters were used for originally.

Stanley Bernstein: I know, and so were guts of codfish.

Vice Chairman Sturniolo: We could maybe put that in Item #17.

Doug Hertz: Umm, lovely. Nice aroma, leather and codfish.

Joseph Morreale: I have a question. When you added the word adjustments, all automobile repairs and adjustments; my question really is, is servicing... you're going to service the Lexus' right?

Sam Scatterday: Yes. It's all inside; the repairs and adjustments.

Joseph Morreale: Repairs and adjustments didn't include in my mind servicing.

Sam Scatterday: Well, repairs can be construed as servicing. But everything is done inside.

Vice Chairman Sturniolo: And my reasoning for adjustments is you're not replacing a part, you're putting a diagnostic meter under a dashboard and doing a tweak and a thing and a thing, and off you go.

Sam Scatterday: It's always brought inside.

Joseph Morreale: So all automobile work will be done inside.

Sam Scatterday: Yes, in the interior of the building.

Joseph Morreale: Then I don't have a problem. I thought it was very good actually.

Vice Chairman Sturniolo: We're at the point where this is on for final action tonight. There is not a full board here. We are five people, one over quorum. But I would like to afford you the opportunity if you would prefer to delay this vote tonight until the full 7 members are here at another Planning Board meeting, or if you would like us to proceed with the vote tonight with the five members here; if you want to take a couple of moments to discuss it quietly amongst yourselves.

Sam Scatterday: No, we can proceed. Thank you.

Joseph Morreale: Motion to approve the resolution

Stanley Bernstein: Second

Motion: Joseph Morreale
Second: Stanley Bernstein
Aye: Joseph Morreale
Aye: Stanley Bernstein
Aye: Sol Gibbons
Aye: Doug Hertz
Aye: Vice Chairman Sturniolo

Sam Scatterday: Thank you very much.

SPECIAL DISCUSSION: 41 Armonk Road

Vice Chairman Sturniolo: Next item on the agenda for Special Discussion is 41 Armonk Road, and basically what we have is a memorandum from the Building Inspector pertaining to the drainage conditions, and Jannine, I believe you've been involved; or they are about to take some photographs.

Jannine McColgan: Michael was out there for that. He took some photographs.

Vice Chairman Sturniolo: Of the current conditions, or no? Anyway the bottom line is the Building Inspector concludes the memo saying I'm reviewing and documenting this report. So, is it fair to say at this point that we just need to wait a little bit longer for Austin to complete his documentation?

Jannine McColgan: And verify the drainage situation?

Vice Chairman Sturniolo: And verify that they did that, and then the snake-ing of the line is going to be scheduled in a date to be determined.

Whitney Singleton: For a little bit of follow-up, I happened to be at the site today with the Building Inspector.

Vice Chairman Sturniolo: I'm sorry. You were there?

Whitney Singleton: I happened to be at the site today with the Building Inspector, and there was profuse running of water off the site.

Vice Chairman Sturniolo: Okay.

Stanley Bernstein: In other words, you're saying the problem has not been corrected.

Whitney Singleton: The problem has not been corrected. We saw significant water flowing into the street.

Joseph Morreale: Do you know the source?

Whitney Singleton: I think it's actually coming from a different location. It's one of those, I don't know what you call them, trap drains, I guess? It's like 10-12 feet long that has a grate over it. And water is just pouring out of that thing, so it looks like it's just going from one spot to another.

Vice Chairman Sturniolo: I guess we just have to wait to see how that develops. Next item on the agenda then is Special Discussion for Crème de la Crème.

**SPECIAL DISCUSSION: Crème de la Crème
Lot 2 Morgan Drive
Application #PB2004-08**

Brad Schwartz: Good evening, Mr. Chairman; Brad Schwartz from Zarin and Steinmetz on behalf of the applicant Crème de la Crème. I believe we are here tonight for a draft resolution. I have not seen a copy of the resolution. I think as your board is aware, the last couple of weeks we have been working diligently with Jannine and Nannette and Whitney to resolve an issue regarding square footage of the building. Long story short, an issue came up as to whether square footage of the building shown on the site plan was measured from the exterior wall or the interior space, and bottom line is the 20,600 square foot building that is shown on the site plan is measured to the exterior space, and all of Crème's interior plans will be modified to reflect that square footage. We submitted a revised landscaping plan at the request of your board's outside consultants to propose more landscaping in the front of the building, and I know that we had agreed with your board's consultants to a conditioned resolution that prior to laying the foundation for the building, we would agree to have a surveyor go out, stake the four corners of the building to confirm the square footage of the building.

Vice Chairman Sturniolo: Was that the only issue that resulted in that separate meeting on November 16, the surveyor being there prior to pouring the foundation, or was that the focal point, I should say?

Brad Schwartz: We actually never attended that meeting. We resolved it prior to, but that was one of the conditions that we had agreed to; the survey. So it was my understanding that we were coming back for a revised resolution to reflect the plans that the ARB approved back in September to reference the most recent landscaping plan and to improve language regarding the survey.

Vice Chairman Sturniolo: I have a question regarding your, Brad, your November 20th letter; I'm sorry, November 10th letter. A copy of the floor plan for Crème proposed child care facility Sheet prepared by Casco will arrive under separate cover etc. Has that been done, and who has that document?

Brad Schwartz: Jannine and Nannette should both have a copy as well as your board, should have a copy.

Jannine McColgan: This one, here.

Vice Chairman Sturniolo: Jannine and Nannette, you both have seen that?

Nanette Bourne: Yes.

Jannine McColgan: Yes.

Vice Chairman Sturniolo: Nannette, where do we stand now with this draft resolution? Change wise?

Nanette Bourne: I am not aware of any additional changes since it has been updated. I don't know what else it needs. The changes have been double-lined.

Brad Schwartz: Nannette, do you have an extra copy?

Vice Chairman Sturniolo: On Page 1, that second whereas where it talks about applications fees, etc., there is a shortage of \$1,025 regarding parking space fees.

Brad Schwartz: We'll get that paid this week.

Joseph Morreale: Just to check something... I get the feeling the memo indicates that the building square footage is larger than we first thought, is that right?

Brad Schwartz: When the building was first shown on the plan... it's always been 20,600 square feet. When Sterns and Wheler first showed that size building, that in their mind measured to the exterior wall the way you are supposed to measure under Village code. Then, in time, Crème's architects changed the design of the building. They went from steel to masonry. And that resulted in an 8 inch increase in the overall square footage of the building. The problem was the architect never told the civil engineer. So, what we're doing now is; in our internal plans we are going to shrink the building in order to make it match the 20,600 square foot figure that's always been shown on the site plan. So it was a perceived...

Joseph Morreale: In other words, the square footage actually isn't going to increase?

Brad Schwartz: No.

Joseph Morreale: So there's no effect on the parking?

Brad Schwartz: None.

Joseph Morreale: Okay, that's what I was leading to.

Nanette Bourne: At one time there was, even that small amount. It had a pretty significant impact throughout the site on coverage, parking.

Vice Chairman Sturniolo: Impervious surfaces.

Brad Schwartz: And the last time we were here we started the meeting by going through a couple of modifications to keep a larger building, then at the end, we said we're going to keep it as is, not make any changes to the site plan, and we're just going to change our own architectural renderings for the interior space.

Vice Chairman Sturniolo: Could you at the next time provide us with the revised; the big watercolor plan that you have what the building looks like. And then, what it now will look like with the revision to additional plantings?

Brad Schwartz: I'm sure we could do that. That will be fine.

Doug Hertz: Nannette, who reviewed the new landscaping?

Vice Chairman Sturniolo: I'm sorry, excuse me, Brad, what I'm saying is that big watercolor. Have that and then have the revised landscaping plans done in a watercolor fashion so we could really see the hopefully dramatic increase in the plantings. Doug...

Doug Hertz: This was done by your office or by another consultant?

Nanette Bourne: Yes. We reviewed it. We did not review it with an eye to any change in the concept of landscaping. We requested that there be more plans and larger plans added, which is what they did.

Brad Schwartz: Mr. Chairman, is that something that we could submit as a condition of approval to provide your board with a rendering showing the changes?

Vice Chairman Sturniolo: Sure, but if you could get moving on it. Nannette, where else do we need to go with this?

Nanette Bourne: This is drafted if you're interested in adopting it tonight, or cue it up for the December meeting. I think that was where Brad was going with that request.

Brad Schwartz: We would like an approval tonight if your board would be so inclined. I know that Crème wants to get moving on submitting its construction documents to the Village and hopefully breaking ground by the end of the year in order to meet the start of the next school year. That explained my letter to your board requesting to be placed on tonight's agenda. We appreciate you accommodating our request, but we do want to move this forward.

Vice Chairman Sturniolo: Not to get hung up on semantics, but it is just listed under Special Discussion and not final action, but having said that, what is the comfort level of all of us here and Jannine as well?

Doug Hertz: Just as one member, Mr. Chairman. They are not enlarging the building, going back to previously approved size; we've covered most of the areas in this. We haven't gone through the resolution with a fine toothed comb, but this is a modification to an existing approval, so we're not starting at square one on this. My feeling is we've gone through... unless there are open issues that anyone else has.

Jannine McColgan: No, as long as they're fine and Whitney is fine with those additional items.

Brad Schwartz: One comment. In Paragraph 10 on Page 4. I assume that the landscape plan has a more recent date than May 18, 2005. I don't have a copy of that.

Nanette Bourne: Yes, thank you. I don't have it.

Doug Hertz: Is this the landscape plan that we have in front of us?

Brad Schwartz: Yes, I did submit.

Doug Hertz: This is stamped received as of October 31.

Brad Schwartz: We should submit one for '06, and that should be referenced.

Doug Hertz: And it's not clear to me that this is the entire landscape plan. This just says ornamental and native plantings. It's not clear.

Brad Schwartz: That's always been, I believe, a title of Sterns' landscape plan. I believe that's how it was worded in the old resolution.

Joseph Morreale: So this isn't dated?

Brad Schwartz: It's dated March '06, here's 10/06 for approval. Revised planting for approval 10/06.

Joseph Morreale: Mine reads it was received October 31.

Brad Schwartz: Right. That was received by the Planning Board as part of the submission.

Nanette Bourne: According to this plan, the date on Page 4 should be changed to 10/06.

Joseph Morreale: Well, I think this has been on long enough, myself. Two years.

Brad Schwartz: And I apologize for the mix-up. I think there was too many people involved, and communication, but we're hopeful to bring this to an end.

Vice Chairman Sturniolo: So, the check will be forthcoming this week.

Brad Schwartz: I'll contact my client first thing in the morning.

Vice Chairman Sturniolo: And when do you think we could see the water color?

Brad Schwartz: Casco, which is the architect out of St. Louis which processed the application before the ARB, Casco prepared that rendering that we submitted to your board on a smaller sheet. So Casco is going to have to get the electronic version of the plan from Sterns & Wheler, so there is going to be some cooperation required. I will do my best to get it ASAP, and I'll place those calls tomorrow and get the ball rolling.

Vice Chairman Sturniolo: But in the big version. Like the other.

Brad Schwartz: I'll submit copies to your board as soon as I can get it. I can't make a representation to you tonight as to how long it would take. There are too many people involved.

Vice Chairman Sturniolo: Okay. How does anybody else feel?

Joseph Morreale: The question that's going through my head is do you want to see that before we approve the resolution? Or do we go ahead with it assuming they'll come in with it at some point, next time?

Vice Chairman Sturniolo: Nannette, we're getting a second crack or a second bite at the planting plan, predicated on the delay of the confusion and the measurement of the plan?

Nanette Bourne: That's right.

Brad Schwartz: That was a modification that we made. Nannette suggested it and I went back to my client, as well as Sterns and Wheler to suggest to them that with all this confusion wherein this process this request came; it didn't seem unreasonable; let's do it. So, I went back and persuaded the client to go forward and comply with that request.

Vice Chairman Sturniolo: To beef up the landscape?

Brad Schwartz: Yes. When this first came back, this square footage issue wasn't an issue that was tied to the landscaping. It was about the size of the building. During all of those communications over the last few weeks, this landscaping question came up.

Nanette Bourne: If you wanted to consider getting this off your plate tonight, you might condition the return of this rendering prior to the issues of the building permit. So, it gets this approved, it gets them moving forward with getting this rendering to you in a timely fashion, because it's going to be tied to them being able to pull the building permit.

Vice Chairman Sturniolo: I see your logic.

Nanette Bourne: Or lack thereof.

Whitney Singleton: May I interject? If you approve this, you can't approve it to your subsequent review. You divest yourself of jurisdiction if you approve it. You can do it subject to the satisfaction of the building inspector, satisfaction of the Village Engineer. You can't approve something subject to your further approval. So, I don't have a problem with board approving anything tonight, but when the plan comes back, the nice color plan comes back to you, it will be coming back in an "FYI" fashion; not in a "here it is for your consideration and approval." If you want to tie it Jannine's satisfaction as our arborist, that's fine, but it can't be subject to your board's approval.

Vice Chairman Sturniolo: Twice. In speaking as one person to my colleagues; when we first saw the planting plan it looked very mausoleum like, slab-like the building. We had concern about the plantings. You went ahead and addressed those issues. That's a real big concern to me. I know you want to get moving forward on it, but by the same token, if we waited until the 12th when you would have that color plan available, at that point, I would, as one member, and I need to bounce this around everybody here, I would feel more comfortable looking at it then, especially since we don't get an opportunity to re-approve something that we've already re-approved. Just my feeling; I think that's an important issue with us. That planting and it has to look right. And for me, not being a John Slaker-type person, I can visualize what it's going to look like a lot better on a big 20 x 24 color blow up than I can here, and this was really the only stumbling block we had with this application over and above the issue of 20,600 feet which is now a moot point. I'd kind of like to wait and see what that looks like, but I'm open to suggestion.

Stanley Bernstein: I agree as well. Furthermore there is a problem with one over the quorum. If there are two no's or no one in abstention, he lost. He needs four votes. I think it behooves the applicant to wait.

Vice Chairman Sturniolo: Sol, Joe, what are your thoughts?

Joseph Morreale: That's why I raised the question. I felt that if you really wanted to see the landscape plan we could not approve this. Otherwise we couldn't go back; I realize that. Plus the fact that the two of you are voting either abstention or no, then there's no point in voting. I don't think you want to take that risk. So I would say let's delay.

Vice Chairman Sturniolo: Sol, you agree?

Sol Gibbons: I agree.

Doug Hertz: I'm fine.

Vice Chairman Sturniolo: Either way.

Doug Hertz: Yes.

Nanette Bourne: Point of clarification on that. If you want this on for the 12th...

Vice Chairman Sturniolo: Again we'd have to delay the time frame a little bit to allow you to make all those phone calls tomorrow morning.

Brad Schwartz: I just don't know what "a little bit" is going to be realistically. I don't want to give a false promise tonight.

Vice Chairman Sturniolo: The only thing we're going to be really looking at is going to be the photograph for the 12th. I think we've gone over the resolution sufficiently to say that it's in a comfortable stage. Again, there are two Planning Board members that are not here tonight, that hopefully will be here on the 12th. So now it's a matter of figuring out how much time to allow you. My thinking is that this plan is going to be submitted by the 12th. Could we leave it at this? Could you get a sense of when you're going to have this and maybe give Nannette a call; then maybe we can kind of see. We want to make this work, we want to keep it going, but by the same token I again for one don't want to approve something that I haven't really seen. And I don't want to hold your feet to the fire of the drop dead cut off date. So we need to give you a little bit of slack to accommodate the desire that we want and ultimately to get you the resolution. So if we could work that out, just update Nannette as soon as you can with when you'll know you'll have those color photographs.

Brad Schwartz: You can look forward to hearing from me tomorrow.

Nanette Bourne: Okay.

Vice Chairman Sturniolo: Then, Donna put a note that this will be on the agenda for final action on the December 12th meeting. Thank you.

Brad Schwartz: Whitney, may I keep this copy?

Whitney Singleton: You may keep it, yes. And your board does not want any changes to that resolution, correct?

Nanette Bourne: Except for the landscaping date.

Vice Chairman Sturniolo: Yes, the date changes. The next item on the agenda is 55 Main Street, Bank of New York.

**SPECIAL DISCUSSION: Bank of New York
55 Main Street
Application #PB2006-14**

Vice Chairman Sturniolo: What we have is a letter from Scott Blakely to Chairman Cosentino and the Planning Board. We have a lighting modification site lighting plan and a draft resolution, and really what I think is the heart of the matter is that check-off list of when certain things are going to be accomplished by certain times.

Frank Picucci: Frank Picucci, Bank of New York. I am the facility manager, Bank of New York, now Chase.

Vice Chairman Sturniolo: It's going to be Chase.

Frank Picucci: It's going to be Chase. I'm right now on board with Chase.

Vice Chairman Sturniolo: What becomes of the other Chase?

Frank Picucci: I really don't have that information. I couldn't disclose it anyway. There is supposedly some consolidation throughout the branch network, but I don't have that information available. It remains to be seen.

Doug Hertz: Another bank.

Vice Chairman Sturniolo: The concern that I have at this point is; quite candidly, prior to Bank of New York coming to the Planning Board the tress and shrubbery removed from the front, the idea was you were going to go ahead and replace it, and then everything stopped, and you came here, and this is why we're here. In essence, you somewhat completed the front plantings already, but the bulk of the work is all scheduled for spring 2007 because you can't do certain other things.

Frank Picucci: That's one factor, and the other factor is because of the consolidation with JPMorgan Chase, new procedures, I have to obviously obtain available funds. But the work will be done. It's just a matter of different procedures that I have to follow, and that's another reason for the delay.

Vice Chairman Sturniolo: Funding.

Frank Picucci: Yes, the funding, exactly.

Vice Chairman Sturniolo: But the bank prints their own money, right?

Frank Picucci: I wish it was that easy. So that's a realistic projected time frame, and obviously the weather.

Vice Chairman Sturniolo: Whitney how do we address the concern that I just outlined; if the approval takes place, everything is subject to completion by the spring of 2007, and then the Bank of New York would appear on our checklist that updated every other week? My concern is do we lose the capability to monitor and to stay on top of this between now and the springtime when things start to happen.

Whitney Singleton: One of the first conditions of approval that you uniformly put in your approvals is that construction shall commence within a particular period of time and be completed within a particular period of time. The time frames that you have in there are not necessarily mandated by the code; you can put in whatever you want, as long as you are affording the applicant a reasonable period of time in which to complete it. In the event that those items are not completed, whether its two minutes after the period provided for or two years, it would constitute a site plan violation. So that's your mode of control.

Vice Chairman Sturniolo: And then the updating Village board and the Village board weekly list is another way to monitor the status of the progress?

Whitney Singleton: Right.

Vice Chairman Sturniolo: Having said that, Whitney, if we could look back toward the boiler plate of "construction shall commence within six months," how could we change that? Or what is a realistic change to tighten it up, to dovetail a little bit better what you projected?

Frank Picucci: For instance, the enclosure for the dumpster. That can be done sooner. I'm hoping I can get it done before the end of the year, but again, I'm just trying to allow myself some reasonable time here, because of the funding issue. The new procedures are in place right now with my department and it's all totally new to me as well. I kind of don't feel too comfortable making a statement sooner than spring 2007.

Whitney Singleton: This is providing it as it's currently written. Is it because it provides for construction of entire sites and buildings and foundations. It provides for a maximum period of 18 months. I don't think we need that.

Vice Chairman Sturniolo: What I'm looking to do is come up with an agreeable time frame.

Whitney Singleton: Do you think you will be done by the end of next summer, or the end of next spring?

Frank Picucci: Why don't we say the end of June 2007?

Whitney Singleton: Why don't we just say that?

Frank Picucci: Okay, that's reasonable.

Nanette Bourne: Completed by June 30?

Frank Picucci: Yes. June 30, 2007.

Vice Chairman Sturniolo: Do you want to then include that enclosure within that time frame? If you get it done early, it will be even earlier.

Frank Picucci: Yes. If we get it done earlier it will obviously be better for both.

Vice Chairman Sturniolo: The other question I had would be on page 3, which is the second page of the draft, number 12 where we talk about new concrete curbing. I'd like to see a language change that says "poured in place new concrete curbing." But add the "poured in place" part of it. Whitney, a question. The compliance to the Village lighting code as its written currently in the draft, do we need to make reference to the hopefully to be soon approved as we've done with other applicants as of late?

Whitney Singleton: That the lighting plan shall be compliant with the standard adopted by this board and proposed?

Vice Chairman Sturniolo: Yes, the future standards.

Whitney Singleton: We can certainly borrow the language from where we put that in previously.

Doug Hertz: Does it comply?

Vice Chairman Sturniolo: Have you taken a look at the new proposed code?

Frank Picucci: I believe it was all... I don't know if it was addressing this lighting plan.

Nanette Bourne: It was.

Frank Picucci: We made modifications to address your concerns from your office, previously.

Doug Hertz: I know the ATM code supercedes.

Nanette Bourne: I think what we had asked them to do was they had high levels on the side of the building away from the ATM. This shows those levels being reduced.

Frank Picucci: We change it to 70 watts instead of 100 watt fixtures which were there.

Vice Chairman Sturniolo: Four of them, on the side?

Frank Picucci: On the side towards the parking lot. In addition, we want to modify the front as well. I believe we turned them down so they don't project out to the public area of the street and sidewalk.

Vice Chairman Sturniolo: Just take a look at the newly proposed Village lighting code. As far as the foot candles that you have on the front of the building.

Frank Picucci: I thought that was addressed by the lighting facility and the electrical contractor.

Vice Chairman Sturniolo: It looks a little high on some of those numbers. If you just show it to me I can point to it. This is where you've taken it down, over here. Because, Doug, what did we say?

Doug Hertz: Five.

Vice Chairman Sturniolo: And there is one point over here...

Doug Hertz: Where it's like twelve something.

Vice Chairman Sturniolo: In excess of six, and then there's back here, and the rest...

Doug Hertz: The difference between five and six is pretty nominal. Where is the ATM?

Frank Picucci: The ATM is in the vestibule.

Doug Hertz: Okay.

Frank Picucci: The 5.6 is in the rear.

Doug Hertz: On the driveway on the left, the exit, isn't that 11.9? Where its 6.3, 6.4; that's the level. Where it's 2 ½ times the level; that's a little bright.

Vice Chairman Sturniolo: Yes, the other stuff is not the end of the world.

Frank Picucci: We can adjust that.

Doug Hertz: It's not as if its shining on the building, it's shining on the blacktop, so it doesn't kill me. When you've got that level on a white building, it's quite different.

Frank Picucci: I think it's to comply with the ATM safety act for anybody who parks in this area. I believe that's what the requirements are, but we'll double check.

Vice Chairman Sturniolo: I thought the lighting requirements for ATM was more for the entrance and the accessibility of the machine versus parking.

Frank Picucci: In addition, you have to comply with certain aspects to parking within a 60 foot radius.

Vice Chairman Sturniolo: Because of the ATM machines?

Nanette Bourne: There is some reason why that 11.9 is this way out there.

Vice Chairman Sturniolo: Those are just my comments. Stan, Doug, Sol, do you have anything further?

Doug Hertz: Nothing.

Vice Chairman Sturniolo: Nannette, are we making an assumption that, only because the bank has been here that parking fees have been paid at one point in the past?

Nanette Bourne: I did not check on the parking fees for this.

Vice Chairman Sturniolo: So if everybody's comfortable with it, we can get this on our next Planning Board meeting, which is December 12 for the approval. But again, you're not going to have a lot of time to get these changes to Nannette. But really, the only changes are to be able to show on a revised photometric light plan the drop in foot candle levels on those areas. If you can get your lighting design guy to move on that quickly and get this re-submitted.

Frank Picucci: How much time to I have to submit it?

Nanette Bourne: By Friday.

Frank Picucci: Friday? Okay, I'll do my best.

Vice Chairman Sturniolo: We're trying to work with you.

Frank Picucci: Well, worst case scenario I'll have to put it into January, as long as I get final approval. I just want to put this thing to rest.

Vice Chairman Sturniolo: But we're only having one meeting in December, so we're trying to make things happen both from our point of view and an applicant's point of view. So the quicker you can get this by the end of this week, we'll get you on, if not it will roll into January.

Frank Picucci: Okay very good, sounds good. Thank you.

Vice Chairman Sturniolo: Thank you. Under correspondence, once again, there's an e-mail from me, it's an older e-mail. I'll ask Nancy, Donna, to put that on the agenda

once again when Joe is back on December 12. Then there is correspondence from the New York Metropolitan Transportation Council, minutes of the Beautification Committee, and we also now have to talk about Item D, which I forgot, 29 Carpenter Avenue.

**SPECIAL DISCUSSION: 29 Carpenter Avenue
United Realty
PB#2001-02**

Vice Chairman Sturniolo: We need to schedule a site visit to look at locations where they are going to augment their tree planting on Village property. So let's think in terms of a convenient Saturday date to do this.

Doug Hertz: I'd rather do it sooner than later.

Vice Chairman Sturniolo: Nannette, who needs to come out with us from your office? I'm just trying to figure out a way.

Nanette Bourne: You just need one staff person.

Stanley Bernstein: You should know, (I know you know), but there's a couple of tricky spots there where the slope is very great, and locating a tree is going to be kind of a difficult situation. You can pinpoint, say we want it over there, but it may not get over there because of the slope.

Nanette Bourne: Can you see the building, now that the leaves are off?

Stanley Bernstein: You can at this point. Even when the leaves were on you could because the building was up when the leaves were on. Now, of course you can't help but see it now without leaves.

Vice Chairman Sturniolo: How does a week from this Saturday look?

Stanley Bernstein: I'm okay with that.

Doug Hertz: Yes, I am.

Jannine McColgan: The second Saturday in December, the 9th?

Vice Chairman Sturniolo: Yes, is that good for everybody?

Jannine McColgan: This is the applicant putting trees on Village property?

Vice Chairman Sturniolo: Correct.

Doug Hertz: And his own.

Vice Chairman Sturniolo: And it's strictly a screening issue.

Jannine McColgan: One tree or several?

Stanley Bernstein: A few trees; as many as desired.

Doug Hertz: We have carte blanche. There's not that big a space. There can only be so much we can ever require and put on. It's a big building so he's planting big trees.

Vice Chairman Sturniolo: What's a good reasonable time? 9:30.

Stanley Bernstein: Good. Jannine, bring your transit and level, we have to shoot a line.

Vice Chairman Sturniolo: Donna if you would tell Nancy to send out a reminder to the Planning Board members, and we'll meet at Village hall.

Doug Hertz: In terms of locating these things, are we going to stake the property for where we want things? What's the procedure for determining this? We have a survey of his property, but not Village property, and particularly we don't have a survey of the existing trees on Village property?

Jannine McColgan: I'll have to double check with Jeff.

Doug Hertz: It's really a question of where the trees are located and where the trees are not located on the Village properties surrounding this property.

Nanette Bourne: I think there should be, at this point to start off with, some fairly decent aerials that can probably handle the initial review, and then it will be up to Comacho to have his landscape architect come up with, and it will really require a landscape architect that will set the trees in so that they are in the proper slope and the right location, and not crowding.

Doug Hertz: So do we want to have Comacho's guy there during this, or not?

Nanette Bourne: Who did the landscape plans?

Stanley Bernstein: It wasn't Slaker. I remember him.

Doug Hertz: It was Puter, right?

Stanley Bernstein: Yes.

Vice Chairman Sturniolo: Well, he should be there, obviously, with Camacho. Nannette would you be kind enough to write him a letter, just date, time, place, bring the flavors of your choice, and what we intend to accomplish. I'm sure he is desirous of getting this thing moving, too, so we'll leave it for Saturday the 9th at 9:30 at Village Hall, and Jannine, you are going to check on the existing topography or anything else that Jeff may have?

Jannine McColgan: Yes, no problem.

Joseph Morreale: We're going to go there, look the property over. How many trees are we talking about?

Vice Chairman Sturniolo: As I recall, we weren't locked into a number.

Doug Hertz: My recollection is that there was no number. We can pull the resolution, but by recollection is we were doing two things. He had a landscape plan for his property which included evergreens and some other tress in that area where that retaining wall was going, and we were reserving the right to determine the size and number of trees, and we would beef them up in both size and number if we felt necessary on his property, but understanding that only a certain amount of trees could properly be planted on his property, we extended that to the Village property, and he got permission.

Whitney Singleton: But I think that was an identified area. The Village board did not get carte blanche to plant anywhere.

Doug Hertz: No, there is a specific area.

Whitney Singleton: I remember there being a plan for the delineation attached to the consent that the Village gave for planting on the property.

Nanette Bourne: Yes, Puter had some ideas on where the trees could be planted.

Vice Chairman Sturniolo: On Village property?

Nanette Bourne: On Village property.

Doug Hertz: As well, we did.

Joseph Morreale: So there is some kind of plan we can look at?

Nanette Bourne: Yes. We were all suspicious that those were really where they needed to be planted since we couldn't quite visualize what everything was going to look like with the leaves off.

Whitney Singleton: I think that what we need to do is provide the board with a copy of what was approved by the Village board.

Doug Hertz: What was approved by the Village board, what was approved by our board, so we refresh our memories, plus any landscape plans that exist. Because I am pretty sure that all that information is on there including proposed Village planting areas.

Vice Chairman Sturniolo: Right, so we need those five documents so to speak; Comacho, the Planning Board approval, the Village Board approval, the attached plan and the resolution.

Doug Hertz: The other question is, do we want to have them bring balloons and string so we can say this is a 10 foot tree, this is a 16 foot tree; this is what it does from down below.

Nanette Bourne: I'll talk with the landscape architect and tell him he should be prepared or he's coming back and doing it again.

Doug Hertz: If they could put out what they proposed as a starting point and have it prepared for us that would be great.

Vice Chairman Sturniolo: And then move the string and balloons and increase the height and that kind of thing.

Nanette Bourne: It's possible that they may request a date beyond the 9th. But I think you're right on having the balloons.

Doug Hertz: Otherwise we're up there for hours.

Vice Chairman Sturniolo: Right, moving around. Whereas if they take the balloons where they envisioned it, then let's take a look at it. So it's going to be a lot.

Nanette Bourne: They'll either be able to do it on the 9th, or they won't.

Vice Chairman Sturniolo: Then it will be some other time next year. Okay. Premier, BMW, Ashley's memo to Jim Palmer, we talked about, and Jeff and did you say Kyla is involved in it too?

Jannine McColgan: Kyla.

Vice Chairman Sturniolo: Involved in the discussion regarding the financial contribution from Premier?

Jannine McColgan: Right. Their general consensus is if they donate the money associated with the tress however you guys determine to do that, but it's better used by them to just have the money, so that way they can send out Sav-A-Tree to plant whatever they determine when they determine it, versus getting a landscape architect. Not Sav-A-Tree, but the Village through Kyla and Jeff. Kyla and Jeff are in charge of that program. No?

Whitney Singleton: No, I don't know anything about this.

Nanette Bourne: The discussion last time had been the Planning Board was debating whether or not they should require landscaping products or all cash or some combination of product and cash. We sent the information, had a discussion with Jeffrey Econom. He apparently communicated with Jannine, and the feedback is that their preference is money.

Whitney Singleton: Their preference being the Village's, through Jeff and Kyla? Their preference is to have money?

Nanette Bourne: Right, so that they can send the Village's landscape people out to plant trees, as opposed to having the developer, the applicant; that's just what they're requesting.

Vice Chairman Sturniolo: Then I guess we have to get clear in our minds from Jeff what kind of guarantees are there that this money is going to be earmarked for this use and this use alone, and not to fix a roof repair on Village hall or something.

Doug Hertz: I'll reiterate that I do not like it.

Jannine McColgan: Well, it's put into that tree program that Ashley pointed out. I can't remember it...

Nanette Bourne: Shade?

Jannine McColgan: Something like that. And I said the same thing to them. Does that mean you are going to put the trees in those planters out along Main Street? And they said no, it's for trees, specifically. The other thing also is if you're planning on doing something at Leonard Park, then that will be a different organization altogether. That would not be through them; that will be something else. Because I know the board had mentioned doing a landscape plan for Leonard Park.

Vice Chairman Sturniolo: The Village Board?

Jannine McColgan: The Planning Board.

Vice Chairman Sturniolo: We did?

Jannine McColgan: At that special meeting, someone had mentioned it.

Vice Chairman Sturniolo: If this is something that we control I'd like to be able to see the bang for our efforts, shall we say.

Doug Hertz: It's not just that, it has a purpose. The trees have a purpose.

Letter from Mr. Asaro

Vice Chairman Sturniolo: Last week we had that letter from Asaro, whose backyard abuts Jobco, and Nannette and Jannine you were going to look at that lighting photometric plan and see if it's all in compliance, and Whitney I think you said that the builder was going to reach out to Asaro and see how he can supplement the plantings based on that?

Whitney Singleton: I actually think, to correct you, I think what was determined by your board was to contact Slaker and confirm that the plan was either complied with or not complied with. But I told you off-line that I did have a conversation with the builder, and the builder said if the Village would like some additional trees in there, they would put additional trees in there. If the Village would like them to go back and look at the lighting, they will. The problem was that the builder was never cc'd or made aware of any of these decisions. I do know that they have their people working on changing the lighting to get out of that cold blue lighting into something warmer. I can't comment on where things are with the tree plan. My understanding is that they've put the trees in that were on the plan, they would be willing to put in more, but the question is where? They've reached out to Asaro again, and as far as that goes, that is simply a private matter. If your board wants to formally ask them to do something, that's fine. Do you want Asaro to dictate where the trees are going to go? I'm not saying that that's a bad idea, if they need to be supplemented and they agree upon a spot, is that acceptable to your board?

Nanette Bourne: There are two things. They owe the Village a few trees, I don't know how many, five or six that were suppose to be saved, they are not saved. So there are five or six.

Vice Chairman Sturniolo: Separate from this Asaro issue?

Nanette Bourne: Right. And then there was the commitment to screen the view of the site from the residential property. They are proposing to add some additional trees in that area, and they submitted a plan that showed some additional trees. Do you want the five or six that are owed the Village to be used to screen it, or do you want the screening trees to be in addition to the five or six?

Vice Chairman Sturniolo: I think to look out to the best interest of the Village that the trees that are owed the Village should remain intact, and what trees they need to address the concerns of Asaro be a separate tree count.

Whitney Singleton: But just be advised that my understanding is that the trees are there, and according to Asaro's letter, are all that were required. It's not that there are trees missing. He's simply saying that: "well it could be built according to the plan, but I don't like the plan.

Nanette Bourne: He wants more.

Whitney Singleton: He wants more than what the plan provides for. It's not a question that they didn't put in those plantings.

Vice Chairman Sturniolo: No, I understand that part. Is there some neighborly way that we can get the two people to get this thing done without making it a cause a commotion and have it formalized with the Planning Board?

Whitney Singleton: Yes, I think that can be done, but I think they also want to make sure that they are not going to be in violation of any landscape plan that you have for them by putting in more trees that are required in locations that they agree to.

Nanette Bourne: So, getting back to that, you're looking for some voluntary contribution in addition to what was required to satisfy Asaro? And separately they owe the Village five or six trees, and those five or six trees that are owed the Village; you don't want those to be in that other count?

Vice Chairman Sturniolo: Right, in that other count. But how do we effectuate this?

Nanette Bourne: You were suggesting that that's a private matter.

Whitney Singleton: Quite frankly, I'm a little perplexed. This was on the agenda for last meeting. Nothing was provided to the applicant or the property owner. A discussion was had wherein the neighbor acknowledged that everything was built according to the plans, and then we left the meeting, and I understand that there was some follow-up from the building department; they are expecting a response letter from the Planning Board.

Nanette Bourne: Right, and where it was left was how we dealt with the trees that were missing, and that's the feedback that Jannine gave us tonight; that the Village is requesting cash instead of landscaping, and that's where we left, to hear back from Jim Palmer and Jeff as to how they want to proceed.

Whitney Singleton: So you want them to pay and to put trees in beyond their landscaping plan?

Vice Chairman Sturniolo: I just want to end this little skirmish, shall we say; somehow we got drawn into it, and I'm not one who likes to just sit on our hands.

Whitney Singleton: I will tell you quite frankly what I said to the developer there. I said; just provide him with something that addresses his needs. The neighbors will cooperate in this process. And the response was: "I'll be happy to be accommodating to them; I just wish they could have reached out to me rather than just to write to the board."

Vice Chairman Sturniolo: Agreed.

Whitney Singleton: They are dealing with that aspect of it. They have subsequently been asked to reach out to him again.

Stanley Bernstein: Mr. Chairman, I don't think as a board we should have anything to do with additional trees required to satisfy a neighbor. You're opening up a can of worms, you are setting a precedent which means any neighbor that is not satisfied with any development, are going to run back to the Planning Board and say you have to do this for me; you have to do that for me. This should be amicably settled between the neighbor and the applicant. I think we should just keep our nose out of that aspect. If they owe us trees, we take care of that.

Whitney Singleton: And your board doesn't have an objection to supplement any trees going in?

Stanley Bernstein: I would say that we could vote on the resolution saying that anything that the developer or the applicant wishes to do to alleviate a situation that they have between themselves and a neighbor we will accept if it was an agreement drawn between the two people. So, there'll be a violation of the site plan, but it's something to the benefit of Mount Kisco and we won't object to it. But to be involved with it, I think it's a big mistake.

Vice Chairman Sturniolo: I'm not suggesting getting involved, I'm just suggesting getting these two folks together to talk, but he said they have done that since our last meeting.

Doug Hertz: Not to open a can of worms, but to Stan's comment, we have gotten involved in the past, specifically with Woodcrest in regards to that berm and screening that piece of property, so the screening that's there was put there, and I wasn't involved in that decision at that time, but I'm sure largely those screening things are put there for the very purpose that we're hearing tonight, which is to screen a big development from another piece of property that's already developed. So the fact that we didn't go out and say we're going to go out and site every planting after the building is in, etc., like we did in Woodcrest doesn't mean that if its not doing the job that it looked like on a flat piece of paper, we can't help improve that. I think that is to some extent and while I don't want to get into that, I agree with you, we don't want to adjudicate these minor border skirmishes, I think we do have a role to keep the commercial development from the residential.

Stanley Bernstein: There was a slight difference at Woodcrest because they were not complying with the site plan. The berm was not put in the way it was intended to be put in, and the trees were to be sited by us at the time the berm was finished. That was part of the resolution. In other words, they were going to do something, and we said we didn't like it, the neighbors didn't like it and we're going to qualify it. That was the agreement in the beginning. When the berm was finished, we will site the trees and the berm was not put in according to the way we wanted it from the very beginning. So there is a slight difference with that one.

Vice Chairman Sturniolo: Anybody else, anything else to discuss? Is there a motion to close the meeting?

Joseph Morreale: So moved?

Vice Chairman Sturniolo: And a second?

Doug Hertz: Second.

Vice Chairman Sturniolo: All in favor?

All: Aye.

Meeting adjourned at 10:50 pm.

Respectfully Submitted By,

Stanley Bernstein
Board Secretary