

Brad Schwartz: Good evening, Mr. Chairman, members of the board. We were here last month, and a request was made of your board to go back and ask CASCO, Crème's architect, to prepare another colored rendering, which had been previously submitted to your board to incorporate, and to show the additional landscaping.

Chairman Cosentino: Excuse me, Brad, before you start. Because of health reasons, I have not been here for three meetings. The Vice Chair is really going to be helping you on this because he has all the information on this.

Brad Schwartz: Sure, it's good to see you back, and welcome back.

Chairman Cosentino: Thank you.

Brad Schwartz: So at the last meeting, the Vice Chairman, Mr. Sturniolo requested that we go back and show another one of these colored renderings that incorporates the additional landscape that Stearns and Wheler added to its landscaping plan at the request of your board and your board's consultants. The idea was to add additional landscaping to further screen views of the building from people coming down Morgan Drive. So we submitted to your board last week, this revised rendering, which certainly shows additional landscaping compared to the one that had been previously submitted to your board along this side of the building. Now, while this plan again I think shows more landscaping that was previously submitted, I think your board's consultants as well as we probably don't feel that this does the landscaping plan complete justice, so to speak. The plan that has been submitted, the black and white version from Stearns and Wheler shows significant landscaping, and we believe, and our consultants agree that the landscaping will provide adequate screening of the building. So while we have this most recent submittal, that compared strictly against this previous version shows more landscaping, we think that this is even better than this colored rendering. The rendering that CASCO prepared, this was the vantage point that they had over shown in all their plans, even going back to the ARB process. So whatever landscaping was captured through that vantage point made its way onto this rendering, but not every single plant and tree on the left side of the building and the rear made it on to this rendering.

Vice Chairman Sturniolo: So in essence you somewhat did a disservice to yourself with this, because this doesn't depict the level of detail.

Steven Korwan: Unfortunately, that's correct. The landscaping that's depicted on the revised landscaping plan is far more coverage than this.

Vice Chairman Sturniolo: Going back to two weeks ago, when we were talking about that document, and we said what we'd like to do was see the large color blow up to put it in a clearer perspective of what that represents. So if I follow your logic properly, we're now at the point that that clearer perspective of representation of that document is not here tonight.

Brad Schwartz: That's correct. It's certainly built upon this. These are identical in terms of the vantage point, and so the view is the same. But what CASCO didn't do... it doesn't have everything.

Steven Korwan: Right. They've placed the vegetation and trees in most of the right areas, however, because of what I understand, their software limitations to actually place the exact tree, size, height, how green, how full it is, isn't exactly on there, unfortunately.

Doug Hertz: Nannette, is it your view that the trees that are on there are accurate?

Nanette Bourne: No. I think they've been very straight. The landscaping that is represented on the rendering does not match the landscaping plan.

Doug Hertz: Oh, it does not match the landscaping plan. What we're hearing is it doesn't do justice to the landscaping plan. What you're saying is it doesn't even match the landscaping plan.

Nanette Bourne: It doesn't do justice, and it doesn't match it. The only missing piece of information that needs to be considered is that this started out because there was a miscommunication regarding the size of the building. They needed an extension on their approval, and there was a miscommunication, which they ended up going back to the size of the building that was originally approved. As part of that consideration, when you saw the rendering, you had asked them to consider some enhancements to the landscaping plan, which is what they did. They weren't requesting a revised modification to their approval. You had requested the additional landscape. Unfortunately, the

architect and the landscape architect didn't depict the same thing. What is depicted on the landscaping plan is substantially improved from the landscaping plan that was originally approved.

Chairman Cosentino: I think what you wanted to see was the completed color version, which is not here.

Doug Hertz: From a perspective that would be useful.

Brad Schwartz: CASCO took the same perspective view that it had previously submitted to your board didn't change the vantage point, didn't step back, didn't sort of expand the camera, and we just caught this same shot, but there is additional landscaping on this.

Ralph Vigliotti: So when will we see that?

Brad Schwartz: We will have to go back and provide a complete view of the entire site in color of all the landscaping. What we would request is that, from what my understanding is, and Steve can explain this, the application process with the Building Department is sort of in two phases; land development and then building.

Steven Korwan: What we'd like to do, and what Crème would like to do, of course, is move on. They'd like to open this facility this summer, by the end of the summer. We would like, if at all possible, since the landscaping is obviously towards the end of the construction process, is request if some, whatever the right term is, conditional approval of the civil drawings to go ahead and begin the review process for the land disturbance permit as soon as possible. As a matter of fact, I believe the package and we've selected a contractor, the package, I believe has been submitted or is on it's way into Austin's office for review. What I was told was that he couldn't start his review until; obviously the site plan was approved. What we'd like to request is that - if this is still an issue and is to have some sort of approval that will allow the review process to begin so we can take care of the comments and perhaps get the land disturbance permit to begin to at least turn dirt in January. We have to work through the winter anyway, and come back and tie this to the building permit which will probably not be applied for until sometime in January.

Brad Schwartz: And we would consent that we would not pull the building permit; even apply for one, until we come back before your board in January that shows the full landscape and photo rendering.

Chairman Cosentino: Would this be setting a precedent, though? Have you done this in the past? Is this normally done? I have never seen it done, but can we do it?

Nanette Bourne: I'll defer to counsel on that.

Chairman Cosentino: I wouldn't want to get caught later on.

Whitney Singleton: I'll just read the relevant section 110-45 D of the code. No building permit shall be issued until you have approved the site plan.

Chairman Cosentino: So this wouldn't be approving in the site plan?

Whitney Singleton: They're asking you to approve it.

Chairman Cosentino: Right there, we can't.

Doug Hertz: Didn't we discuss this last week; that we can't approve, subject to further approval?

Whitney Singleton: Right.

Brad Schwartz: What I understand is the process; we're not going to be asking for a building permit, it would be a land disturbance permit just to start the site work, but we would not start the building at all. Not even apply for the building permit.

Stanley Bernstein: What does that mean? That's ridiculous. You're not going to build a building, but you're going to chop up the land. Ridiculous.

Chairman Cosentino: I'd like to help you out, but our code says we can't.

Steve Korwan: I understand.

Ralph Vigliotti: You have a three week delay, that's what it sounds like. Next meeting you'll have everything in place and we can do all the right things that we have to do.

Steven Korwan: It is approved by code that the Building Department begins its review of the documents they have and provide comments?

Chairman Cosentino: That's entirely up to the Building Department.

Vice Chairman Sturniolo: And he can't until the approval process is completed with the Planning Board, as Austin said to you, I believe.

Steven Korwan: Right and I just asked that question that perhaps you can look at the documents and say, okay, these comments I have and we can be fixing those comments while this is in process.

Chairman Cosentino: I learned something a long time ago. You do for one you've got to do for all.

Steven Korwan: I understand.

Chairman Cosentino: And I really don't want to be put in that situation where if I do for you, the next person that comes in I might have to do for him, and it's a gray area, and it's in the code.

Ralph Vigliotti: We're caught between a rock and a hard spot. Residents may come in and say I heard about this Crème de la Crème; I'd like to see the rendering on it, they see it's really not the same thing as far as landscaping, they have questions about it, we say, well, we really have something else which is from landscape but it's really not yet on the rendering, and it really throws things off.

Brad Schwartz: To justify that, we do have...

Ralph Vigliotti: That doesn't count. If I go into the Building Department and I say I'd like to see the building with landscaping that's been proposed off Radio Circle Drive, that's what they're going to see, and that's not the real thing.

Doug Hertz: The problem that we're having, Brad, is that it's a complicated enough landscaping plan, and it's elaborate enough that the idea of the rendering was a visual aid to help us really understand it and to make sure that it was doing what we wanted it to do. We don't have that tool.

Ralph Vigliotti: You have a three week delay.

Chairman Cosentino: Okay, so let's get the rendering done.

Brad Schwartz: Can we come back for the January 9th meeting?

Nanette Bourne: It's a formal, regular meeting.

Doug Hertz: Can we clarify for them what we want to see so there's absolutely no question about what we want to see on this rendering?

Chairman Cosentino: We'll clarify it again.

Doug Hertz: Re-clarify.

Vice Chairman Sturniolo: This meeting was scheduled to be a regular meeting, so the January meeting is going to be a work session. This is a combined, but schedule-wise it was always pegged as a regular meeting. Then we decided to combine it, because we are going to have one meeting in December, therefore, if we didn't combine it, this would be a regular meeting, and the first meeting in January would be the work session.

Doug Hertz: No, we combined it with the meeting at the end of December which is an existing, which would have been the work session.

Vice Chairman Sturniolo: The end of December there was no meeting scheduled at all. And this is a regular.

Ralph Vigliotti: But at some point we have to go back to our regular schedule.

Whitney Singleton: Perhaps I can summarize where we're at. The applicant is going to provide your board with a rendering, which is reflective of the landscaping plan that is before you tonight, and it's going to be submitted for inclusion to the existing site plan resolution and will be on for approval on January 9 provided they submit the rendering by a particular date?

Doug Hertz: And I think the rendering should be from a perspectives rendering, or renderings, plural, from a perspective that will allow it to show, at least from the front, all of the landscaping. Personally, this aerial view is nice, but no one is hovering 25 feet above the air.

Steven Korwan: You want the direct straight on.

Doug Hertz: Obviously straight on is going to be difficult because we have layers, but I don't know what's involved in creating these renderings. Once you place the plants, is it simply a question of taking the software and plotting a new spot for it to plot out from? In all the previous stuff I've worked on, that's the case.

Steven Korwan: CASCO uses a program called Revid, it's not quite as simple as that, but that's neither here nor there. It is intense. We're talking about, if you can show them that black and white real quick, the landscape architect actually prepared something in black and white, this is more accurate, and by the way this kind of view, that's a straight on-type situation. Of course, in color.

Nanette Bourne: What's going to be important is from the street, as you're looking in, to be able to see what the front landscape buffer is going to look like. It's going to be shielding the cars from the road, crossing over the driveway, looking at the portico that is landscaped with the building in the background, which is part of what you have on your black and white.

Doug Hertz: So we're at five feet above street level, from the street? Is that what we're asking for?

Nanette Bourne: Yes. I'm sure the architects have a number of tools that they use.

Steven Korwan: Well, they have some, and Revid has part of it, AutoCAD, of course. We'll make sure they have it.

Nanette Bourne: And this should be in fifteen days in advance of the 9th.

Brad Schwartz: December 20th is the submission date. We'll meet that.

Vice Chairman Sturniolo: You're saying the 20th of December; the submission?

Nanette Bourne: 15 days from January 9th.

Vice Chairman Sturniolo: Right.

Final Action

Application: #PB2006-06
91 High Street
Peter and Denise Stonsby

Present: Peter Stonsby
Denise Stonsby
Daniel A. Ciarcia

Chairman Cosentino: By the way, we switched the schedule a little bit. Grand Prix was first, but it's going to be towards the end now because of a conflict with one of the attorneys. They'll be here later. Grand Prix Nannette and, I guess, Tony and Jannine, I'm going to need your help on this too. We have a resolution here, and that's all. I want to get this off the table.

Nanette Bourne: This was a resolution that reflects the information that was requested of the applicant at the last Planning Board meeting, and includes the input from Whitney and Jannine McColgan.

Chairman Cosentino: Have you seen it?

Peter Stonsby: No.

Chairman Cosentino: Why don't you identify yourself for the record?

Peter Stonsby: I'm Peter Stonsby.

Denise Stonsby: Denise Stonsby.

Daniel Ciarcia: I'm Daniel Ciarcia from Ralph George Mastro Monaco's office.

Nanette Bourne: The reason why this resolution was delivered tonight is that Jannine had been working with the engineers at the request of the Planning Board to finalize some of the storm water grading. So this reflects the most recent and latest grading plans.

Vice Chairman Sturniolo: And Mr. Chairman at the last Planning Board meeting we had asked the applicant by Friday, after the last Planning Board meeting to get all this squared away and it never happened, and we're looking at this now for the first time tonight.

Peter Stonsby: I got it squared away by last Friday, and then we came up with a new set of rules or demands.

Denise Stonsby: Subsequent revisions.

Daniel Ciarcia: Most of what the engineer brought out we tried to address immediately. There were further comments, which we got right back to him on. The major issue that we were going back and forth on was really our interpretation of what the code required in terms of the number of trees. The plan that we prepared originally; the genesis of this thing was that all the activity was taking place in the backyard. So when we went out there to do an "as built" of the rear yard and the grading that had taken place, as well as an inventory of the trees and the effected area, that's what we showed here. As this thing evolved; we initially never did a full tree survey because we weren't looking to do anything in the front of the house. There are quite a few other trees on the property that aren't showing on here, simply because we weren't looking at it in terms of mitigating the whole site. With this lot being approximately 1/2 acre in size, using the 2 times the inch caliber of the trees, we end up with 37 trees which we felt was excessive for a property of this size. However, at this point, we just felt we were not going to prevail on this issue and we're showing 37 trees.

Nanette Bourne: 37 trees?

Daniel Ciarcia: The latest plan has 37 trees on it.

Chairman Cosentino: Do you want time to sit down and read that, and we'll take another applicant before you?

Daniel Ciarcia: I guess that probably wouldn't be a bad idea to just study it.

Chairman Cosentino: I just want you to know what's in there. Why don't you do that and I'll call you back after you go over it?

Public Hearing

**Application No: PB2006-19
Westchester Residence & Club
Kisco Avenue**

**Present: Rosellen Gonzales, Caro & Associates
Patrick Hewes, Saccardi & Schiff
Chase Caro, Caro & Associates
Chuck Utschig, Schoor DePalma**

Chairman Cosentino: Next is a public hearing for Westchester Residence and Club. Please come up and identify yourselves for the record.

Chase Caro: Chase Caro.

Chairman Cosentino: You're good on television, by the way.

Chase Caro: Oh, you saw that.

Chuck Utschig: Chuck Utschig, Schoor DePalma

Chase Caro: Chase Caro, Caro & Associates, Attorneys for Westchester Residence.

Chairman Cosentino: This is a public hearing. We had a sign-up sheet, and I'm going to let Bryan Parker go first.

Nanette Bourne: Mr. Chairman, just to review that this is public hearing to review a draft scoping document. The scoping document reflects the issues that need to be addressed in the draft environmental impact statement. The applicant submitted their preliminary scoping document. It was reviewed by the Planning Board as well as my office. Changes were made to it. We have subsequently revised it, which is what was circulated with the public hearing notice. We have received additional comments from DEP and Westchester County and maybe one or two other interested agencies. Those have not yet been incorporated in here, but some of them bring out some good points that I think certainly warrant inclusion.

Chairman Cosentino: I'm sorry I should have called on you first Nannette.

Vice Chairman Sturniolo: If I could make a statement first, for everybody who doesn't know, Byran Parker was a former member of this Planning Board and the secretary of this Planning Board and a person that I personally have a lot of faith in his judgment, taste and style, and most of all, his intuitiveness when it comes to large scale projects like this.

Chairman Cosentino: And very articulate.

Vice Chairman Sturniolo: Mr. Parker.

Byran Parker: Thank you. I came here mainly to listen and learn since I am not really very familiar with the project or its plans. However, I suppose the draft DEIS will provide that for me. I congratulate you on a very good scope statement from the DEIS, and I have a few comments on it. First of all starting with the title, Westchester Residence and Club; the scope statement doesn't mention club anywhere as far as I can tell, and I would like the scoping statement to explain what this club is. Is it for members only? Are there other people who might come to this project to participate in the club?

Chairman Cosentino: I can answer that Byran. That was one of the questions that was asked, and it's only for the...

Byran Parker: I'm merely asking it for I don't know what it is, and I don't want to know what it is, I recommend it be put in the DEIS. Second also on Page 1 the first line says the town/Village of Mount Kisco Planning Board has received an application for zoning be changed. Zoning change and site plan approval. Since zoning change is not part of what you do, this seems to be likely to raise a chicken and egg situation as to when the Village Board steps in. I think this may be covered on Page 6 in Schedule of Appearances. Discuss the order in Schedule of Appearances. I don't want any change on that. I just want the applicant to understand that I feel that we would like to deal with this early, early so that you could put in a schedule which elects the whole process. Presumably there will be a public hearing for the re-zoning, so there will be opportunity for other input. On Page 2, it states the Town/Village of Mount Kisco has declared itself to be lead agency, etc. The town can't be a lead agency. It has to be an agent with some authority to do this, and I suggest you insert the words Planning Board after the Town/Village of Mount Kisco, since presumably it is you who have declared yourself to be lead agency. On the top of the page, you want to add a new definition to the code for parking spaces per dwelling unit, senior enriched independent living housing. There should also be a definition of senior enriched independent housing, because I don't know what that is. I can guess, but I would like that to be in. Regarding Page 4: you have a listing of permits and approvals required for the proposed project; approval of text and map rezoning by the Village Board. I mention that earlier, if you just want to change to that, but there is another agency that has some discretionary authority and that is the Architectural Review Board. Should that not be in here?

Stanley Bernstein: It's on the next page.

Byran Parker: On Page 7, we now get to some of my major hobby horses. One is describe any proposed signs and site lighting and impacts on near and far view. I trust there will be eventually lighting plans.

Doug Hertz: Bryan, could you just identify a specific chapter?

Byran Parker: Page Seven, C - 1, Second Paragraph, Line 4. I am always concerned with lighting. I want to make sure that this proposed signs and site lighting includes the light from the building itself. That since its presumably going to be lit up not only by

street lights and signs. So, I'm looking forward to seeing that dealt with rather thoroughly. The last item was Page 10, Utilities b-1. Identify and describe existing units of a water supply infrastructure serving the project site. As a member of the Byram Lake Committee and also a long term person interested in the safety of our lake and wells, I would like to insure that there is some engineering study or advice or whatever in this scope about the anticipated availability of water from Byram Lake during extended periods of drought. Those are my only comments. By and large it's an excellent scoping statement. Thank you.

Chairman Cosentino: Thank you, Bryan.

Whitney Singleton: Chairman, before Bryan leaves, not that I'm looking to him for the answer but to your board, does your board want to see these items in a gross basis or in a net basis? I think really what this project is is the demolition of one building and the erection of another building, so it's not just the gross water consumption, the gross water being pumped through a pump station, it's going to be a net figure, because it is going to be displacing an existing facility. Do you want to look at that on a net net basis, or on a gross basis?

Chairman Cosentino: I think Bryan would want a net, wouldn't you Bryan?

Doug Hertz: I would think you would want both.

Bryan Parker: Yes. I haven't really thought about the implications of the demolition of the old building, and I assume that for things like water demand and things like that, you could subtract the existing – but the numbers should appear.

Chairman Cosentino: Bryan, I was going to give you a call. It was suggested, and I'd like you to come down here and go over the complete water system with us. I know there is a difference in the engineering and your consumption; to give us a talk on it so we understand it a lot more. We'd appreciate that. If you could do that we could set up an appointment sometime.

Bryan Parker: I would like to do that. It probably takes thirty minutes.

Chairman Cosentino: Whatever it takes, I would like to put this on. Could you put that on an agenda; when we can have Bryan down here.

Bryan Parker: To some extent I would rather do this after you have the draft DEIS. Then I have some long numbers to compare it with. So, if you could leave it till later, but at some point.

Chairman Cosentino: I would appreciate that.

Nanette Bourne: That would be good as part of completeness for reviewing the documents.

Chairman Cosentino: Is there anybody else out there? We had a signup sheet; Bryan was the only one who signed it. Is there anybody else out there that would like to comment for or against? Gentlemen?
Nannette, anything else?

Stanley Bernstein: There was an interesting proposal from the CAC. It should be included in the scoping. And also, back to the water supply that Bryan mentioned. I read this over and it just passed me by because it said "discussion must include water usage, average, peak identification, etc." It doesn't actually spell out per person's usage, projected and compared against other projects in the Village, such as The Chase. The Chase made a projection, which of course was woefully undersized, and I think they should discuss this and it be part of the DEIS.

Nanette Bourne: Explain that, please.

Stanley Bernstein: It depends upon how they write this. The discussion must include water usage. Simple enough. How are they going to spell it out? I'd like to see it as a per person usage; how many gallons per person, the way it was done on the Chase. And I'd like them to compare it to other projects within the Village; perhaps it will take them a little bit of leg work to go through the former approved DEIS's of these projects to find out how much they said they would use and in fact how much they are using now. I think it would be a good exercise in finding out how much water they will actually be using, per person. Chase said they were going to use 80 gallons per person. And it would up being 150.

Nanette Bourne: It was a combination of lifestyle issues and landscaping.

Stanley Bernstein: It may very well be, but I would like to know what they project. And also basing it on a review of projects that were approved, and what the initial projection was and what the final analysis was.

Nanette Bourne: They have to isolate that and they have to have some discreet area to compare, and you have Woodcrest, for example.

Stanley Bernstein: Yes, Woodcrest is a good example.

Nanette Bourne: So there may be a couple, Jobco won't be on line. I'm not sure how useful it would be to do The Chase versus this.

Stanley Bernstein: I mentioned The Chase as an example, because it was the first thing that came to mind. Not necessarily using Chase, because it is a different situation. That's single family residences with underground irrigation. And that's key. That's why their usage went so high. I'd like to see what analysis they come up with.

Chuck Utschig: If I may suggest, what we'd like to do to answer that question is make sure that we're comparing similar uses. Woodcrest may be one that's actually in the Village, and we may be able to find other, similar projects not in the Village where we can get some historical data, so we could build somewhat of a database to answer your question. And that's fine, we'd be glad to do that. There are enough of these around just not happen to be in your town or Village. If I can go outside of that, I can find some other sources. And we'll get real water readings from the meters, and we'll relate it to the person occupancy, and we'll represent that as part of our analysis. We'll also rely on the DEC publications and the other publications that were driven, for example, by the Westchester County Health Department who says, here's our criteria, this is what we want you to use. We are going to kind of try and meld that together to give you a picture of what we think a good number is.

Nanette Bourne: Not to be argumentative, but that was the problem with The Chase.

Chuck Utschig: Actually, the problem with The Chase was the irrigation number. I don't want to go back to that, but it's a lesson learned for a lot of communities, where first time projects and a huge amount of irrigation water created substantial problems.

Chairman Cosentino: Anyone else?

Doug Hertz: Yes, I'd like to make a comment. You brought this out in discussions with the architect, but I don't see it spelled out well enough in this scope, which is under Alternatives. The only real place where Alternatives are being discussed is Page 16, Chapter 19, Alternatives to the Proposed Project. What's listed as A, B and C; A being no action, B being single family alternatives and C being development of the site with a non-resident use consistent with commercial. Maybe this is not the section, but I don't see where else it can be discussed. We talked about variance of the building in terms of not decreasing its square footage, but decreasing its length. We discussed wrapping the building around so that there is not as much frontage; one of the issues is you're asking for zoning language changed to allow the length of this building to exist, the architect made a statement before this board that he would endeavor to show us that these alternatives have been looked at, and this is the best possible alternative. I'd like that to be included in the scope and in the DEIS.

Nanette Bourne: If I understand you; and I think it's a really good idea to show what the building would look like compliant with the zoning, which would mean it would likely be higher, it would be more vertical, and it would require the length...

Doug Hertz: Right now it's length; more or less, not quite, because of the site parallel to Kisco Avenue, and there exists the possibility of running a smaller section parallel to Kisco which is what we're going to see, and L's or something like that that would go back up the site, which would be shielded in some way, which is what I asked during the discussion with the architect. At that time the discussion was, "we've looked at this, and we will endeavor to show you that this is the best alternative." I'd like that to be shown.

Nanette Bourne: So a revised building mass that eliminates the need for a variance and minimizes...

Doug Hertz: Eliminates or lowers. I'm not going to say eliminate, because you're going from... I don't know the numbers off hand, but the current zoning allows 150, and you're asking for 400, or something like that? So I'm not suggesting that the alternative can completely comply with existing zoning.

Patrick Hewes: A different number, if more than 150 treat landscaping. If you look at the language that we proposed...

Ralph Vigliotti: Doug, you're very carefully saying the building is too long, and you'd like to see some alternates.

Doug Hertz: I would certainly like to see a discussion of it, and if you can convince us that this is the best alternative.

Ralph Vigliotti: I don't think they have convinced us of anything yet as far as the length of the building. This is the second conversation we've had about the length in the last two months, so I'm certainly seconding what you're stating, which is the building is a negative impact on the Village at large from wherever you're standing. It's a negative impact along Kisco Avenue. We're looking to see a stouter building, perhaps, which may be deeper so it doesn't appear to be so long. We'd like to see some options. While we're scoping, I had indicated that we would like to see literally weather balloons or whatever we're using so we can see the existing length that you're proposing with the driveway going up so we can get an indication of the impact of trees being lost. Really, 400 feet may not look like that much when we see the balloons, in our mind's eye and on paper.

Chuck Utschig: I think the photo simulations that you've asked us to include as part of our studies hopefully helps give you a perception of the building.

Ralph Vigliotti: We've seen a lot of photo simulations, and I'll be very honest with you, they don't seem to work, and they don't have a lot of merit. We can pull two or three out of a file of photos that we've seen that have been generated by computer, and it's not that the photos are lying. Somebody is, but there is something wrong with them. They just don't show a true, true picture for us.

Patrick Hewes: If I could just make a comment about that. The photo simulation...

Ralph Vigliotti: We'll certainly accept it if you provide it, but we want to see the balloons, we'd like to see this visually with the balloons up with the height of the building. The building is going to be from grade level 38½ feet, we want to see those balloons at 38½ feet, corner to corner to corner coming down, so we could drive to different parts of the Village and see what the impacts are.

Patrick Hewes: One of the advantages of this example of photo simulation is it really is actually in relation to the building to the changing topography around it and the fact that the project is in the shoulder of a mounting topography. So, the advantage here and not being the advantage in other applications is that we can really illustrate how the building in effect, looking at some draft information and working with the architect already, we really see the building lower than the continuing height of Mount Kisco itself. So in this case the photo simulations are going to demonstrate in a lot of angles that we thought we started, it's nestling so to speak. It's fitting well within the profile; with not a ridgeline project.

Ralph Vigliotti: What will the visual points be? Where are we going to be standing? We may have six spots that we may want to see this simulation.

Patrick Hewes: As you specified.

Rosellen Gonzales: We've already taken photos from those spots, and I think we weren't able to show them to you the day that we had them because the projector was out, something like that, but we have taken pictures as you instructed, with the leaves on.

Patrick Hewes: And that's underway, and I think the good news is that this photo simulation effort perhaps in contrast to some others is going to demonstrate how the project fits; how the building sits in the topography and it's - in fact - not sticking about the ridgeline.

Ralph Vigliotti: Will the simulation be seasonal? Will you show two seasons?

Rosellen Gonzales: I believe so. And as requested we'll do a daytime and nighttime rendition.

Nanette Bourne: But you're talking about two different concepts here. One is the photo simulation of your proposed project which should be shown with the leaves on and the leaves off. The second is what Doug's been talking about, really a ----- study that shows an alternative orientation of the building.

Doug Hertz: I'm sure that when you went through earlier permutations of this design, there were sketches and studies done.

Chase Caro: If I could respond – the reason that we decided it would be more consistent with the concerns of raising, and we did do plans, and we're happy to – going up as opposed to out, was that it's easier to make, I believe that several members expressed the desire to have the building appear broken up. I'd rather them to look like one large monolithic structure up there, and it was easier to do it this way, but we can certainly show...

Doug Hertz: I'm thinking back, as opposed to, not up, but back. When we've seen some of these in the past, alternatives have been given lip service, quite frankly. The discussion is a paragraph long and that's it. I would really like to see a serious look at what these alternatives are including sketches, visual representations, not text, so that we can understand it in a real fashion.

Rosellen Gonzales: Okay.

Doug Hertz: But I'm hoping that we agree with you come the end of this, and that you've come to the best possible solution. I would like to believe that that's the case.

Patrick Hewes: Speaking for the Perkins team, their sense and their work already with the site, is the result of a lot of that analysis, but we will demonstrate and show that.

Doug Hertz: And we appreciate that. We're not asking you to spin a wheel just so that we can see that it spins.

Vice Chairman Sturniolo: I have three points. The first one I need a little bit of guidance, in Chuck and Jannine. What was that technical study we were taking about the last time that had to do with storm water retention? It was a matter of when do we show it in the process?

Jannine McColgan: During our storm water prevention plan?

Vice Chairman Sturniolo: No, it wasn't that. It was some type of testing for pollutants.

Nanette Bourne: Do you mean the soils test?

Vice Chairman Sturniolo: Yes, but there was a term the two of you were using.

Jannine McColgan: Deep test holes?

Vice Chairman Sturniolo: No, something that I didn't understand. Deep test holes I do.

Chuck Utschig: Were we talking about water quality?

Vice Chairman Sturniolo: Could be.

Jannine McColgan: For waste water?

Vice Chairman Sturniolo: I don't know.

Chase Caro: This site hasn't been used before.

Chuck Utschig: We could have been talking about in flows versus ground water, in the storm water pollution prevention plan. You would know that. It's not coming to me.

Rosellen Gonzales: I don't remember the word, but I remember your discussion of it.

Jannine McColgan: I and I?

Chuck Utschig: Yes. Inflow and infiltration.

Jannine McColgan: That has to do with the wastewater.

Vice Chairman Sturniolo: We talked about that, and we also talked about the timeliness of when the model would be constructed, and we kind of came to some understanding on that. The third point we talked about and we were going to get an answer today: is this concept going to become a green building? I remember we talked about it, you said

you needed to go back to your folks and raise that issue, and you would come back to the Planning Board regarding the answer of the green building.

Patrick Hewes: I believe I can answer for the Perkins team and the design team, and then their discussion with Chase and Rosellen. That was a discussion they were going to have, but they were also investigating, and Chuck participated in the discussion, the components of the green certification that add up to various levels LEED certification; gold and platinum and silver.

Vice Chairman Sturniolo: Correct, that's where we left it.

Rosellen Gonzales: Mr. Rosen who is from Perkins Eastman is a LEED certified architect, and he is very happy to incorporate lead into the project. I guess our only question was how much can we conform, Vis a vie what he said in terms of the levels?

Doug Hertz: Even if you were LEED silver, which I believe is the first step.

Vice Chairman Sturniolo: Where is your commitment to that?

Rosellen Gonzales: I think we had committed to be a green project. As far as how much up the ladder – apparently there are certain things that are relatively easy to do, and we will comply with them to get to silver, but once you get into some of the higher levels, and we wanted to know a little bit more about that, but we are committed to silver.

Doug Hertz: Could that be a discussion within this? In other words what compliance would require –

Vice Chairman Sturniolo: It's in #18 B. Not only is it there, but we spent considerable amount of time discussing it and going from silver to blue to orange to gold to platinum and everything else, and we were waiting for a commitment answer back.

Rosellen Gonzales: We will agree to at least provide a silver level.

Doug Hertz: It would be helpful for us, I suppose within this document, if there was a discussion of what additional steps would be required to meet those higher standards.

Rosellen Gonzales: We can get them to do that. As I said, Mr. Rosen is qualified for LEED, so he will put that together for you.

Patrick Hewes: May I ask you again just to repeat that? As I'm hearing in the scope, there should be a discussion of how the lead is achieved.

Vice Chairman Sturniolo: What are the criteria, the benchmarks to get to that LEED certification?

Doug Hertz: Not just the benchmarks, but specifically.

Patrick Hewes: And the actions that we take to fulfill that?

Doug Hertz: Yes, right. We'll be re-using rock on site, we will be recycling –

Rosellen Gonzales: We will be buying our wood from less than ten miles away. There are a lot of components that are involved in that, and we will commit to at least the silver level.

Doug Hertz: And if there could be a discussion, because I don't know that there is a simple category for this type of building within LEED silver.

Nanette Bourne: You really need to speak with your architect about this.

Doug Hertz: Because I believe this falls in a gray area of certification.

Nanette Bourne: I would consult your architect.

Rosellen Gonzales: Mr. Rosen explained to us that we could achieve that, and there is another building in Westchester, there is one other building, LEED certified in Westchester.

Doug Hertz: But there are different LEED certifications for residential than for commercial; and this is going to be in an interesting spot, so you might want to look at that.

Rosellen Gonzales: We can incorporate that discussion in our scope –

Chase Caro: Why don't we leave it as insuring that the DEIS includes an analysis of the LEED certification process and the goals of the building to achieve those. It's a very formal process that we go through, and it's clear what you're asking for. I think part of what evolves over designing this building is an LEED certification we can accomplish relative to the class of building. So, I think the answer is the owner has committed to turn this into a LEED certified building.

Vice Chairman Sturniolo: Have they?

Patrick Hewes: Yes.

Rosellen Gonzales: Absolutely.

Chuck Utschig: The question is, as the design evolves, how many points can we gain to create the level of certification that we need? That's what we still have to get to – I think the commitment is to work at that. And to describe it so you understand it.

Doug Hertz: And what we need as board and public to understand for this type of building, what steps are, what the things that can be accomplished are, what's achievable; and what's really asking if you're moving the bar too high, or it's a bar we want you to try to achieve.

Vice Chairman Sturniolo: Also, if you could get us separate from this document, information on LEED certification with the various colors, and what the benchmarks and goals are of each level in general terms, as it applies, not necessarily – I mean it's a standard and it's certification absolutely has nothing to do with this application, but we'd like to see what the criteria are at various levels.

Chuck Utschig: Should that be submitted separately?

Vice Chairman Sturniolo: Separately from this, yes.

Patrick Hewes: So the literature perhaps that's out there that I know exists we would be happy to make available to you. We will try to forward that to you in a readable, legible, coherent lay person language.

Vice Chairman Sturniolo: In the normal twelve copy distribution and everything else.

Chairman Cosentino: Anybody else have anything? We just want to incorporate the letter from John Drake, City of New York DEP. Chuck Utschig, and letter from Marylin Shanahan.

Chuck Utschig: The first letter Mr. Chairman and Members of the Board really relates to the technical submissions for the SWPP permit. They will all be addressed as part of that, and in the DEIS. The memos came from two departments. One came from where Jannine used to be with which is the permit entity and was aside from the SEQRA review. The other one came from there SEQRA coordinator, and that's the second memo you referenced. Our only question on the second memo is they talk about an alternative, and it may be in line with what Mr. Hertz suggested that there be some demonstration of this building massing that's an alternative, but it talks to a less dense alternative, and I think if that's put in the context of the building massing, we would understand how to accomplish that. So we're just looking for clarification without just completely accepting that. The face value has a less dense alternative.

Vice Chairman Sturniolo: And then, Whitney, I would assume you have some comments about that term, "a less dense alternative."

Whitney Singleton: Nanette and I were conferring on another matter.

Doug Hertz: We're talking about the letter.

Nanette Bourne: Yes the DEP letter actually doesn't talk about a less dense, it talks about reduced land disturbance.

Chuck Utschig: Scaled down version consisting of reduced land disturbance, deductions in impervious surfaces and those kinds of things.

Nanette Bourne: It's not talking about a reduced density.

Chuck Utschig: That's fine. That's why I put it in the context of the alternative building massing that we were talking about, which potentially, and I say potentially because the studies may prove out something different, but that's where that information would come from. And I was just looking for that clarification.

Vice Chairman Sturniolo: But it would not have an impact on the amount of residents?

Chuck Utschig: That's what we wanted to clarify.

Doug Hertz: And I don't think we're asking for that.

Chairman Cosentino: Alright, and the last – what Stan already said – a letter from Robert Leibman, Conservation Advisory Council. There is nobody else?

Chuck Utschig: The only thing with the one from your CAC which talks about carbon dioxide.

Stanley Bernstein: It talks about carbon loading.

Chuck Utschig: Yes, emissions; this whole idea about doing those kind of studies relative to these kind of projects. He talks about consumption of electric and fuel which are actually off-site consumptions that don't necessarily produce those figures. We're talking about a study that could be very, very complicated to do. We typically do those kinds of studies relative to traffic when we potentially have more standing cars than we have emissions. If there is kind of an unusual production of gases from your facility that may warrant the boards concern over potential impacts and understanding. But this is a very – we took a very broad brush in describing this study, and we've done some of these but I'm not sure I could even figure out how to tackle the broad scope that he's put forth in the memo. Maybe Nannette's office can offer some guidance as to how to frame this in such a way that we have a manageable thing to study, to present the impacts and the mitigation back to this board.

Nanette Bourne: My recommendation is that this does note the county executive's task force, and I think this is more policy based, and it really should be in the policy section of the DEIS as opposed to some quantification of carbon emissions on this project.

Stanley Bernstein: He is asking for quantification of the amount of carbon that will enter the environment due to the removal of the trees. That's an item that can be studied and can be quantified.

Nanette Bourne: Its two things, one is the policy implication of this that should be discussed, and then they have to do an air quality analysis that will address some of those issues according to the EPA criteria.

Chuck Utschig: With that clarification, we're doing an air quality study that is consistent with EPA criteria for this type of a project, and we're talking about the rising interest and concern about the greenhouse effect and those issues as a policy kind of a discussion, recognizing that there is starting to be some more discussion about that – that's fine. That's the clarification that we were hoping to get, that's the direction that we were going.

Nanette Bourne: But keep in mind when you do your air quality study that you can't just do a screening. You're going to have to do the full analysis.

Doug Hertz: But this could also dovetail into the LEED or any of the green building discussions whether or not energy consumption, whether anything could be generated on site, whether there's going to be solar, whether there's going to be a commitment to purchasing wind power or anything else from off-site. There are ways I think to connect some of these dots.

Chuck Utschig: And I think what we would like to be able to set forth is the discussion of that. Not necessarily that this produces "x" number of reduction percentage, actual volume, but by purchasing a different source of energy we are able to reduce those things. And I think that's what Nannette was getting at. When you read it you would think we were going to be doing a big table of analysis that calculated all these emission issues, and I think what we're talking about is one, a basic study that is included in the scope currently, and then a broader kind of policy discussion about those issues. LEED come into play, and there's some other things that would come into play, and that's what we envision being in the study.

Chairman Cosentino: Okay. I guess we'll close the public hearing with a ten-day written notice – a ten day extension for written comment. Does someone want to make a motion?

Motion to Close Public Hearing: Doug Hertz

Second:	Ralph Vigliotti
Aye:	Sol Gibbons
Aye:	Stanley Bernstein
Aye:	Vice Chairman Sturniolo
Aye:	Chairman Cosentino
Aye:	Ralph Vigliotti
Aye:	Doug Hertz

Nanette Bourne: Mr. Chairman, for the January 9 meeting I will have the scope revised incorporating your comments as well as the comments that were received from the other agencies.

Chairman Cosentino: Let's go back to Peter and Denise.

Continued:

Final Action

Application: #PB2006-06
91 High Street
Peter and Denise Stonsby

Present: Peter Stonsby
Denise Stonsby
Daniel A. Ciarcia

Daniel Ciarcia: We've had an opportunity to review it. We just want to make sure the board is clear that there are existing trees here, it's a fairly wooded lot that basically their dream deferred in basically renovating this existing home on the property. In the final analysis we still come back to feeling that 37 trees for what we're proposing here seems like an awful lot of mitigation, but at the same time, if the board would consider that, at the same time they also would like to get on with their lives and get this home renovated. I don't know if there is any wiggle room between the 37 trees we're showing now, and some lesser number of trees or a way to demonstrate to the board that there are trees here and it isn't a barren lot.

Chairman Cosentino: I think the board has already demonstrated. This is the way it's going to be. I really want to get this off my plate, you have a resolution there.

Daniel Ciarcia: Okay, then. Sold.

Stanley Bernstein: Mr. Chairman, there is one item though. What is the caliper of these 37 trees? The size?

Daniel Ciarcia: 4 inches.

Stanley Bernstein: Very recently within the past few meetings we've had two applicants who were in the same situation. And they couldn't find the space for additional trees. And our decision was that they donate that amount to the Village who will place the trees where they are needed in the Village. So that's an option if you can't fit it on the land. But the total caliper trees have to be returned to the Village, whether they're on your property or whether they're somewhere else in the Village, and you're not the precedent. This precedent has been set a long time ago, and we're in the process of doing it right now with two applicants.

Vice Chairman Sturniolo: And that also includes not only the cost of the trees, but the labor involved to plant them.

Denise Stonsby: If we choose to give it to the town? Just like if we were going to put it in our place we would have to pay for the same spot.

Peter Stonsby: On a rough estimate you're talking about \$25,000 worth of trees that I have to plant on my property when I already have leftover, after I remove said trees, 225 inches in diameter of tree left on a 1/2 acre lot. My sarcasm would be I'd have to apply for a sign for a tree farm.

Stanley Bernstein: What I said – there's another way.

Peter Stonsby: I'd rather plant them all on my property than give you a dime.

Stanley Bernstein: I did not put that fill in there, and no one on this board put that fill in there. You are in violation, we're not in violation. What would you have us do, remove the entire fill? We could do that.

Chairman Cosentino: Stan has a point, but let's just move this along.

Peter Stonsby: Thank you.

Vice Chairman Sturniolo: Jannine, I have a question. Are you comfortable with everything you've seen and read and heard so far tonight?

Jannine McColgan: Yes. I think Ashley incorporated that along to the resolution.

Vice Chairman Sturniolo: And you're comfortable especially with Page 2 of the resolution?

Jannine McColgan: Yes.

Vice Chairman Sturniolo: I have a question of Whitney and that's #13. Does the posting of the bond sufficient to insure – does that language need any bolstering?

Whitney Singleton: No. I actually have some language that I propose to bolster #14. As far as 13 goes, I don't have a problem; if the applicant wants to do a cash deposit as an easier means than dealing with this for that period of time; that's fine.

Denise Stonsby: Is there a calculation to how that bond dollar amount is done?

Whitney Singleton: It's supposed to reflect what is likely in the estimation of the Village Engineer what it would cost to replace these items should they die; a reasonable number. To insure their installation there would be the full value. If it was to insure their survival, he's going to come up with a difference.

Denise Stonsby: So it might just be a percentage. So if it cost us \$25,000 to put in 37 trees it could be 20% of whatever that cost is.

Whitney Singleton: And you might rather be in a situation rather than go out and get a bond. If you want to put a couple of thousand dollars or whatever the figure is in escrow to the Village treasurer, we could do that as well.

Denise Stonsby: And that's a year, right? That bond is for a year? And does that get interest and do we get that back?

Whitney Singleton: I don't know what the Village's policy is on interest bearing accounts. I should know. I'll check into that. I just have one other modification to Paragraph 14. This stems primarily from your board's continued concern on applications regarding enforceability. I have proposed language for Paragraph 14 that would read as follows: "as this approval is expressly predicated upon full compliance with each and every condition contained within this resolution, and plans incorporated with reference therein. The above filed Certificate of Occupancy shall be issued unless and until there is a complete satisfaction. Furthermore, failure to satisfy these conditions by blank date shall cause this approval to expire, and in such event this matter shall be reported to the building department and Village attorney for site restoration and prosecution." The reason that that's in there is we have frequently have had problems with going back and finding that residents were not doing certain things and it was very difficult. And if your board wants to put something like that in, I would recommend language to that effect and give them some specific parameters as far as when you wanted this all completed by. I know it's the middle of December right now, so I just want to point that right out. If your board wants to make sure there is enforcement, a self-executing enforcement mechanism in here, I would recommend that. And I have a copy of this language.

Denise Stonsby: Can I paraphrase that? You're suggesting that they give us a target date, in essence, of when the 37 trees need to be planted.

Whitney Singleton: Yes, right. When everything in this resolution needs to be done.

Denise Stonsby: And we're trying to build a home before decorating the outside.

Chairman Cosentino: We'd work with you on that.

Whitney Singleton: We are suggesting that they choose a reasonable period of time, given the season, given the undertakings that you're doing.

Vice Chairman Sturniolo: Mr. Chairman I would go along in suggesting that Whitney made that we incorporate that language in #14.

Chairman Cosentino: Yes, we can incorporate that but also we have to give them time because of the weather; on the planting of the trees.

Doug Hertz: When would you expect to have this work done?

Peter Stonsby: We were hoping to have it done by the end of the summer and the trees planted by fall; before next winter.

Vice Chairman Sturniolo: And you couldn't do the tree planting and the house thing simultaneously?

Chairman Cosentino: Only because of the construction going on there.

Peter Stonsby: Construction, concrete pouring.

Denise Stonsby: Large trucks.

Peter Stonsby: We'd be killing our trees.

Jannine McColgan: As long as it's before the winter season.

Vice Chairman Sturniolo: We can come up with a hard date in the fall.

Whitney Singleton: I have in your plan December 2007. So I'm presuming it will be exactly 9-10 months from today, whatever that date is.

Vice Chairman Sturniolo: I'd like to plug in something so this doesn't become an open-ended enforcement issue.

Nanette Bourne: Why not make it December; 12 months from today.

Chairman Cosentino: That should give you time, right?

Peter Stonsby: I hope so.

Chairman Cosentino: If not you have to come back. So plug it in for 12/12, and we'll see what happens. You read the resolution?

Denise Stonsby: Yes.

Chairman Cosentino: Any questions on the resolution? Do we have a motion? The chair will move on the acceptance of a resolution of approval for 91 High Street, Application #PB2006-07.

Motion: Chairman Cosentino
Second: Sol Gibbons
Aye: Ralph Vigliotti
Aye: Vice Chairman Sturniolo
Aye: Stanley Bernstein
Aye: Doug Hertz
Aye: Sol Gibbons
Aye: Chairman Cosentino

Site Plan Compliance:

443 Lexington Avenue
Application #PB2005-18

Present: Juan Carlos Ruiz

Chairman Cosentino: We have some problems. You own the restaurant?

Juan Ruiz: Yes sir, my daughter and myself.

Chairman Cosentino: You own the restaurant?

Juan Ruiz: Yes.

Chairman Cosentino: As you know, when we approved the plan that gate was supposed to have been closed, and it wasn't closed more than once.

Juan Ruiz: I presume it was only when somebody broke in.

Chairman Cosentino: We called the landlord on three other occasions and there were barrels of oil back there.

Juan Ruiz: Correct.

Chairman Cosentino: Filled with oil.

Juan Ruiz: Correct.

Chairman Cosentino: There were ladders back there.

Juan Ruiz: That is correct, sir.

Chairman Cosentino: There were truck tire marks back there.

Juan Ruiz: Truck tire marks. That is correct, sir.

Chairman Cosentino: So we have to assume the gate was open and you were using the back.

Juan Ruiz: It is correct. I was not parking there.

Chairman Cosentino: The other night there were two cars parked there.

Juan Ruiz: Yes. What night was it, may I ask?

Vice Chairman Sturniolo: A night.

Chairman Cosentino: I'm not sure what night it was, but there were two cars parked in the back.

Juan Ruiz: This is no excuse of course not... the original lock, it was Mr. Theusun's lock. I never had access to the key. Now I do. I put a big lock over there, which I am bringing one key to the apartment, but I have no answers. I don't know who opened the lock. And the chain, as you can see, I saved one.

Chairman Cosentino: If you owned the business you had to know there were three 55 gallon drums of oil in the back.

Juan Ruiz: Correct sir.

Chairman Cosentino: So it was open for a reason. Also in your resolution of approval you need to park the cars on your property. Do you have an agreement with somebody where you park the cars? Valet parking that you're not supposed to have?

Juan Ruiz: Written agreement, no sir. They park the cars anyplace that they can. The owner of Mount Kisco Seafood on the north side of the second street, the old Mount Kisco Seafood, they gave permission to park over there. Obviously, after 5:00.

Chairman Cosentino: In your resolution you can't do that. You have to get rid of your valet parking unless you have a written agreement with somebody. Do you have a written agreement?

Juan Ruiz: Right now, sir, and with your permission, if I can ask you, the men across the street, not John Martavano (?), the owner of the green building across the street; he told me, "Would like to enter into an agreement with me? Why don't you do yourself a favor? Go to the board; ask the board if it's okay.

Chairman Cosentino: I spoke to him, he made an agreement; you don't want to sign it because it was too much money.

Juan Ruiz: That is correct sir. We have to talk to him again.

Chairman Cosentino: But you didn't yet.

Juan Ruiz: No sir.

Chairman Cosentino: So you don't have an agreement.

Juan Ruiz: One of the reasons that I didn't is because next door, I don't know if you know him, Chris Chapinsky, he works in the hospital. This is a copy of the lease agreement, because we're dealing with the person right next to it, which is the therapy shop right next to it. I faxed it to him on November 28, 2006, I gave him a call this morning, he said, "We're working on it, you'll hear very soon from us."

Chairman Cosentino: Until you get an agreement, you can't have valet parking. You have to park on your site.

Juan Ruiz: Correct, sir.

Chairman Cosentino: The gate has to stay closed, and this is the 3rd time. So what guarantee are we going to have that it's closed?

Juan Ruiz: It will not be opened one more time.

Stanley Bernstein: What about cleaning up the site?

Juan Ruiz: Somebody went to check. I put a big lock, I put a big lock, a big chain, the two little things that goes in the ground, the chain is thick and it's a big lock and I have two keys. I talk to the old man from the fire department. I saw him today and told him I want to come over is that alright.

Chairman Cosentino: By the way, when you make an agreement with somebody that has to come back before this board, because we have to okay it. The resolution has to be changed. Right now you have to park on your property. When you make an agreement with somebody you have to make an appointment to come back before the Planning Board. You can't just start parking cars on property.

Juan Ruiz: In what property?

Vice Chairman Sturniolo: Any property.

Chairman Cosentino: Any property you need to come back before this board. And you can't start parking cars until we approve it and change the resolution if we change it.

Ralph Vigliotti: Can they valet park in their parking lot?

Chairman Cosentino: Within their own parking lot? Yeah, but do they want to park five feet away?

Ralph Vigliotti: I'm just asking the question, whether they can double park in their own parking lot and have somebody validate that. My suggestion on the fence is that you put another chain and another lock. Because I don't think there is going to be another opportunity to come back here with this back gate system.

Juan Ruiz: I will put a double system in tomorrow morning.

Chairman Cosentino: Where are you going to put the barrels of oil now?

Juan Ruiz: It's gone already.

Chairman Cosentino: And what are you going to do with the oil?

Juan Ruiz: I have exactly where the gate is right here; the name of the company is American Oil.

Chairman Cosentino: So you have somebody.

Juan Ruiz: Yes. It's a tank right over here in the corner, nice and clean and tight.

Chairman Cosentino: We'll check it.

Stanley Bernstein: Are you going to clean up the site; it looks pretty messy.

Juan Ruiz: We already did, sir. I brought a steam machine; and I called the guys already, it has to be totally clean every single day.

Stanley Bernstein: Before I came here I was looking through all my old notes; I remember we, it may not have gotten in the resolution. We discussed the number of tables within the restaurant, and I think you're exceeding the number of tables within the restaurant, and that's why you have the parking problems. I think you have too many tables in there.

Chairman Cosentino: I think you're allowed 78 people.

Juan Ruiz: There are two permits – why I have two permits, I don't know.

Chairman Cosentino: I don't know either.

Juan Ruiz: I have two permits – one says one number, the other one says another number.

Chairman Cosentino: According to the resolution, you are allowed 74 people in there. So I don't know how many tables you've got. You were told to take some tables out already, right? The fire marshals were there and you took some tables out.

Juan Ruiz: Yes I did, sir.

Chairman Cosentino: Right. You're allowed three tables outside, I believe.

Jannine McColgan: Ten persons outdoors, 74 persons indoors.

Juan Ruiz: I'm sorry, I think there is something wrong. There are ten people.

Doug Hertz: That's not right. Outdoor dining is not on top of the indoor dining. We were very specific in the resolution. Outdoor dining is allowed to have tables moved outside and the number of people outside had to decrease the number of people inside, because we did not have parking to make it.

Juan Ruiz: In other words it would be 74 including the outside.

Stanley Bernstein: That's correct.

Doug Hertz: When you use the outside.

Vice Chairman Sturniolo: And when you don't its still 74.

Juan Ruiz: When I don't use the outside, like its wintertime right now, it's unusable, so it's 74?

Chairman Cosentino: Right. So in the summer time if it's 74 inside, you have 64 inside and ten outside. So it's up to you to make an agreement with somebody and come back before this board.

Juan Ruiz: I just filled out an application; when I'm ready. It doesn't matter who it is, like next door or across the street.

Chairman Cosentino: I don't care where it is. That's going to be your problem.

Whitney Singleton: Certainly under Code 110-28-C, you do have a provision for two or more uses on contiguous lots.

Chairman Cosentino: But he doesn't have anything contiguous now. Oh, he could possibly.

Whitney Singleton: The hospital thrift shop, that's contiguous to you, right?

Juan Ruiz: Correct, sir. This would be the best, actually.

Whitney Singleton: That would eliminate the running across the street.

Juan Ruiz: But anyway, we're not planning to have people park across the street on their own and walk through the village.

Chairman Cosentino: Well, you were behind the old fish market there for awhile. That building has been condemned. You can't go there anyway.

Juan Ruiz: Not even for a parking lot?

Chairman Cosentino: The property is condemned.

Juan Ruiz: Okay. Also that new fish market was letting me park over there.

Chairman Cosentino: That's up to him; but you can't valet park. You cannot valet park right now.

Ralph Vigliotti: Until you have a contract.

Juan Ruiz: Until I have a contract.

Vice Chairman Sturniolo: Excuse me, it's a little bit more than that. You can't valet park, because valet parking is not mentioned in your approved site plan. If you look at Item 12 where it says no standing parking, loading or unloading shall be permitted on Lexington Avenue; currently you valet park with people stopping their car on Lexington Avenue, your person takes the car and brings it to another spot and parks the car. So, one, you're violating that condition in the resolution, and two, no matter what agreement you do with somebody else, if you want valet parking, you need to come back to this board and apply to amend a previously approved site plan that would include language specifically toward valet parking. And that's a separate issue that any lease agreement that you may have with a neighbor.

Chairman Cosentino: You can't bring the cars anyplace. You have to stop valet parking.

Juan Ruiz: Exactly. Okay.

Vice Chairman Sturniolo: Until this approved site plan is amended to include language that deals with valet parking, regardless of where the valet parking winds up to be.

Juan Ruiz: Understood. Thank you.

Chairman Cosentino: Is there anything else before this board? Jannine are you happy with the fence the way it's going to be, just closed off. Is there any oil in the back that has to be cleaned up, or anything like that.

Jannine McColgan: I'll have to go out and double check what's been done since I was there.

Juan Ruiz: When you were there, remember I told you it was going to be done today? I put soil, I cleaned up first.

Jannine McColgan: You have to remove the soil and replace it with clean soil.

Juan Ruiz: We cleaned it up nice, and then we put soil, and then we put gravel on top.

Chairman Cosentino: Gravel?

Juan Ruiz: A little bit of gravel?

Chairman Cosentino: Is that what you wanted, gravel?

Jannine McColgan: No, we didn't want gravel, just clean soil. No gravel.

Chairman Cosentino: Jannine, will you be on top of that and make sure it's done to your satisfaction?

Jannine McColgan: Yes.

Chairman Cosentino: So, what you need sir, is that you'll have to come back before us with an amended site plan approval for that valet parking, and we'll put you back on the agenda whenever you get your paperwork done. You have to get it amended.

Vice Chairman Sturniolo: Signing the contract with a neighbor doesn't relieve you of your responsibility regarding valet parking. This is what we're concerned with, not what you negotiate with a neighbor.

Chairman Cosentino: No, but I think his question was he's got to enter into a contract and then come back here, telling us he's got one.

Vice Chairman Sturniolo: For site modifications. Then you can actually take avail of the parking that your neighbor's providing you based on your contract after you've amended your previously approved site plan.

Chairman Cosentino: And you can't use valet until we've amended it. That shouldn't take too long, a year, two years.

Juan Ruiz: No, no. I have to do this immediately. I have no problems during the week, my problem is the weekends.

Doug Hertz: Nothing like success.

Chairman Cosentino: I don't know what you're going to do, you've got to stop it now, because they are going to be there to check.

Vice Chairman Sturniolo: And also, you should stop the advertising that you do in the magazines that says valet parking. The ads that you're paying in Westchester Spotlight and Westchester Magazine that says Coco Rumbas, valet parking. You need to stop that as well, because you're going to be sending a wrong message out to customers.

Chairman Cosentino: Anything else? Okay, thank you.

Conceptual Application:

**Charisma Holding Corp.
19 Kensico Drive
Application No. PB2006-23**

**Present: Chris Buonanno - Charisma Holding Corp.
Janet J. Giris - Delbello, Donnellan,
Weingarten Tartaglia Wise &
Wiederkehr, LLP**

Chairman Cosentino: This is a conceptual. Just tell us what you may want to do.

Vice Chairman Sturniolo: And part of the conceptual process is that you get feedback from each individual Planning Board member before you go ahead and spend dollars and applications.

Janet Giris: I've been here before, and I've been through that process. Chris has not. We're a little bit confused, actually. When... Chris is the contract vendee of this property. I don't know if you're familiar with it. The property is at 19 Kensico.

Chairman Cosentino: We're very familiar with it.

Janet Giris: It's currently developed; it's got an 8,900 square foot building. He's the contract vendee of the property. He's only proposing interior alterations to the building. There are no site modifications being proposed. In the process of doing some due diligence, I guess they had Austin out to the property, there were some concerns about the fact that there would be cars stored in it. The property is being purchased for the storage of new Mercedes Benz motor vehicles. They anticipate storing somewhere between 60 and 90 vehicles in that building. Everything would be inside. I guess there was some concern about the interior modifications, some thoughts that the village might want a sprinkler system installed there. I'm not sure why he wanted us to come to this board. When I spoke to him about it, he said that the board had an interest in it. With all due respect, I respect the board's interest in it, but there are no site modifications being done. Everything is interior in this building. So we're not exactly sure why we're here. We were asked to come here. So we're here to discuss it with you, and I can go through what those modifications are to the interior of that building.

Chairman Cosentino: We're going to discuss outside also. That's part of what you're here for.

Janet Giris: I recognize that, but our point is that we're not making any modifications to the exterior.

Chairman Cosentino: Our point is you may have to.

Janet Giris: For a principally permitted use in an existing building?

Chairman Cosentino: You're going to unload trailers with cars on it, are you?

Janet Giris: Yes.

Chairman Cosentino: We want to know how that's going to be done. We want to know how your drainage is going to be done for washing automobiles inside.

Janet Giris: Interior.

Chairman Cosentino: We want to know all about that. Engineering, how it's going to be done. How you intend to unload the cars with a driveway of 25 feet, where are you going to park cars on the side from the old site plan, and how you would back the trailer in there?

Janet Giris: Okay.

Chairman Cosentino: You have an easement that goes around the back, you know that, right?

Janet Giris: I wasn't aware of that. And that's part of it, too. As the contract vendee of the property...

Chairman Cosentino: You gave us a survey.

Janet Giris: I gave you a survey that was 35 years old.

Chairman Cosentino: That's what the easement is on the survey. You gave it to us and we're going by what you gave us.

Janet Giris: I understand. We are in the process of having a new one prepared. Obviously it was not ready to submit to you to be able to be here on time.

Chairman Cosentino: Anyway, there is an easement there.

Vice Chairman Sturniolo: There are also issues with site parking. Since this is obviously occupied storage space and goes for one parking space per 1,000 square feet -

Chairman Cosentino: Here. This is what you gave us. The driveway is 25 feet. If you have parking along here, which I believe is on the plan; it leaves you about seven or eight feet for a vehicle to pass through. How are you going to back a trailer in there?

Chris Buonanno: Is this 25 feet wide?

Chairman Cosentino: 25 feet. That's all you have.

Chris Buonanno: It seems wider than that.

Chairman Cosentino: Here's your survey, right here.

Vice Chairman Sturniolo: 25.93.

Chairman Cosentino: 25.33, I believe it is.

Chris Buonanno: There are cars parked there right now, and you can definitely get two cars going each way, even with the cars that are parked right there. I don't know whose cars are parked there, but there are cars parked there.

Chairman Cosentino: I can only go by your measurement. You've got 25 feet. You have an easement that goes around here. I think the easement was meant to go in and out, I'm not sure.

Chris Buonanno: But there's no way around this side.

Chairman Cosentino: I'm only going by what you gave me.

Janet Giris: We don't have this side; this other property.

Chairman Cosentino: Did we bring up the site plan? Do we have the old site plan?

Janet Giris: There was nothing in the file. I went through the file.

Chairman Cosentino: You're going to have to provide parking; you know that. By square footage of storage; you're going to need parking. We have to determine how many cars you're going to need for parking. The driveway is a wreck, if you've seen it. That has to be done.

Chris Buonanno: Yes, I want to fix it.

Chairman Cosentino: So, when you say inside, there are other issues.

Janet Giris: Okay. All operations will be interior. One of the things that we talked about is that there will probably be only one or two people there at any time.

Chairman Cosentino: But you have to provide parking. It must be provided for the square footage of the building and what you're going to have there. You have sixty to ninety cars?

Chris Buonanno: Yes.

Chairman Cosentino: How many parking spaces do we require for that?

Nanette Bourne: It's done on a square footage basis for storage.

Vice Chairman Sturniolo: It's one per 1,000 square feet, but we then have to take into consideration the elevator storage, Whitney am I correct?

Whitney Singleton: There is also a provision in here for automotive uses. I thought I saw something about storage of cars – one per 500 for indoor storage. And then of course your board has some discretion as provided for between the notes to the Parking Department.

Janet Giris: It sounds like your code would require 18 spaces on site. Even from a practical standpoint it doesn't make sense.

Chairman Cosentino: That's what it is.

Doug Hertz: Is the footprint of the building 8,900; does that include mezzanine space?

Janet Giris: Yes, it includes mezzanine space.

Doug Hertz: Is that going to be demolished?

Chris Buonanno: I think 1,200 feet of that is going to be demolished.

Doug Hertz: So what is your anticipated square footage?

Chairman Cosentino: 8,900.

Chris Buonanno: Minus 1,200. 7,700.

Janet Giris: I know I saw on the agenda that Austin had written a memo to the board, and I had called Nancy yesterday to see if she could give it to me, but she said I had to request it specifically from the board. So, if I could get a copy of that I'd appreciate it.

Vice Chairman Sturniolo: Jannine, you may want to paraphrase some of your points that you talked about.

Stanley Bernstein: Didn't somebody write a letter about the flood plan, or did that come from the DEP; about raising the interior grade to match the flood plane?

Jannine McColgan: They would just have to clarify or identify where the finished floor elevation is in relation to the flood plan elevation. And then, obviously, certain things cannot be stored outside, which I don't think the applicant is anticipating doing.

Chairman Cosentino: No, they are not storing outside, they said.

Jannine McColgan: Those are the types of issues that should be clarified. Some of the other issues Austin also brings up in his memo, is clarification of a right-of-way and any other easements as far as accessing the site. Also demonstrating that the car carriers can ingress and egress the property safely. Also, that the parking where the driveway

appears to be in disrepair should be paved over and the parking spaces should be delineated in accordance with the actual site plan.

Chairman Cosentino: What about drainage in the parking area?

Jannine McColgan: DEP would not require anything because it's already a paved surface. I would just in general recommend they do something out there; that's up to the discretion of the board. Then there is also the floor drains that you are proposing. They cannot be tied into the storm water drainage system. They must be connected to the sanitary system. And then we would like clarification regarding what types of services you are providing on the vehicles. If you are doing car washing operations, we would request that you provide some flow estimations for car washing operations. Obviously during the summer we have drought periods and I don't think that is a necessary use.

Chairman Cosentino: Does somebody else on the board want to comment while she's looking at that?

Vice Chairman Sturniolo: There is a host of issues with the site, and in my opinion, this site doesn't really work and support the kind of use which you would like to do. I wouldn't like to see it go further in the process.

Janet Giris: Why is that?

Vice Chairman Sturniolo: For everything that we mentioned tonight, plus normal traffic conditions there, the enforcement of off-loading the tractor trailers across the street from the front loading door on Kisco Avenue. There are three curb cuts already across the street, and it's going to be difficult to maneuver a tractor trailer. As the Chairman said initially on the site to begin with, and as far as the village code, an issue of enforcement, it is going to be a nightmare having to police tractor trailers off-load off the site. And in just looking at this, I don't think you have the room once you've got the established parking spaces there.

Janet Giris: If it can be established, if we can show a truck turning plan type -

Vice Chairman Sturniolo: Maybe you want to reduce the size of the building. That's another alternative.

Chris Buonanno: I can't do that.

Vice Chairman Sturniolo: I just don't see this happening.

Janet Giris: If it can be demonstrated that the trucks can be off-loaded on site and what we're talking about is a maximum of three to four deliveries a month, with a maximum of eight cars on that truck a month.

Chairman Cosentino: You can fill out an application and come back to us and demonstrate. This is a conceptual. Your next step is an application to come back and start the process. It takes time.

Doug Hertz: My main concern would be that I would have a hard time seeing how you're going to deal with tractor trailers unloading trucks, getting on and off this property. It's a tight space.

Vice Chairman Sturniolo: We've all been out there. Obviously, you've been out there more than us; it's extremely tight.

Doug Hertz: And I don't see how you are going to turn a tractor trailer. If you can demonstrate to us that's its feasible and safe, that's my primary concern.

Janet Giris: One of my questions as well is that Austin's memo indicates that unoccupied storage parking is typically one space per 2,000 feet occupied as typically one per 1,000. I will defer to the board for their determination in this case.

Chairman Cosentino: We have to come to a determination on it.

Janet Giris: If I need to go and draw a plan and I need to demonstrate that there are the requisite number of parking spaces on the site, I need to know what the requirement is, whether it's one per 2,000, or one per 1,000.

Chairman Cosentino: That we'll have to work up.

Vice Chairman Sturniolo: I think it's a given. It's occupied space. If that's the starting point, then the rest is math.

Nanette Bourne: Unoccupied space is dead storage, and I think there is going to be a staff. There will be staff there?

Chairman Cosentino: Two people.

Janet Giris: And not all day, everyday; only at certain periods of time.

Chairman Cosentino: Well, you need to count them as if they were there all day. It's got to be within the quote.

Nanette Bourne: I think you are going to be limited by the number of parking spaces that you can legally provide on the site, and even while the Planning Board is considering the 1 for 2,000 1 for 1,000, I don't think that's going to be as important as your seeing how much you can really put on.

Janet Giris: Demonstrating that they actually can be put there? Okay. Okay. I think we need an engineer. Anything else?

Chris Buonanno: Not that I can think right now.

Chairman Cosentino: So, if you want to come back again you need to file an application and then engineering reports, etc.

Janet Giris: What type of reports would you be looking for?

Chairman Cosentino: Jannine, what are you going to be looking for?

Jannine McColgan: One, topography per your site plan, and then also as far as your traffic. You should be able to demonstrate traffic; right turns, and into and out of the property.

Chairman Cosentino: Nannette, what are you going to require right now for when she comes back?

Nanette Bourne: To be able to lay out the parking, to show the radius.

Chairman Cosentino: Whitney?

Whitney Singleton: I want to know what the status is. This is showing two separate parcels. I don't see it as showing one parcel, and I want to know whether any easements associated – first of all I want to make sure I know what the proper parcel in question is. Secondly I want to know if there is any easement affecting the utilization of the portion shown as the County Seat and Supply Company. If there are easements in favor of the adjoining property, which I believe there are regarding Kensico Manufacturing, I want copies of those agreements.

Janet Giris: Okay. I'm not handling the acquisition, but an attorney in my office is, so I will pull out the title report.

Whitney Singleton: I believe there is a mutual – I don't know whether it's been reduced to writing, but I believe there is an agreement to allow the adjoining property to be an access across this property. Although I'm not certain of that. That is the impression I was under.

Janet Giris: That should show up in the title report. I'm sure they've ordered one by now, and I will get those to you. Okay, that's it. Thank you for your time, I appreciate it. Just one other thing. I did pull out the village's files. There is nothing in their file. I've got an old plan, but it's an interior.

Chairman Cosentino: Well, we'll just have to do what we have to do then.

Chairman Cosentino: Next. Grand Prix New York. He's not here; Les and Dave are not here?

Michael Gallin: Not yet.

Chairman Cosentino: It's getting kind of late.

Whitney Singleton: Do you want to go through the correspondence?

Chairman Cosentino: Yes.

Vice Chairman Sturniolo: Does anybody have their cell phone numbers?

Michael Gallin: No, I don't.

Chairman Cosentino: On correspondence, e-mail from Vice Chairman Sturniolo to myself, dated April 20, 2004.

Vice Chairman Sturniolo: Mr. Chairman I put that on the agenda or suggested it be on for correspondence because Mr. Bernstein raised that issue several times recently in the past.

Chairman Cosentino: Do you want to go briefly through that?

Stanley Bernstein: Everything in here is fine. When is it going to be implemented? That's what I want to know.

Chairman Cosentino: That I don't know. You've got to talk to the fathers on that. That's money. Our budget last year was \$42, so I don't know.

Doug Hertz: On No. 4, a microphone system exists to record the village board. The hardware is around. We could get a high school kid to hook it up.

Chairman Cosentino: Do you know how many times we've asked for it?

Stanley Bernstein: And we have a projector as well.

Chairman Cosentino: Do you really want it?

Doug Hertz: Yes. I think it would be worthwhile to have what we say and what applicants say recorded accurately and be available.

Chairman Cosentino: Alright I will check into it along with Tony.

Stanley Bernstein: More important, I think, is we should get into the 21st century. There is no reason to spread out all these plans all over this table, not being able to see what's happening, when every applicant of large developments are coming in here with a projector and with discs. They way they draw today is they draw everything on discs, and then it's digitized and downloaded to make the hard plans. There is no need to even make hard plans. You can do it all on a disc. And it could be projected.

Ralph Vigliotti: Then we'd have to meet them halfway and provide the LCD projector.

Stanley Bernstein: We have one.

Ralph Vigliotti: We do have one?

Stanley Bernstein: I don't know if they'll let us use it, but doesn't Tom make his presentations with it all the time?

Whitney Singleton: We do it for village budget and stuff like that. It's available.

Ralph Vigliotti: So what we can do is encourage them to make their presentation via our LCD projector.

Stanley Bernstein: Encourage them for a year to make it that way, and then mandate it at the end of the year. Give them a year's time to get acclimated to the system.

Chairman Cosentino: Tony, let's set up a meeting with them again.

Vice Chairman Sturniolo: The meeting is fine, at the bottom I write the most important thing is you need to bring in, in due respect to Doug, and I know he was making a joke about high school kids, but you need to bring in an audio-visual consultant that can look at the equipment here, come in, go to a Planning Board meeting, listen to how we conduct our business, and advise the Village Manager what is the best way to go about doing it.

Chairman Cosentino: Doesn't Bancroft do that?

Vice Chairman Sturniolo: You mean Cablevision? No. It's way out of his league.

Doug Hertz: There are people that can do it.

Chairman Cosentino: Do you know somebody, Doug?

Doug Hertz: I know lots of people.

Chairman Cosentino: The old charge is going to come, so we need to know what it's going to cost so we can put it in our \$42 budget. Okay, let us know what it costs so we can have a meeting with the fathers and get it going. I'm not going to wait here all night.

Michael Gallin: I spoke to David Stollman this afternoon and he was aware of the meeting. I guess he had a conflict.

Vice Chairman Sturniolo: And you said he is going to be coming here later which is why we shifted the agenda, and Les Steinman – Whitney, you have no cell or anything?

Whitney Singleton: For Less? I don't think so. I have one for his partner, but not for him.

Vice Chairman Sturniolo: His partner should know his number.

Michael Gallin: We received a few documents today; it would make sense to me to disperse those to the board?

Chairman Cosentino: I don't want to start it and then we have to stop in the middle of it.

Michael Gallin: Understood.

Vice Chairman Sturniolo: Les was going to call him once he sensed how quickly or how slowly this whole agenda was moving, which indicated to us he was going to be here. Do we know where Les lives?

Chairman Cosentino: We are going to wait till 10:30.

**Final Action: Grand Prix New York
333 North Bedford Road
PB2006-21A**

**Present: Michael Gallin
Sy Aryeh
Neil Alexander**

**Village Staff: David Stolman
Lester Steinman**

Recused: Doug Hertz

David Stollman: I think we should start with a letter that came in recently from Town of Bedford and a letter that recently came in from DEP.

Michael Gallin: Did the board receive a distribution of a letter today from the Town of Bedford? If not, I have copies.

Chairman Cosentino: Yes.

Michael Gallin: Then I will not distribute them. Then there was also a letter from the DEP.

Stanley Bernstein: Yes.

Michael Gallin: That was distributed as well? I got that letter this afternoon, and we have some thoughts in terms of explaining the water usage. I typed it up in a memo and I could also walk you through it today verbally. May I distribute that as well?

Stanley Bernstein: I think we got your memo in answer to November 22 letter.

Michael Gallin: No, this was just written today.

David Stollman: This goes to the section of the DEP letter where it is suggesting to the Planning Board that the Planning Board secure some verification of the proposed water usage on the site relative to increase in sewage flow to the Mount Kisco Saw Mill River Pump Station, and this goes to the environment assessment and the proposed negative declaration.

Michael Gallin: In short, the memorandum explains the rationale behind the 155 gallons per day that was in the EAF document. Sy, who is going to be the operator of the GPNY facility, has a building in Manhattan that contains a 4,000 square foot restaurant with 18,000 square feet of offices, and we looked at the actual water usage of that building, and just used that as a baseline reality check for our estimate for the 155 gallons per day, and again, there is not an exact precedent that we have data on for the GPNY facility, but we believe that the estimate is in the ball park of the appropriate number, and most importantly, we believe that to the occupancy levels that we're talking about in this facility will not create an undo burden. The other letter obviously addresses any open issues that had been raised in terms of Bedford and their involvement.

David Stollman: So relative to the water usage, I spoke with Les about this today, and we think that this memo from Michael Gallin should go into the Planning Board record, obviously it would go into the environmental record, and I think it answers the DEP's concern. So if you agree with that then we can go on to the Negative Declaration itself, the Resolution of Amended Site Plan Approval, and the Resolution of Special Permit Approval. And you've had those documents now since - I guess they were sent out by Nancy on Thursday, and you've had them for a little while, and then we produced a document today which has several changes to the Resolution of Special Permit Approval, and that's the document with the white cover sheet dated December 12, 2006. I'm sorry, Les is bringing this. I just have a copy here in my file because we used it in the office today.

Vice Chairman Sturniolo: David, I just want to talk through what those changes are.

David Stollman: Absolutely I can walk you through that. So, if you turn in your Resolution of Special Permit Approval, the one that you received end of last week or over the weekend.

Vice Chairman Sturniolo: Which is the second one in the packet?

David Stollman: In the first paragraph in bold letters it says Resolution of Special Permit Approval on the cover, dated December 6. If you turn to your Page 4, where it says "*be it further resolved that the Planning Board hereby determines that blank is the appropriate parking standard*"? The proposed language would actually say "*be it further resolved that the parking actually being provided for the subject floor area as per the resolution of site plan approval granted on April 27, 2006, is 120 parking spaces.*" All of the floor area that GPNY would occupy was shown on the previously approved site plan as warehouse space. The parking requirement for 120,000 square feet of warehouse space at one space per 1,000 square feet is 120 parking spaces. And then, based upon the proposed operating characteristics of GPNY and the operational restriction enumerated below as conditions of this resolution, the Planning Board hereby determines that the site plan for 333 North Bedford Road will have more than enough parking for GPNY and the other uses at the site. The number that the applicant came up with was a maximum need for 63 parking spaces, I believe it was, so that's well under the parking that's actually being built on the site for this space, as per the resolution of approval dated April 27, 2006 that you adopted back then. Then if you were to go on to Page 5 of your resolution, Item 3 contains all of the operational restrictions that are in the document entitled GPNY Operational Restrictions last revised December 4, which the applicant submitted. These are for the most part the same as those operational restrictions, but with respect to the special event permit, the new wording would be, and that's Item E on your Page 5; "*any occupancy or trips in excess of the allowed limits require a special event permit issued by the building inspector in consultation with the Chairman of the Planning Board. The Planning Board Chairman at his discretion may require the application for a Special Event Permit to be referred to the entire Planning Board for review and approval. Such permit shall be limited to 12 per year. Special events will require that GPNY comply with all event restrictions imposed by the Building Inspector and/or the Planning Board.*" And then the last change relative to what you have is - if you turn to your Page 7, Item 4 becomes Item 5, and then we have this new paragraph, which would be Item 4. So we don't lose anything, we're just adding something. And the new condition would say "*compliance with the operating conditions of this resolution, whether self-imposed by the applicant or otherwise is deemed to be in furtherance of the public health, safety and welfare of the community, and necessary to satisfy the special permit requirements of the village/town zoning ordinance. Accordingly these conditions are not severable. In the event that any of such operating conditions are judicially determined to be void or un-incorporable, a special permit itself shall become*

void and the use permit thereby shall cease." Extra protection for the village. And then I should point out that, if you turn back to Page 6, Item J regarding alcohol. This is a bit more restrictive than the applicant had proposed in the operating restrictions, and I believe the applicant has no problem with this section, but we've made it very clear here that if a member drinks he loses his wristband for the duration of his visit during that day, and he can't then race. I don't know if that's more restrictive; I don't know if that was the intention or not, but that's what this would say. And then we beefed up the next paragraph as well, which says GPNY staff will be trained to look for and utilize on-site breathalyzers to identify patrons who may be nearing intoxication in order to stop alcohol service to such patrons before their condition would preclude them from safely and legally operating motor vehicles on public roadways. So it didn't quite go that far, so we beefed that up a bit and made it a bit more restrictive. And those are the changes relative to what you had previously. The NegDec is unchanged from what you had, the Resolution of Amended Site Plan Approval are unchanged from what you had. I'd be happy to go over those with you as well if you want me to do that.

Ralph Vigliotti: I have a question on J. If I had been racing a car, I'm done racing, I go into the bar, is my wristband then clipped? Is it saying that?

David Stollman: If they drink any alcohol...

Ralph Vigliotti: If they drink any alcohol, so if they sit and they're having...

David Stollman: It's a restaurant/bar.

Ralph Vigliotti: So if they go in and have a hamburger and they order a beer, is the wristband taken away?

David Stollman: It's pulled – yes.

Ralph Vigliotti: It is pulled?

David Stollman: Yes; if they're just having a hamburger, its not.

Ralph Vigliotti: A cheeseburger?

Michael Gallin: It depends what's in the cheese.

David Stollman: If there's any bourbon in the cheese it gets pulled. But I'm not being factious, because they could order; they could sit at the table in the restaurant and order a beer. So if you order that beer your wristband gets pulled, if you don't order any alcohol, it's not.

Chairman Cosentino: Not that it makes much of a difference, but I saw someplace while reading this the other day, something about two years, one year for compliance.

Neil Alexander: Mr. Chairman, I think it was in the amended site plan approval resolution.

Chairman Cosentino: Explain that to me.

David Stollman: This would be in the resolution of amended site plan approval; the first packet, the document dated December 6; it's got sort of a beige cover, and it says in bold in the first paragraph Resolution of Amended Site Plan Approval. This would be on Page 4.

Chairman Cosentino: Explain that to me. Let's start with A. Normally we have six months and one year. And we upped it to one year. Within one year from the date of the adoption of the resolution.

David Stollman: Right. And fulfill the conditions which are a pre-requisite to getting the drawings signed. So, for example, they've got to fulfill conditions 1-3 above there.

Chairman Cosentino: Okay. And then if you go down to D.

David Stollman: If all required improvements are not maintained, and if all conditions and standards of this approval are not complied with throughout the duration of the proposed use. Actually I should say that these are the exact same 4...

Chairman Cosentino: Within two years, you forgot that.

David Stollman: Two years at the end there. "D." Using the exact same provisions which were in the resolution of site plan approval you adopted on April 27. So they've got to submit a bona fide application for approval.

Chairman Cosentino: Are you happy with the wording? These aren't problems for me. I just want to let you know I read it.

David Stollman: Except what's modified here, the entire resolution from April 27 remains valid and intact, except for the changes I make with respect to GPNY. And we say that in here, and we try to keep this short and sweet and only deal with the changes that this application involves.

Vice Chairman Sturniolo: This is really another way of defining what the word "amended" means.

Chairman Cosentino: On the resolution of the special permit, on Page 7. Just the last word – I guess it's okay. If the applicant fails to comply within said 60 days prior to the special permit, approval may be revoked. The word may - are you happy with that?

David Stollman: Yes. And that's straight out of your code. I believe that's the word it uses, which means that you don't necessarily have to revoke it. You're not obligated to revoke it. So that's Section 110 46 E. A special permit may be revoked. So that's right out of the code.

Chairman Cosentino: Right. I don't have anything else. Does anybody here - ?

Ralph Vigliotti: Two items. There was some discussion about looking deeper and further to the size of the restaurant lounge. On the plan that you have its still showing 4,100 square feet. I think at some point there was some discussion of reducing that even further.

David Stollman: Actually, on this now, on the latest plan that we have?

Ralph Vigliotti: Yes. It's showing 3,100 in the kitchen, I believe.

David Stollman: Exactly right.

Ralph Vigliotti: Now, weren't those the numbers that we were looking to reduce from?

Michael Gallin: We made a few changes. First of all we combined the bar which had been a separate facility with the restaurant. And we also limited the number of seats of people sitting in that bar area, so that it's not the focus of the overall atmosphere.

Ralph Vigliotti: Okay.

Michael Gallin: And then we also talked about the number of patrons. In terms of square footage, the intention is keeping it very spacious. We hesitate to put too much of a limitation; purely a design sense of how tightly we have to squeeze everything together.

Ralph Vigliotti: What is the occupancy rating on 3,000 square feet? How many patrons can you have in the restaurant?

Michael Gallin: Legally, per code?

Ralph Vigliotti: Yes. Not based on the kitchen, but based on the restaurant. I think that should be part of what's listed.

Chairman Cosentino: That would go with the fire code, though.

Michael Gallin: It does. It's straight out of the building code, and it's based on the maximum feasible amount of table seating.

Ralph Vigliotti: But we had included that in other resolutions in restaurants in town, as a matter of fact, we did it with Coco Rumba. Their restaurant is a bit smaller than this. I just want to get an idea of how large this can be. You're showing broken lines which indicates that there may not be a door, or I don't know if that's a glass wall, which is adjacent to the viewing area. One of the concerns I have is whether or not tables could be moved out of the restaurant into the viewing area. What does the broken line represent?

Michael Gallin: That represents the boundary of the café.

Ralph Vigliotti: What does the broken line represent?

Sy Aryeh: It's just a walkway.

Ralph Vigliotti: It's an open area?

Michael Gallin: That's correct. It hasn't been designed yet.

Ralph Vigliotti: We're not looking to move tables out of the restaurant into that viewing area?

Michael Gallin: No. But there will be lounge seating out here.

Sy Aryeh: That's just to watch.

Ralph Vigliotti: Are you allowed to bring a drink into the lounge area?

Sy Aryeh: It's not an operational intention for us.

Ralph Vigliotti: I'd like to include that in the resolution. You're going to have mixed company. In the lounge area you have to be 25 or 21, out in the common areas you can have kids with dads and uncles and adults and, what we're saying is you haven't really said it yet. Are they going to be allowed to bring drinks out into the common area, where there may be minors who can't drink? I just want to be certain of that.

Chairman Cosentino: Just as a suggestion, Ralph; I see your point, but just let me add one more thing. If a father has a drink, and then their son is now starting to race, he's going to want to go out there and sit and finish his drink. He's not going to want to leave it.

Ralph Vigliotti: The lounge area is going to be set up with windows.

Sy Aryeh: The junior racing programs are on Saturday and Sunday mornings.

Chairman Cosentino: So the father may want to sit and have a drink that he's already started, but it's not an area intentionally where a waitress would come and say, "What do you want to drink."

Ralph Vigliotti: But you're extending the restaurant. If the restaurant is the restaurant and that's the lounge, then that's it. If we're allowing patrons – I'm moving closer on agreeing to a lot of this, and I'm only one member of the board, but if you're designing this to allow people to take a drink out into a common area, I have a problem with that.

Neil Alexander: One point just that I wanted to mention is, in these conference rooms – a big reason that alcohol was important is, I think for the operations of Grand Prix New York, is that as part of the conference facilities, when people are done racing...

Ralph Vigliotti: I can appreciate that during conference hours – but it's the early evening. The conference stuff, they are all adults in most cases.

Chairman Cosentino: You can do away with that, that's not going to bother you.

Sy Aryeh: Two considerations if you can, if we could just walk through and you can advise me on. Part of it is that if a corporate client comes in and takes the entire facility, which is part of what we do, they will be using the entire facility, even the center part, so that is a co-mingling of that. It's not just in the restaurant, so that becomes a difficult technicality to work out. And the second part is during evening hours, if it would be a non-alcoholic beverage, if it's just a regular beverage, because it is a sporting type of environment, and it is an exertion type of event, we expect people to be walking around drinking, whether it's a bottle of water or a soda, this starts to just make it possibly some difficulty in that, is that they do have it in the center area, we do sell soft drinks, sometimes at the registration. So it's something that might become I guess difficult to enforce now.

Ralph Vigliotti: So, are you going to have tables out there?

Sy Aryeh: Soft seating. No served tables.

Ralph Vigliotti: Explain soft seating, because I don't think we talked about soft seating.

Sy Aryeh: Couches for viewing for people to sit and wait and rest.

Ralph Vigliotti: How many people could sit in that area?

Sy Aryeh: Ten, fifteen at most. It wouldn't be very large at all. Because it's a very large area over here.

Ralph Vigliotti: So soft seating capacity would be for 10 – 15 people.

Sy Aryeh: We haven't mapped it out, but it wouldn't be much more than that.

Ralph Vigliotti: Can we include that in the resolution? Things tend to grow sometimes. Soft seating becomes 25 or 30 before you know it you have an extension of a restaurant that's 3,000 square feet out into this common area. 10 or 15 doesn't sound like a lot, and if that's your intention to have it at that level, I don't have a problem with that. I was envisioning 40 or 50 extra seats out there.

Sy Aryeh: No, definitely not. Absolutely not. The intention of this is not to extend the restaurant or the bar where it becomes a larger area to drink.

Ralph Vigliotti: So you wouldn't be opposed to putting that in a resolution?

Sy Aryeh: I would not be opposed to putting a limitation on soft seating. Whether 10 is the number, 15 is the number.

Ralph Vigliotti: 15 is reasonable.

Sy Aryeh: I don't have a problem with that.

Ralph Vigliotti: Okay, thank you that's it for me.

David Stollman: So we would say soft seating in the area – well it's not the restaurant, it's marked as observation area.

Chairman Cosentino: That's it.

David Stollman: For a maximum of 10.

Ralph Vigliotti: We could say 15, just as long as we have a number.

Neil Alexander: This would be "I" under Operational Characteristics, I believe would be the best place to put it.

David Stollman: We have no tables.

Michael Gallin: Is that including like a coffee table?

David Stollman: No table service.

Michael Gallin: That's fine.

Sy Aryeh: No table service, that's fine.

Chairman Cosentino: You're not going to have tables there anyway.

Michael Gallin: We haven't designed it yet, so to preclude the interior designer to putting a coffee table in a seating arrangement is –

Ralph Vigliotti: Well, we're not looking for a table that can seat six people who can bring...

Michael Gallin: To put it another way its non mobile chairs. It's not like a chair you can pull into a table.

Chairman Cosentino: Is there anything else? We have three resolutions here.

David Stollman: I think Les may have a couple of things.

Chairman Cosentino: Les, I'm sorry I didn't see you come in here.

Lester Steinman: First of all we have to declare ourselves Lead Agency. We never got around to doing that the last time. That would be the first thing in order.

Chairman Cosentino: Let's start that. Do we have a motion –

MOTION TO DECLARE LEAD AGENCY:

Motion: Vice Chairman Sturniolo
Second: Ralph Vigliotti
Aye: Sol Gibbons
Aye: Stanley Bernstein
Aye: Chairman Cosentino
Aye: Ralph Vigliotti
Aye: Vice Chairman Sturniolo

Lester Steinman: The next procedural step going forward would be the adoption of a negative declaration, which we have here.

Vice Chairman Sturniolo: Mr. Chairman, I make a motion that we adopt a negative declaration which in part makes reference to the fact that this is an unlisted action, and the proposed action will not have any significant adverse impacts on the environment and therefore a DEIS is not needed, and this concludes the SEQRA process.

MOTION TO ADOPT A NEGATIVE DECLARATION:

Motion: Vice Chairman Sturniolo
Second: Stanley Bernstein
Aye: Sol Gibbons
Aye: Ralph Vigliotti
Aye: Chairman Cosentino
Aye: Stanley Bernstein
Aye: Vice Chairman Sturniolo

Vice Chairman Sturniolo: Mr. Chairman I'd like to make a motion that we adopt a resolution of the amended site plan for 333 North Bedford Road.

MOTION TO AMENDED SITE PLAN APPROVAL:

Motion: Vice Chairman Sturniolo
Second: Ralph Vigliotti
Aye: Sol Gibbons
Aye: Stanley Bernstein
Aye: Chairman Cosentino
Aye: Ralph Vigliotti
Aye: Vice Chairman Sturniolo

Vice Chairman Sturniolo: Mr. Chairman, I'll make a motion that we approve the resolution for special permit approval that we have in front of us, and also incorporating the language changes that we previously discussed.

MOTION ON SPECIAL PERMIT:

Motion: Vice Chairman Sturniolo
Second: Ralph Vigliotti
Aye: Sol Gibbons
Aye: Stanley Bernstein
Aye: Chairman Cosentino
Aye: Ralph Vigliotti
Aye: Vice Chairman Sturniolo

Chairman Cosentino: Jim, I just wanted to add this while we are all here. Part of this approval was because of you and the type of person you are, and your firm Diamond Properties. So we wish you well and also Sy, I wish you well in doing this. We're happy you are who you are.

Jim Diamond: Thank you I appreciate that. And we're excited about this whole project.

Chairman Cosentino: Mr. Sturniolo gets the first ride. Do we have a motion to adjourn?

Motion to Adjourn:

Motion: Ralph Vigliotti

Second: Sol Gibbons

Meeting adjourned at 11 pm.

Respectfully Submitted By,

Stanley Bernstein
Board Secretary