

**Minutes
Planning Board
Village/Town of Mount Kisco
Tuesday, May 23, 2006**

Meeting called to order at 8:10 p.m., Tuesday, May 23, 2006 at the Municipal Building, Mount Kisco, New York

Members Present: Joseph Cosentino
Anthony Sturniolo
Stanley Bernstein
Joseph Morreale
Ralph Vigliotti
Sol Gibbons

Members Absent: Doug Hertz

Staff Present: Michael Stein
Whitney Singleton
Nanette Bourne

Staff Absent: None

Stanley Bernstein: I move that we accept the minutes of Saturday, March 25, 2006.

Chairman Cosentino: Do I have a second? Okay, we don't have a quorum right here for the minutes, so we'll have to wait.

Anthony Sturniolo: Okay, tabled.

Chairman Cosentino: The next thing on our agenda is a public hearing on John DeCola, 77 Brook Street. This is a public hearing on a lot line change; actually three lot line changes, right? Three lot line changes. Is there anybody from the public that are here to talk for or against? None.

Nancy Placona: Nobody signed in.

Anthony Sturniolo: Gail, are you here against it?

Gail Panetta: No. I'm for it. I'll sign in.

**a. John DeCola – 77 Brook Street – Application #PB2006-07
Public Hearing/Sub Division Application**

- Affidavit of Publication
- Draft Resolution

Chairman Cosentino: Okay. Any of my fellow board members have anything to say on this? No response from Board. We also have a draft resolution here. We talked about this and we asked for a draft resolution, thank you Nanette. Staff, anything on this? No response from Staff. Do we want to keep this open for ten days? We have a draft resolution now, so we should vote on it. Alright, do we have a motion to close the public hearing?

Ralph Vigliotti: So moved.

Chairman Cosentino: We have a motion by Mr. Vigliotti; we have a second by Mr. Bernstein. On the question?

Chairman Cosentino: Will the secretary poll the board, please?

Ralph Vigliotti: Aye.
Stanley Bernstein: Aye.
Anthony Sturniolo: Aye.
Sol Gibbons: Aye.
Joseph Morreale: Aye

Chairman Cosentino: Aye. Okay the public hearing has been closed.

Chairman Cosentino: Okay, we have a draft resolution before us. Nanette, do you have anything you want to go over? Do my fellow board members want to make comment?

Anthony Sturniolo: I have two questions, Mr. Chairman, one, Nancy, the fees have been paid?

Nancy Placona: Yes.

Anthony Sturniolo: Should we be looking at the subdivision application tonight as well?

Mr. DeCola: Perhaps I can explain. The lot line change is technically a subdivision application. We are modifying the lots that are shown on the subdivision plaques before you. Under state law, that is in fact a subdivision, and so when we receive the terminology, Tony, per lot line change, that is specifically for the subdivision, so you held the public hearing as required by code and state law regarding the subdivision, you now need to schedule this for approval for the final subdivision plan.

Chairman Cosentino: We can vote on this tonight.

Mr. DeCola: If that's the prerogative of your board.

Chairman Cosentino: Is the board willing to vote on this tonight? There's a resolution here. I have no problems with it.

Ralph Vigliotti: I'm prepared to vote.

Stanley Bernstein: So am I.

Chairman Cosentino: Okay, the chair is asking for a motion. Yes, a motion on a resolution.

Ralph Vigliotti: I'll move on a resolution for subdivision approval, 77 Brook Street, John DeCola, it's a lot line change application number PB2006-07. The date of this action is May 23, 2006. Tax map identification 80.34-1-4.

Chairman Cosentino: We have a motion by Mr. Vigliotti. Do I have a second?

Stanley Bernstein: I'll second.

Chairman Cosentino: Second by Mr. Bernstein, will the secretary poll the board please?

Ralph Vigliotti: Motion - Aye.

Stanley Bernstein: Aye.

Sol Gibbons: Aye.

Joseph Morreale: Aye

Anthony Sturniolo: Aye.

Chairman Cosentino: Aye. You're all set. Congratulations.

Mr. DeCola: Thank you very much, and I guess – what's the next thing I have to do, anything from the town now, or just go to the county.

Chairman Cosentino: Thank you for coming. Thank you for coming. Gail.

Mr. DeCola: Thank you very much.

Continuing Review:

- a. **Lexus – 275 Kisco Avenue – Application #PB2005-15
Roland Baroni, attorney, Gary Gianfrancesco architect, Diego Villareale engineer, Sam Scatterday representing Lexus**

Chairman Cosentino: Okay, on continuing review, we have Lexus, 275 Kisco Avenue. Come up; identify yourself for the record please.

Roland Baroni: We have revised plans to show the board from your last meeting they were able to further reduce the impervious coverage somewhat significantly. We'd like to show you those plans and answer any further questions that you might have about drainage and hopefully you will be satisfied to the point where you will be able to consider for us a Neg Dec so we can pursue our approvals with New York City DEP and with the zoning board of appeals.

Chairman Cosentino: Why don't you come up here and identify yourself for the record?

Gary Gianfrancesco: Mr. Chairman, members of the board, Gary Gianfrancesco from Arconics Architecture, PC. On behalf of the applicants who propose to construct this state of the art Lexus free standing facility of 48,000 square feet with approximately 276 cars both on-site and within the building. The most significant issue; this submission reflects staff comments – the comments from the board and a general tightening up of the basic plan. The reduction in pervious surface over our original application, originally we had approximately reduced the impervious surface from what currently exists on that site by approximately 8,600 square feet. We have now further reduced that impervious surface to over 12, 500 square feet, primarily due to the narrowing of the drive; which was a suggestion of this board, and the reconfiguration of the parking display areas to make them a bit more geomorphic, if you will, and to create some larger areas which would provide plantings for the front display area. In addition to that – and I'll just go through the points by one at a time – the issue of the handicapped spaces. There are seven spaces in response to Michael's comment with regard to handicapped – we have seven spaces now dispersed throughout the site, a loading zone has been indicated against the building down at the far northern part of our site. We have indicated snow staging areas; the location of a dumpster has now been indicated, and it is screened right at the service entrance into the service bays. We have indicated as requested sidewalks along Kisco Avenue, with regard to some of the detailed questions, we have increased the width of the handicapped stalls to 9 ½ feet as suggested. We have indicated areas of heavy site pavement. We have also indicated drop curbs, stabilized construction entrance and a small guard rail. In addition to that on this drawing I give you the signage, the pylon signage has now been reduced to be totally code conforming. It has been reduced by square footage as well as height. Our original application would have required a variance; we can avoid that now with the proposal which is before you this evening. With regard to the landscape plan, as you will recall John Slacker had presented the new landscaping concept for the display areas – all of that has been incorporated into the submission as well as continuing around the remainder of the site. John is unable to be with us tonight; he has another meeting, but primarily this plan, which has been submitted to you, is consistent with what John has represented right along with regard to our plantings. We have taken into a fact in response to the comment we have taken into effect with our lighting plan the actual planting plan, and depending on any subsequent tweaks or adjustment, we'll have to go back to the lighting plan at the end for one last go round as far as engineering out our photo metrics.

Chairman Cosentino: How many cars are going to be displayed in the showroom?

Gary Gianfrancesco: Do you have the floor plan?

Chairman Cosentino: Alright we'll get to that then I guess.

Gary Gianfrancesco: Okay. With regard to the lighting, we have also revised our lighting plan we have in response to some of the comments. There were some dark spots; we have now addressed them by adding some additional fixtures by lowering some of the fixtures closer to the grade, and by adding some additional wall mounted fixtures on the building. We have addressed those comments with regard to the demolition plan.

Anthony Sturniolo: Gary, excuse me. What's the maximum foot candles lighting that you have?

Gary Gianfrancesco: I believe it's five.

Anthony Sturniolo: Okay. Thank you.

Gary Gianfrancesco: With regard to some of the general engineering comments, we have revised the grading plan, the utility plan, sediment and erosion control plans, and if you'd like I'll go into that, but that tends to be a little bit more nitty gritty detail, although we're happy to speak to that. The floor plan has not really changed from the original submission. The display vehicles; two, four six and this portion of showroom and three; this would be the pre-owned, and this would be the new vehicle showroom. We have three vehicles on display outside under the overhang which have always been indicated. The elevations have been revised as well, in response to some of the comments. We have been in front of the Architectural Review Board for an initial meeting, and we are addressing some of those issues as well. Primarily, though, the facades which are before you this evening, in concept have been accepted by the ARB, we're tweaking some things as well as the signage. We have also given an indication of screening of the rooftop equipment here and basically at a point some – almost two hundred feet away from the overhang and the parapet, the mechanical equipment is still not visible. The rear elevations of the building, which have essentially been unchanged and then the revised rendering, which takes into the fact the narrowing of the entrance

road and the additional plantings which have now been incorporated. This rendering reflects the planting plan, which John Slaker has included in our submission. These are the actual light fixtures which would be on the site. This signage is a bit larger than that which is part of the existing proposal before you. That in the nutshell is the changes of the submission.

Chairman Cosentino: Any questions?

Anthony Sturniolo: The DEP letter dated May 2; does what you just told us reflect the concerns of this letter?

Gary Gianfrancesco: The additional concerns of that letter will revolve around the sizes of the detention basins. The concept – the idea of the three detention basins is an acceptable concept. We understand that our design requirements for capacity is going to increase the size of these basins somewhat – we haven't done the calculations yet, but they will need to be increased somewhat. They are asking us to address some issues such as the run-off from the Toyota property comes right on our property. They are asking us to capture that water on our property, and then pipe it to the catch basin. We are addressing some of those issues as well. But we do have a feeling, we know for certain that these basins will increase in size somewhat. That's more of a reflection – I'm sorry, more of a reflection of the fact that we have high ground water.

Anthony Sturniolo: One of the other points they made note of was the recycling of car wash water.

Gary Gianfrancesco: Correct. Our original DAF indicated that we were going to use a closed loop recyclable system, and we will continue to do so.

Anthony Sturniolo: And there was another comment that they may- that the DEP was suggesting using a multi-level parking garage in an effort to reduce the amount of impervious surfaces. Are you going to do that?

Gary Gianfrancesco: That comment was in response to – at that point, when we met with DEP last week –

Anthony Sturniolo: I'm not saying it's a good idea or a bad idea, I'm just asking your thoughts on that statement.

Gary Gianfrancesco: There is – there was some consideration to it, but quite frankly the irregular shaped parcel really doesn't lend itself to it, and quite frankly, some of the other issues that we're dealing with on the site – it will in fact have a severe economic impact on the project.

Anthony Sturniolo: What would have a severe economic impact?

Gary Gianfrancesco: The cost of –

Anthony Sturniolo: A multi-level garage?

Gary Gianfrancesco: A multi level garage. And in how you get up to it. A significant amount of space is allocated to the circulation of getting up and getting down to those things, and that's a luxury that this site is not able to support. Between its area and its configuration.

Ralph Vigliotti: In dovetailing on that, how are you addressing DEP's concern, you know, DEP urges the applicant to consider alternatives to reducing the amount of proposed impervious surfaces. Now they make suggestions such as a multi level parking garage which you have just indicated is an issue, but how are you going to address their concern?

Gary Gianfrancesco: In our conversations with DEP, subsequent to that letter, we did give an indication that there will be some reduction in impervious surface down in this area as well. The fact that we went from the 8,600 square feet in reduction to the 12,500 was very well received by the DEC and the fact that the, DEP rather, the fact that we are going to be cutting this back as well as handling the run off –

Ralph Vigliotti: How much, how many, so you're taking some parking spaces away to do that, so just, how many parking spaces will we lose in order to cut back on the impervious surface?

Gary Gianfrancesco: We're not positive at this point in time. We have to go back now and do the calculations.

Ralph Vigliotti: Are they satisfied with the 12,500 or are they asking for more?

Gary Gianfrancesco: They're pushing us a little bit more, but -

Ralph Vigliotti: How much is a little bit?

Gary Gianfrancesco: I can't tell you.

Ralph Vigliotti: I think you're going to have to. I think we need to know that.

Gary Gianfrancesco: I did not get the - I got the impression that going from 86 to 12/5 was very impressive from their point of view and that they were pushing us to do a bit more.

Ralph Vigliotti: Okay.

Gary Gianfrancesco: It's probably going to be more a function of what we're required for that basin in area as opposed to eliminate.

Ralph Vigliotti: That was a 50% gain.

Gary Gianfrancesco: Yes.

Ralph Vigliotti: But that still may not have been enough. So, what appears to be a fifty percent gain on your part - and you're really excited about that, that gain is not enough. So, although it's fifty they may want a gain of 20 more percent. This agenda, and I was remiss in not digging deeper into the application, I didn't realize was a car wash. So, can you just share with us where that is going to be located and how that's going to work?

Gary Gianfrancesco: The car wash is located on the far end of the building. The car wash is located at the end of the service bays. It will be effectively a drive-thru car wash. There will be grates and containment of all of the liquid within that confined space. There is a tank which gets -

Chairman Cosentino: Just for customer vehicles

Ralph Vigliotti: Good, I'm glad that's under reconciliation - just for customer, meaning - Lexus customer? Obviously, if somebody comes in a pays for a car to be washed, you're a customer.

Roland Baroni: No, no. These are Lexus service customers that when the cars come in for service,

Multiple people talking

Ralph Vigliotti: Okay. It's good that that be cleared.

Roland Baroni: It would be our inventory or serviced cars.

Ralph Vigliotti: Or loaner cars.

Ralph Vigliotti: I'm sorry, Tony, thank you for letting me jump in on that.

Anthony Sturniolo: No, no.

Stanley Bernstein: Mr. Chairman, are you finished, Tony?

Anthony Sturniolo: Oh, yes, sure.

Chairman Cosentino: I just have one question. Is there a - say you bring the car in and get it serviced. You come with your child, and the mother waits for an oil change or something like that. Is there a sitting room for a child, is there a -

Gary Gianfrancesco: Yes. There is a quiet area, a confined space for someone who may have a laptop, and then there is a more general open area which would accommodate children.

Chairman Cosentino: Or you go to saw mill, they have a daycare center.

Gary Gianfrancesco: Hopefully, our customers aren't there that long.

Chairman Cosentino: Okay.

Anthony Sturniolo: Mr. Chairman?

Chairman Cosentino: Yes.

Stanley Bernstein: Is that carwash going to use town water, village water?

Gary Gianfrancesco: Ultimately, any replenishment of that system will.

Stanley Bernstein: When you say replenishment, you intend to recycle the majority -

Gary Gianfrancesco: Correct - but there is a certain amount of evaporation and loss.

Stanley Bernstein: Have you calculated the amount of water that the village might have to supply?

Gary Gianfrancesco: We have not -

Stanley Bernstein: I mean, total, for the building.

Gary Gianfrancesco: No, we have not.

Stanley Bernstein: Um hmm. I'd like those figures.

Gary Gianfrancesco: In the long EAF we gave you figures relative to all of the bathroom facilities, so we would just need to give you -

Stanley Bernstein: Just add that to it. Have you addressed the phosphorous loading in the Croton Watershed, which the DEP very concerned with?

Gary Gianfrancesco: I would ask Diego to that question.

Roland Baroni: That's actually going to be part of the subject of our application to them, which we're hold on until we finish the environmental review process with you because they need to determine a complete application, which they won't do until there is a determination.

Diego Villareale: Diego Villareale, John Meyer Consultants. With regard to the phosphorous restricted basin; it all relates to the practices that are going to be used during - for treatment of storm water. The detention basins which DEP prefers have higher phosphorous removal rates than other types of storm water treatment systems. So, in essence the phosphorous removal is handled through the development of the storm water pollution prevention plan and those basins. Once those calculations are finalized with an accepted practice from DEP, it addresses that phosphorous removal rate.

Stanley Bernstein: Have you thought about landscaping and fertilization and chemicals on the landscaping? Have you thought about that at all?

Diego Villareale: Well, the landscaping will be watered. I'm not 100% sure what DEP permits; whether chemicals and fertilizers and different types of chemicals can even be used within this basin, but that's something that will be addressed throughout the process with DEP as well.

Stanley Bernstein: That's all Mr. Chairman.

Ralph Vigliotti: I have a question going back to the driveway - if you can pull that. Yeah, I guess that's it. Awhile back, I had some reservations about the driveway coming in off of Kisco Avenue, and I, as one member of the board, and I don't know how the board feels at this point, that we were going to look at an alternate ingress/egress off of I guess it's Holiday Drive there? Okay. That was never done so we never had an opportunity to take a look at that. I know you were reluctant because you had felt (some grading?) that's used to take a look at that, but I'm looking at the wholly potential if there is a holding lane to make a right hand turn coming south on Kisco Avenue; any kind of traffic back-up that there may be with the potential light at Holiday Drive. So, I don't think you presented to us all of the

Chairman Cosentino: Options.

Ralph Vigliotti: Options that could be available for that site with regard to traffic concerns that we have with a potential light that may be installed there. I know you've

become fixated on this ingress/egress, and I can appreciate why – you want it to be seen, you want people to drive right up the driveway. But I don't think we have addressed the larger issue for that site, and I still believe that needs to be addressed. I don't know how my colleagues on the board feel about that. It was addressed awhile back. You did come back with an alternative, but you came back with shrinking the driveway which was a major change. You changed a number of parking spaces, added more drain space and I think we felt good about that. But we really didn't address the traffic flow in and out, and that traffic flow with that potential.

Roland Baroni: Well, we also came back with a contribution towards the generic improvement; whatever the village determines to do in this nature which we hope would meliorate whatever concern still exists.

Ralph Vigliotti: I may be wrong in saying this, but I believe some of what the contribution – it's there, and thank you, but I think you need to contribute in planning what that may look like with the light, without the light, potential back up at the light – holding lanes; I don't think you've done enough. That's your corner, guys. That corner is going to become your corner. And I don't think you've addressed the issues that that corner is going to pose on your site and the traffic flow through – and I'm going to keep calling it your corner, because it will become your corner. I don't think you've done a very thorough job – you've done a very thorough job inside your boundary lines, but I don't think you have addressed the issues beyond your boundary lines with enough detail for me. So, I just leave that, and gentlemen if there is anything you want to add or not add to it, we can just go from that point.

Gary Gianfrancesco: I think we can come back with a – I don't - I don't believe between Roland and myself we have that answer. I thought that the issue of accessing off of Holiday Drive between Bob Roth's comments about the grading and John Collins' comments about vehicle movements out onto Holiday, I thought that kind of laid that issue to rest, but I can't say for certain.

Ralph Vigliotti: I had said to John that night, and we had a little fun with it. I said, John, if the village hired you might have found a reason why we needed that driveway. Gentlemen, I want the site to work, and I want it to work for the village in your corner to work. I don't – I really don't think we've addressed the issues in – thoroughly enough for me. And you just said yourself that you need to look at that a little closer, so it kind of places us in an off balancing situation planning wise.

Stanley Bernstein: Mr. Chairman.

Chairman Cosentino: Yes.

Stanley Bernstein: In reference to what Mr. Vigliotti is talking about, I have some thoughts about the entire traffic problem on Kisco Avenue. Your one project, and I – when Dr. John was here for another project, he seems to be the traffic man for everything that's going on in Mount Kisco; he seems to know the village very well, and of course, I believe everything he says implicitly. But I mentioned to him, in reference to another project, and it's germane with this project as well, that you have to picture a large vessel and everybody is pouring a gallon of water into this large vessel, and one day the water gets near the top. Now, you are not the last person on Kisco Avenue that is going to be pouring into that gallon of water. It's going to reach a point where the water in the vessel begins to overflow, and what do we say to the last one on Kisco Avenue? Do we just say to him, well, because of all those project that came before you, you can't build. Do we say that? Do we have to say that? Should we be put in that corner – let's put it that way. You are aware of course that Premier is right across the street; large traffic impact. Ability beyond disability is across the street – large traffic impact. Of course, the mall is – holiday season is an enormous traffic impact. We're going to have something being built on Kisco Mountain which is across the street towards the Saw Mill, something fairly large. Coming out of Kensico Drive, there are two buildings that are unoccupied; they're going to be developed. Saw Mill Club has a tremendous impact. You have to address your little piece of our big problem. And it's a big problem for Mount Kisco. If you've ever driven through Mount Kisco during rush hour, you know what it is. I can't get out of my driveway between the hours of 8:30 and say about 10:30. I can't get out of my driveway. I go south on the Saw Mill to Chappaqua and come back up on 117. There's another issue. Everybody is pushing for a light on the southbound ramp of the Saw Mill River Parkway. Well, we know. Dr. John kept telling us its going to be timed properly, but what happens when holiday time, and we have this awful amount of traffic going southbound to go into Target, and some people coming in for service, or buying Lexus'. Christmas time everybody wants to buy his wife a Lexus to show off all the wonderful things he's done over the year, and what's going to happen when that light is red and it backs up onto the Saw Mill River Parkway?

What do we do then? I don't think any traffic studies to date have really helped the situation at this point. I think it has to be thought more thoroughly. It is a tremendous impact to the village, and the residents now, who live here and have to get from one end to the other, so.

Roland Baroni: Hasn't the village done what it needed to do by creating implicitly this traffic impact program?

Stanley Bernstein: They have, but I don't – I'm not going to use the word believe. They have, but I'm not a traffic expert, but the more I read, the more it hurts my stomach. The more my ulcer starts to grow, and I.

Roland Baroni: What more can a village do, though? Except you're planning for the future.

Stanley Bernstein: Well, I don't want to say it because I'll have a – it will be a lawsuit to the village, because what more can the village do – the village could stop all development, and that will help the traffic. I don't want to turn back the clock. I can remember a time when we could drive from the bowling alley to the Indian in about a minute and a half. And of course, now you know it takes about fifteen minutes. And the same thing applies to almost any street. Now, the only street right now is Kisco Avenue, where the traffic is reasonable and people can get from one place to another and go do all the thing they have to do. Your tiny little impact is going to become a large impact when all these other projects get on line. I think we need further study – you say, well, we've studied it to death, well; we really haven't studied it to death. I think we need a further study. We have to have a good look at this. That's it Mr. Chairman.

Ralph Vigliotti: Your plan needs to show - the traffic light needs to show the lanes - holding lanes at the traffic light, holding lanes at Holiday Inn, holding lanes coming into your proposed front entrance, all of those things, and it's not showing any of that. I just want to leave it at that point. Gentlemen, how do we proceed here?

Anthony Sturniolo: Mr. Chairman, I need to echo two points that Mr. Vigliotti raised and Mr. Bernstein as well; that the traffic concerns that we have are very valid and important, and how are we going to deal with it, and I, too am not one hundred percent convinced that all the issues, the alternatives coming out in the back by Holiday Drive have been thoroughly researched by the applicant, and I do feel we need much more traffic circulation information regarding this application.

Ralph Vigliotti: And I believe the applicant just indicated a short while ago that perhaps they need to look a little further.

Anthony Sturniolo: Further, you're right.

Ralph Vigliotti: That being said, I'd like them to have an opportunity to look a little further and come back with the traffic piece. What's on – as I said, it's what's on the internal boundary lines – that's working. I think you've got that. Now we're looking at your corner of town and how we can mitigate by good traffic planning any potential problems that that corner is going to bring to that strip, and that's what we're looking at. You indicated that you need to take a look at that. So I think you need a couple of more weeks to do that. We're progressing, the internal piece – I think you're there. But we have that alternate, I think the alternate coming out onto holiday inn, and gentlemen if you feel that what's there is fine, I don't want to have them spend money looking at an alternate, but I believe they should and I think you need to show holding lanes and a potential traffic light, and the distance between the traffic light and the front entrance of the building. Is there a left turn, left turn out, holding lanes, all of that. And I think that's the last piece of the planning process.

Roland Baroni: Is there way in which, and we did discuss this somewhat but inept this morning – where we could proceed down two paths at once? One, come back and give you additional information on traffic, but at the same time at least consider a condition negdec where we might also be able to process our plans before DEP so that we're doing two things at once.

Chairman Cosentino: From what I gather, that's what the board is asking tonight. I think they're asking you to come back with the specifics, and then I think we would make determination.

Anthony Sturniolo: Not to contradict the conversation that you and the chairman just had, but am I hearing you correctly, you are now advocating a condition Neg Dec as opposed to –

Roland Baroni: I would love for you to consider a straight Neg Dec, however, if you still have a concern about mitigation of the traffic, then I would think that – given that we have to come back and satisfy you on that, it would seem that a condition Neg Dec would allow us at the same time as we do that, to pursue our application to DEP which is also of critical time importance to us.

Gary Gianfrancesco: One of the issues that we face is that after these basins are designed, certain things may start to evolve within the site.

Anthony Sturniolo: Sure, that needs alteration and have further impacts, absolutely.

Ralph Vigliotti: I hear where you're coming from. I just want to make sure that the alternatives are explored, and that's part of any conditions we put in place. That all of what we've talked about individually with regarding to traffic lights and holding lanes and ingress/egress off of Holiday Drive, vs. no ingress/egress off of Kisco Avenue, all of those alternatives are on the table for us to discuss.

Anthony Sturniolo: And uh, I'm sorry, sorry, sorry.

Ralph Vigliotti: As far as any conditions at all, I understand you need to move forward with DEP, and that's –

Anthony Sturniolo: On that, just for the record, on the condition that. Where is that going to leave us now, for the record?

Nanette Bourne: Well, before I get to that, just to tie up loose ends, Roland was talking about the, these, going on to outlets at the same time. There are site planning issues, and there are site planning issues, site issues that I still have that we haven't discussed determining the basis of the appropriateness of the landscaping I think Mike probably has engineering issues. Those really haven't been aired and really gone through, because we're in this catch 22 with dep.

Chairman Cosentino: So it's really too premature for even that.

Nanette Bourne: Well, no. See the whole idea – and this is where it's really unfair to the planning board to make intelligent decisions, and the applicant to try and figure out how to maneuver, because DEP will not consider their formal application of the storm water push (?) prevention plan, which will address Stan's concerns with the phosphorous issues that you raised. The size and the location of the basins. I personally have an issue with the small detention basin that's in the front of the site because we have a situation with 301 Lexington where they designed the detention basin and landscaping except that you can't have landscaping in a basin that's filled with water. That's something that I'd like to bring your attention to, but it is almost premature and almost a waste of time to go through it, because until they do their calculations they are not going to get feedback from DEP to bring it back to you. And until you do a secret determination, they can't start that process. So it's like everybody's going in circles. With regards to the traffic, which is another issue, they are adding about 100 cars an hour in the peak hour morning, and 125 or something in the pm peak, which represents about ten percent increase in the corridor. They've done a traffic study, they've done a fairly comprehensive traffic study that looks at not only their site but all of the other existing sites and adding Saw Mill and Premier and the potential for the Town and Country and they have come up with some mitigation. The mitigation addresses many but not all has to do with the DOT plan to put in the light which we are talking about at the southbound ramp. You were going to look into whether or not that light is – if there is a PIN which means that it is a certainty, or it's just a plan.

Roland Baroni: John Collins was doing that but he wasn't able to get today a response from DOT.

Nanette Bourne: Okay. So in fact, if the outcome were to bring before you this plan from dot that there's a light that goes in there, and when that light goes in this traffic is mitigated, that's a perfect opportunity for a condition of Neg Dec because that gives you your certainty that there is an improvement being made to the core which mitigates their impact. I'm concerned that if until they find that out from dot. At the same time it would be nice to get this – some feedback from dot as to how their site plan is going to go. It's really chasing your tail.

Ralph Vigliotti: That's only the light proposed at the southbound exit as opposed to the light that we're looking at Holiday Drive and Kisco Avenue.

Nanette Bourne: Yeah, and the problem with that - with the other lights - there are three locations for lights; southbound ramp, the northbound ramp and holiday. You can't have three lights, and you probably can't have two lights.

Ralph Vigliotti: You can't have south and north, but you can have south and Holiday Drive.

Nanette Bourne: Perhaps.

Ralph Vigliotti: Okay. And that's the light that I have the biggest concern with. On one hand it's going to be helpful, and on the other hand it can cause some real problems on Kisco Avenue and a back up onto that future driveway and so on. That's what we need to explore.

Roland Baroni: And that's what John Collins has indicated. Don't be so quick to put that light in any particular location until you see how the traffic moves, which is why the collection of the -

Ralph Vigliotti: It's a funny question and answer by John. I think we have to assume that that light's going in, and what impact is that light going to have, positive or negative?

Nanette Bourne: I think what's valid about that comment that John made is that the traffic problem can only go so far to guess at how the future is going to look, and what he was suggesting, and I think it has some bearing, is to look at the impact. Once that DOT light goes in, based on what that does to traffic in the corridor, then you make a determination as to the optimal location of the set-up, which puts all of us in a very difficult position. The only thing that could be worse is to put a light in a location that's going to make traffic worse.

Ralph Vigliotti: I'm not a traffic engineer, and I don't - I'm not. But I'm just visualizing making a left-hand turn out of your property on Kisco Avenue; it's not going to happen. If there's a light you have an opportunity for the light to change, and you're going to get out. Getting out of that property - the way it's set now, during any kind of rush hour, you're not getting out, you're not making a left-hand turn.

Roland Baroni: We're not exiting out of that drive.

Ralph Vigliotti: How far off your property do they have to go? They have to go all the way to the back.

Roland Baroni: The vehicles are entering here, they are being serviced, and they are going to exit out at the back.

Ralph Vigliotti: They're coming-out onto Holiday Drive.

Roland Baroni: Yes, they're either doing this -

Ralph Vigliotti: Now to get to Holiday Drive. What do they do when they get to Holiday Drive and Kisco Avenue, how do they make a left-hand turn if there's a lot of traffic there without a light? It's just - it's - Gentlemen.

Roland Baroni: But if you were going to make a left-hand turn why wouldn't you go down Kensico to what is it -

Anthony Sturniolo: That backs up. That's a tough turn at that point.

Chairman Cosentino: Even now you can barely make a left-hand turn if you get down

Ralph Vigliotti: A left-hand turn getting onto Kisco Avenue is becoming horrific. When I come out of Toyota North trying to make a left-hand turn and literally have gone up the Saw Mill in frustration and come out Green Lane to get back into town. It's bad. You don't need to be a traffic engineer to know that. You just have to know the lay of the land and have sat there for eight or nine minutes.

Roland Baroni: So you're advocating that this is going to have to have to have the light.

Ralph Vigliotti: Yes, because then your folks and everyone back in there will have an opportunity to make a clean left-hand turn legally and otherwise and not get caught in - they are going to have to go through a holding lane, a potential holding lane to get to your property - to get out of your property or to get in.

Chairman Cosentino: I agree. To make a left-hand turn.

Ralph Vigliotti: There's a real tough issue going on here. They are going to have a holding lane to get in, and then they have to go past the traffic going north plus the holding lane to make a left-hand turn. Now, you're assuming that everyone is – most people say I'll just take my chances, I'm not going to go all the way around the back, and all the way here because there's no light anyway. If there were a light, they would take the extra two minutes to go to the light, because they would have a fair opportunity to make the left. There is no fair opportunity now.

Chairman Cosentino: Somewhere around 8 – 8:30 in the morning, if you go there, and they go down, what's it Kensico there, right? Make a right to go out; you will see the traffic is all backed up to the Saw Mill. People came to work out in the morning, and they're leaving to go to work now, to make a left-hand turn is difficult.

Anthony Sturniolo: Joe a question on Saw Mill and points Ralph was raising, Whitney what is the status of the Village Board and the promulgation of no parking on Kensico?

Chairman Cosentino: I can tell you what that is. When the parking lot is completed, there will be no parking on Kensico drive.

Anthony Sturniolo: When the Saw Mill lot is completed?

Chairman Cosentino: Yes.

Anthony Sturniolo: Because that is also going to have an impact on this operation and probably in a positive matter. The fact that no parking – I just wanted to get a sense of when that's going to happen.

Chairman Cosentino: The mayor indicates when the parking lot is completed on Saw Mill, they'll remove the signs and take it down and make them all fire lanes.

Joseph Morreale: We're not talking about just one car waiting to get out, you can be the fourth one or the fifth or the sixth. They can have left-hand turns, and guys you will be sitting and sitting and sitting. Never mind potentially jumping out.

Chairman Cosentino: So what all of this – you know...

Roland Baroni: It certainly would permit us if we could proceed with condition Neg Dec to get the DEP and start firming up the site plan at these two ends of the property, while we continue to work on traffic.

Nanette Bourne: If the board chose to go in that direction, we would have to make sure that it's clear that the condition has to do with the DOT light and the improvements to Kisco Avenue.

Chairman Cosentino: Or any conditions that we may -

Nanette Bourne: Well, it has to be – to do a condition –

Chairman Cosentino: It has to be an open condition because -

Nanette Bourne: It cannot be an open condition. It has to be a certain, it has to be a specific condition.

Chairman Cosentino: Well, then I don't think we can then.

Whitney Singleton: I think, Joe to alleviate some of your fears, you are going to have to make a determination of some sort. And when you make a determination; whether it's a condition negative declaration or whether it's a negative declaration, you have the opportunity to amend and/or rescind those declarations at later points in time if you-

Chairman Cosentino: We do?

Whitney Singleton: Yes, you do. If you discover that the mitigation measures do not adequately bear out or there is previously unconsidered information, you can modify those at any time before proving the final site plan.

Chairman Cosentino: Well in that case, then, why would we have a problem with a condition?

Whitney Singleton: Let me just point out, as Nannette mentioned earlier, in your seeker review of the Saw Mill Club, there was a condition Neg Dec, in your environmental review of Premier, there is a condition Neg Dec, and in your environmental review of Curtis there was a condition Neg Dec. So the big properties in this general vicinity were all conditioned Neg Dec. This is an existing facility which is being reduced by fifty percent.

Ralph Vigliotti: The question is have they come far enough in the planning stages for us to go with a conditional Neg Dec?

Chairman Cosentino: It would allow them to continue to bring back their information

Ralph Vigliotti: But have they gone far enough?

Roland Baroni: To research the question, you've been -

Ralph Vigliotti: All those questions, and to come back next time and say now we're ready, we've met some of your conditions, we're ready for either a positive Neg or a conditional Neg Dec, this is what we've done in two weeks.

Roland Baroni: You're correct. When you issue a condition Neg Dec you know there's a thirty day common period. So - because the condition Neg Dec has to be published in the environmental news bulletin, and then there's a thirty day holding period so to speak for comments, so we would be back in two weeks, but we would also be two weeks into this common period.

Ralph Vigliotti: If we were to go into conditional Neg Dec and I personally didn't see the kind of movement that I believe the board wants, I would be the first one to pull a motion, put a motion on the table to remove it. The conditional Neg Dec. I would be the first one, and I think I would -

Chairman Cosentino: If you did not see it.

Ralph Vigliotti: If I didn't see it. If I didn't see in two weeks or a month that you really have addressed the issues that we've been talking about, now we're not being snowballed in May and June <laugh> that you're really moving forward and trying to make this work with some of the conditions that we have, that's fine, but if I see there's this John Collins is in, he's trying to prove his point, and as I said, John, we could hire John tomorrow and he'll figure out a way to make this project go a little further with their - unfortunately he's on your side today <laugh> and it's the truth. John has been around a lot of years through this board. So what I'm saying is if we went with a conditional, fine. Guys, in the next thirty days you didn't move quickly for us, I would be the first one to put a motion on the table to remove the conditional Dec.

Roland Baroni: I understand. Hopefully to date we've shown that we're -

Ralph Vigliotti: And you have.

Chairman Cosentino: We're not here to hold up the process. I want you to know that. So a conditional Neg Dec I would be in favor of. Tony, I don't -

Anthony Sturniolo: I would too, but you do have enough time to research all the alternatives about the traffic exiting on the back, the potential of another traffic light.

Gary Gianfrancesco: I believe that John has looked at most of those issues.

Ralph Vigliotti: But now we want to see it on paper, on charts.

Gary Gianfrancesco: I understand what you're looking at.

Ralph Vigliotti: I'd like to see as many charts as you brought tonight to discuss the external parts of the -

Anthony Sturniolo: I think the alternatives. Tonight's conversation is the new benchmark that we work forward from this point on. And I would agree with you about the C & D and rescinding it if we don't see constructive positive steps.

Gary Gianfrancesco: With regard to any additional staff comments, Nannette's comments, and Michael if there is any new ones, we'd like to incorporate them, so at least, if they can be identified, and we can take a stab at addressing them, so we don't go through this process, address traffic and maybe move a little bit more with the drainage and

then – it is a tight property. It's irregularly configured and you push it here and it sticks out over there. So, we would be continually doing that.

Chairman Cosentino: Okay. We're being consistent here in what we're doing here, so –

Anthony Sturniolo: Do you need anything more from us? I mean, do you have a sense of clarity on our part; what we'd like to see in this narrow window of time that you have to –

Gary Gianfrancesco: I believe so, and –

Anthony Sturniolo: And I say this; I'm not being cute, but we're working on this project collectively.

Gary Gianfrancesco: And I will interface with Nannette to clarify any questions we may have. I presume that you're in contact with the board during the course of the months, so?

Chairman Cosentino: Actually, she's in contact with you fellas.

Gary Gianfrancesco: So if we have a specific question we'll field it to Nannette, and get the answer from you guys. We appreciate the effort on your end; we will do our part.

Chairman Cosentino: It's up to you. We agree with what Mr. Vigliotti said, and we will back him up on that I can guarantee you that. So we need a motion.

Nanette Bourne: What, you are – to move forward on the condition Neg Dec? Yeah, if I could just refresh the board's memory that the applicant's submitted an expanded environmental assessment form with traffic study and it's probable that half of the traffic study that they prepared. It was initially submitted in January and in response to staff and planning board comments, it was revised and submitted in March 6. So what would be circulated to agencies will be the full traffic study along with the expression of this discussion tonight that the conditioned Neg Dec is based upon these traffic improvements and we'll get an update.

Chairman Cosentino: And Nannette, we need you to be on top of this and contact us if it's going slow or what's happening. I think this – if we're going to do what we're going to do on this, I think it needs a little –

Nanette Bourne: And I would not (**in audible**) this until we have the DOT confirmation.

Chairman Cosentino: Okay, so we need a motion.

Ralph Vigliotti: Let me move on it because I'll be the first one to withdraw it at some point. I'll just go ahead and move on it. I would like to move that we go with a conditional Neg Dec this evening on 275 Kisco Avenue, Application PD2005-15 Lexus.

Chairman Cosentino: Okay we have a motion by Mr. Vigliotti, do I have a second?

Anthony Sturniolo: Mr. Chairman I'll second that motion and also underscore the fact that if we don't see movement, I would be the second person to pull back on that CND that we just said in support of the very valid and articulate points that Mr. Vigliotti raised tonight.

Chairman Cosentino: And you understand that, I mean it's in the minutes, you understand that?

Roland Baroni: Yes sir.

Chairman Cosentino: Okay. Will the secretary poll the board please?

Ralph Vigliotti: - Motion. Aye.

Anthony Sturniolo: Aye.

Stanley Bernstein: Aye.

Sol Gibbons: Aye.

Joseph Morreale: Aye.

Chairman Cosentino: Aye.

Roland Baroni: Thank you very much.

Environmental Monitoring

Chairman Cosentino: Environmental monitoring – 29 Carpenter.

Nanette Bourne: We're just watching.

Chairman Cosentino: Okay. Very good. Excellent. I'm glad you're watching it.

Anthony Sturniolo: Mr. Chairman, could I make a suggestion that Ashley's memo of May 16; that a copy of that is sent to the building inspector?

Chairman Cosentino: Okay, you got that Nannette? Premier Auto.

Nanette Bourne: That one too?

Chairman Cosentino: Yes. And correspondence – that's 487 Main Street, not Lexington Avenue, and I requested that that come before the planning board before anything is done.

Nancy Placona: That's 487 Main Street

Chairman Cosentino: Yes, it's not Lexington Avenue.

Anthony Sturniolo: It used to be called Leonard Park Plaza. Le Park, or?

Chairman Cosentino: Now, they call it – Nancy, did you give Austin that message?

Nancy Placona: Yes.

Correspondence:

Chairman Cosentino: Okay. And we need to talk about – on the Ambulance Corp., thank you, Whitney for writing that nice letter. We need to talk about the July meeting now.

Nancy Placona: Okay

Anthony Sturniolo: No, do the July

Chairman Cosentino: Want to do that now? Yeah, we can do July after. Tony has a couple of things he wants to go over.

Anthony Sturniolo: Awhile ago, we collectively, the planning board and staff had talked about the idea of trying to make our agendas simpler and at the same time a little bit more complete, and one of the concepts that we kicked around was having a Thursday morning staff meeting to prepare for the next agenda. We kind of talked about it; I think we all agreed that it was a valid point, but we never pursued it, and I'm just wondering what the feeling of everybody in this room is, is this something that we would still like to pursue or not?

Chairman Cosentino: The reason for it was to go over what we went over on that Tuesday or what's coming up,

Anthony Sturniolo: And to anticipate –

Chairman Cosentino: What's coming up?

Anthony Sturniolo: Right. So people like Nannette and Whitney and Mike and Austin can all be in the room together, and if anybody else would like to elaborate on this, if you think it's still –

Chairman Cosentino: We thought it was a good idea at the time.

Whitney Singleton: We've done this in the past, and it proved to be productive.

Nanette Bourne: It's a great idea.

Chairman Cosentino: Why don't we do that?

Anthony Sturniolo: You do know that if you have a quorum it has to be public.

Chairman Cosentino: No, no, no. It's not that kind of a meeting.

Anthony Sturniolo: Well, if no decisions are made,

Chairman Cosentino: No.

Nanette Bourne: The reason why it was discontinued was because of budgetary reasons.

Anthony Sturniolo: I never knew we formally adopted the philosophy let alone had it and then discontinued it because of -.

Whitney Singleton: I know the reason we did it on Thursdays was cause Michael was already in Village Hall on Thursdays.

Anthony Sturniolo: Yeah, yeah. That was the reason for choosing the day.

Chairman Cosentino: Well, why don't we just continue it?

Nanette Bourne: Yeah, no we, and we had a proponent for two or three months, and we did it once a month and it was really, really quite valuable. And it included Jim Palmer, Mike, Me, Village Manager, Austin and Whitney.

Chairman Cosentino: Everybody but the right people.

Anthony Sturniolo: Whitney, if I'm not mistaken, weren't we talking about not once a month, because I know you had one once a month and you generated a long project list with status of things, but I thought we were talking about a weekly in-house staff meeting on Thursday mornings.

Whitney Singleton: After the planning board - after - the same week as the planning board meetings, so if we were to have a meeting tonight like we're having, we would meet Thursday so that we would have ten days or so before the next meeting to make sure that - you know, what's on the agenda, what's not on the agenda.

Chairman Cosentino: So it would be twice a month?

Whitney Singleton: I was not aware of the budgetary concerns that Nannette was. Perhaps we need to discuss it with the Village Manager.

Anthony Sturniolo: Did the Village Manager say no because of dollars being spent to attend the meeting?

Nanette Bourne: Yes.

Anthony Sturniolo: Well, it's nice that the former Village Manager informed the Planning Board of that decision.

Chairman Cosentino: No, we weren't informed of that. We would like to implement that again.

Whitney Singleton: I'll talk to Jim tomorrow.

Chairman Cosentino: Would you talk to Jim tomorrow? Tell him we'd like to implement that? Go ahead Tony, next?

Nanette Bourne: And we also had the treasurer there that could speak to fees being paid which is also a good idea.

Anthony Sturniolo: The other thing that - I'm being asked to sign the resolution for N Four Fitness tonight, and Whitney looked at it and Nancy I'll be happy to sign it, but it gives me the opportunity to ask the question. There's got to be a better way for the building inspector to know when he should be given - when he should authorization a C of O to a -

Chairman Cosentino: Well, we don't know if the CO was issued there. A CO wasn't issued there, was it?

Anthony Sturniolo: They're operating.

Chairman Cosentino: No, it was a temporary, wasn't it?

Whitney Singleton: No, he can't issue temporary, he issued a full CO.

Anthony Sturniolo: So, I think that what happened was the C of O was issued, and the building inspector never saw this document, and if he did he would have read it because

the document says that no C of O is to be issued until that dumpster issue – it is moved from one end of the parking lot to the other end of the parking lot. So my question really is one of internal communication; how do we make the building inspector aware of the fact that a resolution has been approved or hasn't been approved prior to his issuing a C of O so we don't replicate this mistake with N4 Fitness.

Chairman Cosentino: I think the only way you're going to do that is two ways. Whitney, I don't sign any until you go through them and Nannette goes through them.

Whitney Singleton: Sometimes that – in this particular case, it took long time.

Chairman Cosentino: So, I'll depend on one of you, if the building department has to be contacted, for either one of you to contact the building department.

Nanette Bourne: But that shouldn't, and I mean – and not to put the blame on Austin, but he should ask the questions. I mean he should – doesn't that make sense that you don't issue a building permit until you see what the planning board has done?

Whitney Singleton: Or if you issue a building permit, it's under the express understanding that it is done at their own risk and subject to compliance with whatever the conditions of the approval are.

Anthony Sturniolo: The building permit vs. the CO.

Whitney Singleton: The CO shouldn't be given unless –

Chairman Cosentino: Maybe there should be something within the resolution saying that –

Whitney Singleton: It says that.

Chairman Cosentino: Says what?

Whitney Singleton: It says that no certificate of Occupancy shall be issued until there is compliance with these terms.

Nanette Bourne: But on the Certificate of Occupancy there should be some note that says no Certificate of Occupancy – this Certificate of Occupancy shouldn't be authorized until the whomever signs it has looked at the conditions and approved it.

Whitney Singleton: Alright. What the code pro – the code actually provides – if you look at the section on – only cause I've unfortunately had the opportunity to look at this recently, if you look at building permits and building construction, Certificates of Occupancy and site plan approval, there are provisions in all those sections that state that the Building Inspector – based on – I'm paraphrasing – the building inspector shall not issue a building permit or Certificate of Occupancy until he has been presented with a copy of the site plan approval.

Chairman Cosentino: Okay, in this case it wasn't done, so we need to go on. Shouldn't we – when you approve the resolution and Nannette writes the resolution –

Whitney Singleton: No, you finally approve it by signing it.

Chairman Cosentino: I know, but before I get it you look at it and Nanette looks at it. That's where you need to bring it to the attention to Austin, say, Austin he doesn't get a CO because –

Whitney Singleton: But it says that in the resolution. The problem is Austin's issuing the building permits and the CO's without the –

Chairman Cosentino: I think if Austin has to be told that no CO's are to be issued from the planning board, at least anyway, unless we approve it.

Anthony Sturniolo: Until there's a signed resolution.

Nanette Bourne: Until there's a signed resolution.

Chairman Cosentino: That's right.

Whitney Singleton: I mean, you have a thirty day issue nonetheless. What if somebody gets an approval, somebody wants to challenge it, and Austin's already issued a CO.

Chairman Cosentino: Yeah, so I think that solves that problem. Can you straighten it out with Austin?

Nanette Bourne: But that should – I mean you probably should write a letter that –

Anthony Sturniolo: And there's probably – there's probably village code, there's got to be something to back that up.

Whitney Singleton: There is.

Anthony Sturniolo: Could that be incorporated in the letter as well to Austin so it's crystal clear?

Whitney Singleton: Yeah, do you want me to put it in a letter form?

Chairman Cosentino: Yes.

Whitney Singleton: Okay.

Chairman Cosentino: Yes, that will solve that problem.

Chairman Cosentino: What about the birthday parties?

Nancy Placona: What about the resolution that you passed tonight for DeCola, can that be signed tonight, or do you need to review it, Whitney?

Chairman Cosentino: No I want Whitney to review it.

Nanette Bourne: It has to be final. This has – this is just a draft.

Chairman Cosentino: Go ahead, Tony.

Anthony Sturniolo: So Whitney, I can sign this now,

Whitney Singleton: Well, yeah, I mean I just want to be sure it comports with what we discussed this evening. What does your provision in there for is – it basically says that they must make all the physical site plan improvements within thirty days of the date of the execution of that approval. So he's got thirty days to go move that dumpster. It also provides that there are no birthday parties, special events, etc., etc.

Chairman Cosentino: Okay, he's doing that now, how are we going to stop him?

Ralph Vigliotti: He's going to stop himself because I don't think his business is thriving. This is going to be before us again in some form; I hate to say that.

Chairman Cosentino: Well, next time it's going to be –

Whitney Singleton: Here's what we're going to do though,

Anthony Sturniolo: But he advertises.

Whitney Singleton: Just as a general rule, we – you – your board is killing itself trying to go after the individuals. We have to put the onus on the person who owns the property. The property owner is responsible for compliance with the site plan. Alright? We have to stop taking the statements that – oh, well, that's Appleby's, or that's the Pizza guy or that's the N4Fitness guy, go after him.

Chairman Cosentino: So who would be responsible for this now? The owner?

Whitney Singleton: Yeah. There are actually – technically they are both responsible, but we have jurisdiction over this property. We go after the owner.

Chairman Cosentino: Okay, well, then let's do it then.

Whitney Singleton: Tony just signed the resolution.

Chairman Cosentino: We have to wait thirty days?

Whitney Singleton: No, they issue with regard to the physical site alterations, they have thirty days. We have to give them a reasonable period of time to relocate the dumpster from the date of execution.

Chairman Cosentino: Forget about the dumpster. I'm talking about these parties and things.

Whitney Singleton: The parties are supposed to stop as of the date that they were approved, and as of the date Tony signed it.

Chairman Cosentino: Okay, so Nancy will you follow through with whomever as far as code enforcement to let them know they can't have parties? According to the resolution?

Anthony Sturniolo: And, Nancy, not to sound picky, but in the form of a memo so there's a paper trail and follow-up and cc's.

Chairman Cosentino: As a matter of fact, I want a copy of it when it's done.

Nancy Placona: Before I give it to them I'll have you look at it.

Chairman Cosentino: Yes, okay. Next.

Anthony Sturniolo: One last thing –

Whitney Singleton: Oh, make sure, with regard to that resolution, I'm sorry – it references as being appended to the resolution certain correspondence from him for Fitness. Those must be attached and they are part of the resolution. Those two correspondences where they represent what they're going to do and not going to do. Where they said that they're not going to have parties.

Nancy Placona: Those letters from George Grenier?

Anthony Sturniolo: Over the New Year's Day weekend, Chairman, myself and Whitney spent a considerable amount of time in the parking lot of Target and A & P. We observed about ten or twelve conditions that were not satisfactory to us. We presented them to the planning board, the planning board then presented them to the attorney representing RD Management, with the express concern on our part that they be addressed, and these violations immediately ceased. Specifically, the lack of enforcement on R & D Management's part pertaining to employee parking in the back of A & P and Target, and the new entrance into Appleby's and the signage place there. The subject was brought up again I believe about two months ago, Stan, and nothing has happened with it, and I just think that putting aside a waste of time that the three of us had that time in January, but I just see these violations going on and on and on. Tomorrow I'm in the process of drafting an e-mail to the new Village Manager reporting to him my observations of the parking conditions and the signage at A & P – at what do you call it – at Appleby's. Nothing is being done about it, and I bring it up for all of us to participate in the conversation that we've got to get a handle on this and stop listening to all the yes, yes, yes you're right from the attorney for R & D Management, and nothing gets done about it. We're just being played as fools.

Chairman Cosentino: As usual.

Anthony Sturniolo: And I know, or I believe I'm correct that this list was presented to the building department and I asked that something get done and looked into. And I don't know how to do it other than my own e-mail that I'm going to be sending out tomorrow which is a separate issue. It's just further verification of an ongoing abuse of the site plan and the violation of the site plan.

Chairman Cosentino: So they've done nothing with that canopy outside the take out?

Anthony Sturniolo: Yeah, that's one of it.

Chairman Cosentino: And they've done nothing there.

Stanley Bernstein: And the earmarked parking spaces, which they are not allowed to do.

Anthony Sturniolo: Yep, yep. You go by Target and A & P, and you see the parking in the front of the tow buildings, and yeah, it looks like it's a normal busy day and there are a lot of normal busy days, and then you go in the back of A & P and on the pervious parking spaces for employees only you see nice green grass growing. You don't see a tire at all. You don't see a car at all.

Chairman Cosentino: Or big trucks.

Anthony Sturniolo: All you see is a few cars at the far end by Target. But by the A & P end, it's just an abuse and we're just being made fools of. And something needs to be

done from an enforcement point of view. And I say it now, but I don't know how to – what is – is there a mechanism to move on this?

Whitney Singleton: Going back to what we just said, we just talked about it. You go after the property owner.

Anthony Sturniolo: I used the word RD Management.

Whitney Singleton: You go after the property owner, you don't shut down Target because there's fading in the paint of the handicap spaces in front of A & P. You go after the property owner, it's a site plan violation, if they don't rectify it – give them Notice of Violation, if they don't rectify it is a violation with associated penalties of approximately \$1,000 a day for each and every violation.

Anthony Sturniolo: But look how far advanced we would have been if we had something done all these months x \$1,000 a day. And now, tonight, we're like saying, we're starting from scratch. Where's the rest of this building in support of our plight? And we're trying to do the right thing, and where's the back-up?

Joseph Morreale: It seems like the only thing we do is start from today and move forward. I hate to say that. We have a new manager.

Chairman Cosentino: But it think what Tony's getting at is the same thing – we're going to be here a month now, talking about the same thing.

Stanley Bernstein: yes, by past experience yes.

Joseph Morreale: Are we asking Whitney to follow-up on this conversation?

Chairman Cosentino: I would say so.

Whitney Singleton: I have a meeting with the building inspector on Friday. So basically –

Anthony Sturniolo: Is he the person to meet with or should the Village Manager –

Whitney Singleton: I'm having a meeting with the Village Manager and the Building Inspector.

Anthony Sturniolo: At the same time.

Whitney Singleton: Yes, and the prosecutor.

Joseph Morreale: Good. That's perfect timing.

Whitney Singleton: We'll go over the issues that you're discussing tonight, and some other issues.

Chairman Cosentino: Our issues can't be left on deaf ears.

Whitney Singleton: Just so that you know, we're going to be going over things like High Street on Friday.

Chairman Cosentino: Yeah, what about 77 Smith Avenue?

Whitney Singleton: We're going to be going over that. I will now bring into the mix

Chairman Cosentino: N for.

Whitney Singleton: N4Fitness. And I will bring into the mix the outlet center, or whatever it's called, the Mount Kisco Commons, and I will – that's why I asked if you wanted it in writing, separately in writing I will bring to Austin's attention your concerns relative to building permits and CO's.

Anthony Sturniolo: I think the more things this board can put in writing again using the term paper trail, the better we are. Because there's too much – well, I said this to him, I said that to her and she said to him and him to me, and all this stuff gets lost in the ether somewhere, and you don't have a damn piece of paper to pick up and hold in somebody's face and say you're supposed to do this, you're being paid X amount of dollars now do your job. And that's what's falling through the cracks every which way in this building. It doesn't run.

Chairman Cosentino: And my understanding now is they don't want to move the dumpster either. At 305, they refuse to move it.

Whitney Singleton: Look at the language in the resolution that Tony's got. It addresses that issue. If they fail to make the site improvements that are required under that it renders the Certificate of Occupancy and the approval null and void.

Chairman Cosentino: Well, then that's what we have to start doing after thirty days or whatever. Okay. July and August meetings. Somebody suggested do the first in July and the last in August.

Nancy Placona: The first in July.

Chairman Cosentino: And the last in August. The first one in July.

Nancy Placona: The first one in July would be the 11th.

Chairman Cosentino: And the last one the 22nd.

Nancy Placona: And the last one in August would be the 22nd.

Anthony Sturniolo: I think that's good. That's good.

Nanette Bourne: So the 11th would be the regular meeting.

Nancy Placona: Right.

Nanette Bourne: And August 22 would be the work session.

Nancy Placona: And no meeting the 25th of July.

Chairman Cosentino: No meeting the 25th of July and no meeting the 8th of August. Yes, no meeting the 8th of August.

Whitney Singleton: You don't want to make each of those meetings a generic meeting?

Anthony Sturniolo: Yeah, I think we should.

Whitney Singleton: I don't want to make –

Nanette Bourne: They have it booked regularly and a work session. I think that's –

Anthony Sturniolo: Yeah, you should. Because there's such – you know.

Stanley Bernstein: We did that last year.

Chairman Cosentino: Yeah, that's a good idea.

Nancy Placona: So you're going to keep the meeting the 8th, Joe, you're going to keep the 8th of August?

Chairman Cosentino: No. No. The 22nd of August.

Anthony Sturniolo: And July 25th.

Chairman Cosentino: No, you're not going to keep the –

Anthony Sturniolo: The 11th, excuse me.

Chairman Cosentino: In other words it will be the beginning of July and the end of August which gives you a long run between.

Anthony Sturniolo: July 11 will be a combined meeting, and August 22 a combined.

Nancy Placona: Okay, I'll put out a new calendar and I'll revise the website.

Chairman Cosentino: Is there anything else that we're going to discuss here tonight? If not I make a motion to adjourn.

Ralph Vigliotti: I'll second, let's move on that. We'll move on the motion to adjourn?

Chairman Cosentino: Unless we have something else. I have nothing else. We have a motion by Mr. Vigliotti second by -

Sol Gibbons: I'll second.

Chairman Cosentino: All in favor?

Board All Ayes To Adjourn.

Respectfully Submitted By,

Stanley Bernstein
Board Secretary