

Minutes
Work Session of the Planning Board
Village/Town of Mount Kisco
Tuesday, June 27, 2006

Meeting called to order at 7:40 pm, Tuesday, June 27, 2006 at the Municipal Building, Mount Kisco, New York

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

Members Absent: Joseph Morreale

Staff Present: Nanette Bourne
Michael Stein
Whitney Singleton

Staff Absent: None

Tony Sturniolo: Welcome to the June 27 Mount Kisco Planning Board meeting. This is a work session, and we will be working under our work session format rules. We are going to take a few items out of order from a revised agenda. The first item on the agenda is the minutes of March 25, 2006.

Stanley Bernstein: Mr. Chairman, I move that the minutes of March 25, 2006 be accepted.

Doug Hertz: On the question on Page 6, lines 6-11, there is something about that whole statement needs to be re-looked at. It doesn't quite make sense as written.

Tony Sturniolo: If you could just paraphrase it, and then maybe the revision could be sent via e-mail to support your paraphrasing.

Doug Hertz: It was a discussion about the work we did with Premier visa vie making sure that there was no intrusive lighting at night coming from the site. I will forward what I think was said precisely in that section.

Whitney Singleton: One thing with regard to the minutes of March 25, the complexion of the board this evening is not as such.

Tony Sturniolo: You're right.

Whitney Singleton: Just for the March meeting.

Tony Sturniolo: Let's hold off on the March 25 meeting until Chairman Cosentino returns and let's draw attention Stan toward the May 23.

Stanley Bernstein: I move that we accept the minutes of May 23, 2006.

Tony Sturniolo: Is there a second on that? Okay we don't have a majority on that one either. Let's go on beyond the minutes. The next item on our agenda is – we have a mix for that?

Ralph Vigliotti: This is the 3/25 meeting?

Doug Hertz: No, May 23.

Ralph Vigliotti: I thought we were on the 25th, I'm sorry.

Tony Sturniolo: There's a motion by Mr. Bernstein, is there a 2nd on the May 23rd minutes?

Ralph Vigliotti: I'll go ahead and second.

Tony Sturniolo: All in favor.

Stanley Bernstein: Aye
Ralph Vigliotti: Aye
Sol Gibbons: Aye
Anthony Sturniolo: Aye

Doug Hertz: I'll have to abstain from that, as I was absent.

1. Pubic Hearing:

**919 Mountain Avenue Associates LLC – 919 Mountain Avenue,
Application #ZBA2006-06 Doug Hertz & Bill Balter applicants, David
Menken, attorney representing applicants**

Tony Sturniolo: Working off the revised agenda, the next item on the agenda is a public hearing for 9 19 Mountain Avenue Associates. We're looking at an Affidavit of Mailing; there is a public notice, mailing list and an Affidavit of the Publication. And there is also a sign up sheet, if anybody wants to sign up and comment on this public hearing.

Doug Hertz: Mr. Chairman as I am the applicant I am excusing myself from this discussion.

Tony Sturniolo: Nancy, I know you're out there, but is there anybody who signed up on that.

Nancy Placona: No. There are no signatures. You need Certificates of Mailing return receipts.

David Menken: Right here. They haven't all come back.

Nancy Placona: That's fine we'll take what you have.

David Menken: Thank you.

Doug Hertz: How would you like us to proceed Mr. Chairman?

Tony Sturniolo: If you just give us a brief overview, where we are, why the public hearing and we'll hear comment from anyone else.

David Menken: At our public hearing we made application to the Planning Board for a subdivision of 19 Mountain Avenue and a minor lot line change between 9 and 19 Mountain Avenue, and also for a construction of a garage of one of the lots on 19 Mountain Avenue. We were set for a public hearing at your last meeting, and we were also sent over to the Zoning Board and we had a public hearing for the Zoning Board. In order to accomplish our goals we require certain area variances in the nature of setback variances, coverage variances, and also a variance to permit a lot line which is not perpendicular to the street. We had a public hearing in front of the Zoning Board last week on the 20th, and the Zoning Board scheduled a site visit which occurred last Friday, although not all members were there. The Zoning Board also asked your board for some direction that you could give them if possible on your feelings about our application. So we are here before you for a public hearing. I don't think there are any members of the public, but I do have a petition which I might be able to read, and if not I'd like to submit from the neighbors directed to the members of the Planning Board of the Village of Mount Kisco and members of the Zoning Board of Appeals. These are neighbors on Mountain Avenue, Emory and the vicinity which obviously are in favor of our application.

Tony Sturniolo: Would you be kind enough to read it into the record and then submit it.

David Menken: Would you like me to mention the names also?

Tony Sturniolo: Sure, absolutely.

David Menken: It's dated June 18th. We the undersigned support the plans being proposed by Doug Hertz and Bill Balter to renovate the properties at 9 and 19 Mountain Avenue, and the subdivision and lot line change, and the variances that are required for that proposal. We believe that bringing these properties back to compliance with the use in this zoning district, and the decrease in density of that usage will be a benefit to the neighborhood and the community at large. It will eliminate the street parking congestion that has plagued these properties due to the lower number of families, and will help preserve the properties by allowing them to benefit from single family ownership.

Having these houses in single family ownership, we believe, will bring up the value of all the homes in the neighborhood and help preserve the character of the neighborhood. We strongly urge to approve the applications and variances required for this project to go forward. Thank you for your consideration. May I list the addresses at least?

Tony Sturniolo: Please do.

David Menken: 42 Mountain Avenue, 50 Mountain Avenue, 20 Emery Street, 20 Washburn Road, 40 Washburn Road, 35 Hillside Avenue, 19 Hillside Avenue, 20 Emery Street, 42 Mountain Avenue, 40 Willetts Road, 45 Willetts Road, 2 Washburn Road and 41 Mountain Avenue. In addition to that, although it's not before your board, we received letters of support in front of the Zoning Board which is part of their record from the immediate neighbors. So we have had only positive input from the community to our plans, because we are going to bring these lots, we think, back into conformance with the RS12 Zoning Code, which is to provide single family homes on each lot.

Doug Hertz: And we do have a letter of support or a signature from every property surrounding the subject properties.

Tony Sturniolo: And how many people signed?

Doug Hertz: I believe there are 13 signatures.

David Menken: 13 neighbors.

Doug Hertz: And we have three additional letters of support which were directed at the Zoning Board and are in their records because that was the first hearing.

Tony Sturniolo: If you would be kind enough to get the zoning board to forward that information.

Doug Hertz: Yes. I can get them to forward it, or I have letters which I can give to you.

Tony Sturniolo: Fine.

Doug Hertz: Thank you.

Tony Sturniolo: Do any of my fellow Planning Board members have any comments regarding this application?

Doug Hertz: At this point there is no change from what we proposed at the last meeting.

Tony Sturniolo: Whitney and Nannette, do you have any; Mike, any issues on your side? Being no issues, Whitney, what is the best way to address the question that ZBA asked of us as far as the belief that this Planning Board has pertaining to the conformity within the RS12 Zoning District to establish single-family homes? It sounded to me like they were asking a question of us. What is the best way to respond to them in writing?

Whitney Singleton: **<inaudible>**

Doug Hertz: They wanted a sense of the board if this was a proposal you were leaning towards or if you had concerns.

Tony Sturniolo: Sol, is this something you are in support?

Sol Gibbons: Yes.

Tony Sturniolo: And Ralph?

Ralph Vigliotti: Well, sure.

Tony Sturniolo: Stan? So Whitney can we get something?

Whitney Singleton: We can write a general letter of support for the application so all the area variances may be substantial and bring the use into compliance.

Tony Sturniolo: Into compliance with RS12 zoning.

Whitney Singleton: Okay.

David Menken: Frankly, when we showed the neighbors what we think will be the results of this, which is among other things to remove the cars that are parking on Prospect and get them on the lot into one of them at least into a garage, if I can put words into other people's mouths, a lot of support and relief.

Tony Sturniolo: Is there anybody else at this point that needs to comment who hasn't signed up? I'd like to give the audience one last chance to comment on it, staff or Planning Board members?

Ralph Vigliotti: We haven't discussed the pos-dec on this?

Tony Sturniolo: It's going to be 3 1/2" thick. You're right. Hearing no further comment I would entertain a motion to close the public hearing on 919 Mountain Associates and leave the written comment period open for a time of 10 days.

Ralph Vigliotti: So moved.

Tony Sturniolo: Is there a second?

Stanley Bernstein: I'll second.

Tony Sturniolo: There is a motion by Mr. Vigliotti seconded by Mr. Bernstein regarding the closing of the public hearing and keeping the written comment period open for ten days. Will the secretary poll the board please?

Ralph Vigliotti: Motion – Aye.

Stanley Bernstein: Aye.

Sol Gibbons: Aye.

Tony Sturniolo: Aye.

Doug Hertz: Thank you very much.

2. Continued Review:

David Pasquerella – 23 Kiskon Avenue – Application #PB2006-01 David Pasquerella, applicant, Michael Testa representing applicant

Tony Sturniolo: The next item on the revised agenda continued review is David Pasquarella. – 23 Kiskon Avenue. We have a submission packet here in front of us that has a letter from Michael Testa, there is a copy of the formal application, building permit application, the short EAF, a copy of the letter that the council of the Planning Board brought to the Chairman of the ZBA, there are some photographs and technical drywell calculations, topo plan and a copy of the approved ZBA resolution, and a memo from our Village Engineer to the Chairman regarding comment and review.

Michael Testa: Good evening, Mr. Chairman, board members. Since we spoke to you last, we went to the Zoning Board of Appeals and were successful in securing the Zoning Board variance on April 18. At that time the board did request that one item be done to the plans, which were to eliminate one of the chimneys to the rear of the building so we would eliminate one right below the roof line.

Tony Sturniolo: Could you just open up a set?

Michael Testa: Sure. The request by the Zoning Board of Appeals was to eliminate the one chimney that came through that would not be a problem. We said we would take that out. It's a vacant chimney that is not being utilized at this present time, and we would terminate it under roof line so that it's not visible through the elevation when we actually put the addition on. In addition, they requested we provide a topo map and proposed and existing topos which is included in your packet. We met with our site engineer, Anthony Pizzari to discuss a drainage calculation as requested by Mr. Stein in his memorandum which was supplied in your packet which shows that we needed seven dry wells on site. I met with Mr. Stein to discuss the placement of those drywells and part of the letter also requires that he wanted a siltation fence around the entire property; which we had no problem with as long as it is staked in the group properly according to the best management practices, and in addition with regards to the site lighting there was a question raised by Mr. Stein. The existing site lighting is three lights on site right now that exist, they are just coach lights mounted to the building, one over the garage and one on the two entrances. That's the extent of the site lighting. We weren't proposing to illuminate it at ours or anything of that nature. It's low level lighting.

Tony Sturniolo: Does that low level lighting conform to current village standards as far as foot candle output?

Michael Testa: We could do a photo metrics review on it, but I think they're 50 – 75 watt bulbs that are in the lights; just a small porch light. I can get you all that gathered, Mr. Chairman if you wish.

Tony Sturniolo: Yes I would like to see that information. Mike before we turn it over, are all your questions satisfied?

Michael Stein: Yes. I had gone over everything with Mike Testa, and actually went the other day and reviewed what we needed. He had made revisions already.

Tony Sturniolo: Okay. Mike, may we have one business card as well? When do you think you'll be available to talk to Mike regarding Mike's further review if he's got questions?

Michael Stein: It would be just to revise plans and re-submit it. I already spoke to Mike about it. I suggested that he talk to Nannette's office about the lighting plan.

Tony Sturniolo: Fine. My fellow Planning Board members; thoughts, comments, questions?

Stanley Bernstein: We've been through this a number of times.

Doug Hertz: I concur. If you talk to Nannette, you may need to add an extra little light or two.

Michael Testa: Is the board looking to illuminate the site, or do you want to keep it real low?

Doug Hertz: We're not looking to make anything bright at night. We're looking to make it safe. That's the primary thing.

Tony Sturniolo: One of the overall goals that we're going to be facing and other applicants in this general area is that that Village Transfer Station that is in the vicinity is not going to be there forever. I can surely guarantee you that as a transfer station it's not going to escalate upward like a nuclear waste dumpsite. If anything, it's going to go back down to a residential look, etc., so we, the Planning Board, the Village, has a concern about how the neighborhood is going to change. As Mr. Hertz brought up, we're looking for tasteful lighting because eventually, ... Nannette, do you have things to add?

Nanette Bourne: Two things. One, do you have a landscaping plan?

Michael Testa: Yes. It's submitted.

Nanette Bourne: I'm looking at it and I'm assuming this is the landscape plan you're referring to?

Michael Testa: Yes. SP1.

Nanette Bourne: Building on your comments about sensitivity to visual impacts, when you look at the front of the building, and you try to visualize what you're going to be looking at and they have just grass and one magnolia and plantings, but there is no specific information about the plantings. From a visual impact standpoint, it's pretty sparse.

Michael Testa: The perimeter around the entire, I guess would be the southerly side is low lying. It's only a foot and a half that we have between the property lines on the adjacent property. Those are low lying Azalea. They grow about 18 to 25 – they are more of a foundation planting.

Nanette Bourne: That's on the side.

Michael Testa: Yes.

Nanette Bourne: I see that. I was looking at the front where you have grass and you have a fairly large building with a huge garage door and a very plain front door.

Michael Testa: We would have no problems planting a street tree.

David Pasquerella: I'll fill that in. I'd like to make it look a lot nicer myself. It's my investment.

Nanette Bourne: I think you need more than a street tree. I think it needs some attention by a landscape architect that can break up this kind of plain mass. That's my opinion.

Ralph Vigliotti: I think it goes a step beyond that. The front of the building needs the eye of an architect, whether it's a canopy over the front door or over the garage. It's just very plain. It doesn't do anything at all. It's about as plain as plain can be. I agree with the shrubs, but I don't think that's the answer.

Nanette Bourne: I think we're going in the same place. There has to be some way of treating this door, and I think there are ways of enhancing the door. I even thought of the canopy but that's a possibility. Certainly this entry door here that makes it look more inviting. I think the eye of an architect could help that greatly.

Michael Testa: A small canopy possibly over the garage door and the entrance.

Nanette Bourne: I think what Mr. Vigliotti is saying if you show this to an architect he'll have some ideas. I'm not sure if a canopy is what will work, or be recommended by an architect but they would certainly have some ideas.

Ralph Vigliotti: There is certainly something missing.

Michael Testa: It has been this way since I'd say 1920. I'm willing to dress it up, yes.

Ralph Vigliotti: And I think it's dressing more than major construction.

David Pasquerella: I have no problem with that because it's my investment and I want it to look attractive from the curbside.

Ralph Vigliotti: It may set somewhat of a standard for anything else that may turn up there.

Michael Testa: We'll get some ideas for the Board and also address the issue of the plantings in the front as you suggest. We have a proposed fence in the back. We are proposing to put a five foot stockade fence double sided to screen the view of the parking lot from Whalen's parking lot.

Stanley Bernstein: Can't go higher than four. Correct Whitney? Can't go higher than four feet?

Doug Hertz: It's rear, so it's six.

Michael Testa: I thought it was six.

Doug Hertz: Past a certain point in the front its 4, side and rear are 6.

Michael Testa: We have no objection to 4 ft., unless you want it higher for a buffer.

Doug Hertz: It might be useful. I for one am not a huge fan of stockade fencing. I think there are nicer more decorative fences.

Michael Testa: We have a row of shrubbery, pines in front of that, though, on our side to screen it. Just from the parking lot view. You really don't want to look out onto the parking lot.

Tony Sturniolo: Any other comments on this?

Doug Hertz: I would just echo what's been said earlier. I think anything that can be done to dress up the property, break up the mass in the front. You have a planting area - it looks like there's a five foot spot there. And you have some opportunities for some planting think based on this, a professional eye go a long way towards making this look as best as it can be.

Tony Sturniolo: Having said this, Mr. Pasquarella, we talked about plantings and an architect looking over the site, coming up with some constructive ideas that are amenable to you. You have pretty much addressed all the engineering issues with Mike Stein. You know about site lighting, you know where our philosophy is coming from and

if you would carry that over to your licensed architect when he looks through this. Nanette, would we be comfortable then putting them on for an approval?
Nanette Bourne: The next regular meeting is July 11.

Tony Sturniolo: This is the combination meeting.

Nanette Bourne: That doesn't allow enough time to do it. The next date will be the August meeting which is also a combination meeting, that would give you enough time to do both the landscaping, the photo metrics, and the architectural details and get it to the Village 15 days in advance.

Discussion about Meeting Dates.

Tony Sturniolo: There was an August 22 meeting; we changed that to a combined meeting on August 8. That would give you a cut off date to get everything submitted by July 19.

Michael Testa: Would we be able to meet with staff prior to that to make sure they are happy with what we've submitted?

Tony Sturniolo: Sure.

Whitney Singleton: May I make a suggestion, just because I have a feeling that this is going to be a trend for the present. Would you like to see a draft of a resolution or the resolution in general?

Tony Sturniolo: Excellent idea and I think that's something we need to discuss toward the latter part of this evening that we should be seeing the draft resolutions in advance so that we can all have time to digest it and comment on it prior to the meeting, in this case being August 8. Thank you for bringing that up. Okay? Any other issues that you need to ask of us?

David Pasquerella: I don't think so. Thank you.

Tony Sturniolo: Thank you for coming. The next item on the agenda is Old Iron Warehouse, Carey Place.

3. Old Iron Warehouse – Cary Place – Application #PB2005-02 - Dominic Ferrvecchio, applicant Alan Pilch representing the applicant

Tony Sturniolo: Again, we're doing this out of sequence. Am I correct, Nancy, June 13 is when we revised that scheduled meeting? You are on for a potential SEQRA determination. We have the EAF and accompanying documents and some plans.

Dominick Ferrovecchio stated his name.

Alan Pilch stated his name.

Tony Sturniolo: Would you walk us through where we are tonight regarding the last time we were together.

Alan Pilch: The last time we were here we held a public hearing on the application to disturb a sensitive natural environment that is a portion of a wetland buffer on the property. At that meeting we reviewed what the application entailed with regard to the proposed warehouse building, the parking and circulation of the site and the functions of the storm water management basin and wetland buffer and the proposal to provide mitigation within the wetland buffer as well. Following that, we did close the public hearing. I don't know if there were comments that were written in during the 10-day period subsequent to that, but there were a number of questions which were also raised by the board regarding the use of the building. I know at that meeting I provided some information but Mr. Ferrovecchio is here since he is the owner of the property and the builder of the site, he can provide additional information on specifically what the plan is for the building. Questions that were asked were the proposed façade treatment of the building, what specific construction equipment would be stored inside the building, other types of vehicles that would be stored inside the building, how many employees would be working at the site, would any portion of the building be rented out and are there any plans to store items outside the building. I said no at that time and that is still Mr. Ferrovecchio's intention. But I'll let him address some of those items.

Dominick Ferrovecchio: The building is divided into four sections and there are approximately two thousand square feet apiece. I'm keeping two first ones coming in, one for the auto glass for storage. They have nine stores and the roadmen at 4 o'clock in the morning someone would drop off 50 windshields, and then in the morning, about 8 o'clock someone will come in and load up little trucks with eight a piece and they'll go do road jobs to the dealerships. So it's a spot where they drive in, put the 8 windshields in each piece, they leave and they won't be back all day.

Tony Sturniolo: They drive in with the windshields, take them out of the truck, put them on a rack and drive out the same door.

Dominick Ferrovecchio: Yes, they're gone.

Tony Sturniolo: That's one use.

Dominick Ferrovecchio: Yes. And then in the morning the guys will come in, stop, pick up their jobs for the day and leave. The next bay I'll use for my own – I'll keep this wall maybe out, and I'll use it for the boats; four wheelers and some construction equipment when I finish the projects. Not big machines, small.

Tony Sturniolo: So you're going to be using personal recreational vehicles and what else?

Dominick Ferrovecchio: Construction equipment.

Tony Sturniolo: Such as?

Dominick Ferrovecchio: Bobcat, skid steerer, wheel barrows, little tools.

Tony Sturniolo: Wheel barrows?

Dominick Ferrovecchio: Yes, because I have a lot of buildings and it's like maintenance.

Tony Sturniolo: Okay would there be a backhoe?

Dominick Ferrovecchio: I don't have any backhoes. I have a little mini excavator with rubber tracks its half the size of this table, just to do little clean up like sidewalks and stuff and a little skid steerer just to load the little dump truck. And we might not use it for six months and then someone will say they're sidewalk's cracked, okay guys, go take the truck and take that equipment for that day. That's what these two will be used for (pointing) and the other two will be for rent.

Tony Sturniolo: For rent? And what type of tenants do you anticipate?

Dominick Ferrovecchio: Well, we have a lot of tenants and I tell you one thing it won't be auto repair or an auto body shop because they're real messy and the oil and people don't pay.

Tony Sturniolo: So it would be warehouse rental.

Dominick Ferrovecchio: Yes. It could be like an electrician; one of my electricians or someone else has an electrician company. They have two vans. They go in the morning and have all their supplies and they leave. Something like I use it for. That's the best tenant and that's what I would be looking for.

Tony Sturniolo: So when we get to the point of resolution on this, whenever that may be, we can list all these items that you've agreed to do or not to do, such as what you outlined tonight. What other usages would be in the building besides what you just described to us?

Dominick Ferrovecchio: I would try to rent to a tenant that doesn't have a lot of traffic. I don't want a lot of cars parked there. I'm going to try to get a plumber, an electrician, someone who maybe stores furniture in there – drop it off, leave it there and then they leave; a man who does light moving, an office furniture storage warehouse, or maybe someone in Mount Kisco that has a storefront and needs extra storage. That's the greatest scenario. We are pretty good with tenants. I have a lot of back up.

Tony Sturniolo: In addition to that have you accounted for all the square footage at this point verbally?

Dominick Ferrovecchio: No.

Tony Sturniolo: Okay.

Dominick Ferrovecchio: But a lot of people have called trying to buy the property for other usage.

Tony Sturniolo: I'm sorry; maybe I didn't say it right. You've given the Planning Board various examples of how you intend to use it. Will those examples fulfill or occupy the entire square footage, or is there more square footage that you haven't gotten the chance to explain to us yet?

Dominick Ferrovecchio: It's very easy to rent a 2,000 square foot spot than a 20,000 square foot spot. I have 50 buildings and I bought big buildings and divided them up into smaller spaces and it was easier to rent and more manageable.

Tony Sturniolo: Are you going to have an office there?

Dominick Ferrovecchio: No. In the future, I might for myself for the management of the buildings, but at this time I have it in the city.

Tony Sturniolo: During the course of the business day, does everybody have their own key to their compartmentalized rental area? They can come and go 24 hours a day there? They don't need you to open up?

Dominick Ferrovecchio: No. It's not a storage facility.

Tony Sturniolo: They are on their own to get in and out whenever they choose without your presence or an employee of yours. And there won't be any employees of your onsite.

Dominick Ferrovecchio: For a half hour. Then they're gone and they won't be back for eight hours.

Tony Sturniolo: Do you intend to use any part of this building for any gathering or assemblage of people for a meeting, an educational class, a lesson in backhoe maintenance 101, a lesson in how to change the steering mechanism on a jet ski; any educational purposes or humanitarian purposes?

Dominick Ferrovecchio: Absolutely not. I own a lot of buildings like this. That's my intention; to build this type of building, divide it, and use some of it for myself. I live in Bedford. I built the subdivision there, Old Iron Estates, and I have a lot of other buildings. In the future, I have a building that's mine, I can put the two guys and me in the office, the girl in the office would collect the rents, and if there's any maintenance, we'll leave out of there, and that's way down the line. I might use the whole building for myself.

Tony Sturniolo: Would you be willing to put everything that you just told us tonight together in a letter how you intend to use Door Number 1, Door Number 2, Door Number 3, Door Number 4, citing the examples you did?

Dominick Ferrovecchio: I can give you an example of the last two, which I would try to rent.

Tony Sturniolo: Right - and the other two are yours so you know what you're going to do.

Dominick Ferrovecchio: If I don't need all the space, I'll try to rent it in the same exact way I just said; light use. I don't want someone to beat up the building, park machines in there and eat up the blacktop for \$1,500 a month; to ruin the whole place. That's what it comes down to.

Tony Sturniolo: Are you intending to store any outdoor building material, trap rock, gravel, sand, soil?

Dominick Ferrovecchio: No. I'm not in that type of business.

Doug Hertz: There is no outdoor storage of any sort on the property?

Dominick Ferrovecchio: Only parking spaces. There are only 8 parking spaces.

Doug Hertz: You're not intending to store anything on the lot?

Dominick Ferrovecchio: No.

Doug Hertz: Whitney, I'm looking, but I don't see what the zoning is for this property.

Alan Pilch: It is service commercial.

Whitney Singleton: I believe its SC.

Doug Hertz: Have any of the uses that he just described; are any of the uses incompatible with the zoning?

Whitney Singleton: What he's proposing is not incompatible with the zoning with regard to the limitations, the storage and use of storage of construction material. There are setbacks from residentially zoned districts. While there are many residences in this district, it is not residentially zoned.

Doug Hertz: But mixed office and storage is?

Whitney Singleton: If his use is permanent use. I guess what I'm saying is the -

Doug Hertz: I'm just asking as we get this narrative, if there's anything that pops out as being incompatible with the design.

Whitney Singleton: As of right now, no.

Dominick Ferrovecchio: At the end of the day, let's say five or eight years down the line, I actually need the place for just maybe myself, the whole thing for a management company. And there will be a couple of girls working there, me and probably maybe one of my two sons; just collecting rent. We have eight buildings and that's a lot of tenants. And I'd rather the kids leave right out of there and come home.

Tony Sturniolo: What happened to the jet skis?

Dominick Ferrovecchio: That's the perfect scenario.

Stanley Bernstein: What do you do with your heavy equipment? You've built some pretty big projects? Where do you keep them?

Dominick Ferrovecchio: I have buildings in the Bronx. It's tough to build in Westchester. I don't think I'm going to build here anymore.

Stanley Bernstein: You don't want to build in Westchester anymore. That's because you've got guys like me on Planning Boards, right?

Dominick Ferrovecchio: No.

Tony Sturniolo: What's the ceiling height?

Dominick Ferrovecchio: I guess we'll go 18 to 20.

Tony Sturniolo: Okay, Ralph and Sol?

Dominick Ferrovecchio: This color is not that color. It's going to be like a beige color.

Tony Sturniolo: The reason why we ask you to put it in writing, a lot of how your usage and what you anticipate, is that this Board wants to be crystal clear on what you intend to do with the interior of this property and how it's going to be used. And that's why we've asked you to go into great detail and you were kind enough to respond that you will basically put this conversation in a letter addressing it to the Planning Board. The SEQRA determination, which I assume you are anxious to move on with. Nanette, the old Catch 22 with DEP and the chicken and the egg and who comes first. It's my understanding now that Janine McColgan is no longer with DEP and there is somebody new replacing her, and I think Alan you are aware of that fact. I'm kind of thinking, do you think it would be best if we invite the new DEP person to a planning board meeting and hear her comments while the applicant does and why the Planning Board does at the same time, so we're kind of all on the same philosophical page as far as going forward with this.

Nanette Bourne: That would be fine so long as it's clear that the issue is - this is a relatively small project, It doesn't in any way meet or even approach any of the SEQRA

thresholds. The areas of sensitivity include a small installation of a sewer pipe in the wetland which is not atypical and can be done without environmental damage. Unfortunately the parking lot is in the wetland buffer. They are not opposing to pave – I think you’re paving the driveway atrium but the parking area itself is going to be some kind of grass Crete?

Alan Pilch: That portion, which is in the wetland buffer area, would be grass Crete, so it would be relatively pervious; that is correct.

Nanette Bourne: So the environmental disturbances are minimal. What is not known at this time is what DEP is going to require in the way of detention and water quality and not knowing what it could do to the overall site plan.

Alan Pilch: The idea of inviting DEP to review it is fine. The difficulty that we have is that DEP has – Janine was there at the site, we actually walked the whole property with her, but the difficulty is that whoever is there at DEP because there is no SEQRA determination will not review it formally, which means they’ll do it that’s a sort of gloss over generalized review, and that’s probably all you’re going to get. They won’t go into depth, into the review until such time as the SEQRA determination. Now I understand your reluctance to provide that, but the fact also is that you would not approve this project until DEP provides its own storm water pollution prevention plan, because that’s what this project requires because it’s in the designated mainstream area. So that is in essence the Catch 22. You will not approve it because DEP won’t give an approval, and they won’t start until they met – that’s the difficulty there.

Tony Sturniolo: That being absolutely correct, and what I’m trying to do is bridge that gap by inviting her or him here, whoever the new DEP person is, and let’s see how we can establish some type of commonality between you at this side of the table, the Planning Board and DEP together in one room so we can find out where the areas of concern are, air it out, work on it together and allow you to move forward once we have constructed input from DEP. And that’s where my thinking is for the invitation.

Doug Hertz: Mr. Chairman would it be possible, depending on schedule, if we allow staff to work that out, maybe prior to the meeting? I think staff hears the direction this board is going in with DEP and the new representative and the applicant.

Nanette Bourne: We can try to coordinate this meeting for the new representative to come to the Planning Board.

Tony Sturniolo: To lay the groundwork in advance.

Nanette Bourne: But if that’s not possible, certainly Stan could meet with them during work hours and get as much of this understood as possible and relay that information in your next meeting.

Tony Sturniolo: Whitney, your thoughts?

Whitney Singleton: I don’t disagree with Nanette with regard to the issue of the determination of significance, whether it would be proper to recommend this for a positive declaration, but I also share concerns of the board in making a determination at this juncture. I really have no preference. If you wish to make a determination that would potentially be rescinded at a later point in time, that’s perfectly okay with me, but I do think we should set up some sort of line of communication with DEP because this process is potentially putting us in a dangerous position with regard to litigation that I am not all that comfortable with.

Doug Hertz: This somewhat new workflow that they are forcing us in puts us at a severe disadvantage. It will be on this and many other applications to come.

Whitney Singleton: My concern is that we are changing the procedures of this board for the convenience of DEP. I don’t know that I’m comfortable with that.

Tony Sturniolo: Do you think it’s a constructive idea to meet together with DEP?

Dominick Ferrovicchio: I have something to say. This property was left to me by John Lukad. He happened to die, and he wanted me to have this property because I knew him for a very longtime. John’s daughter took it over, but now it’s into an estate but I had a certain amount of time to get this approved. The guy really, really liked me. He had so many problems over the years with the property and he has no kids except for his daughter. There is only so much time until they turn around and say, you know what, just sell it to anybody, because people will start fighting over an estate. Their only

concern is money. So you have someone here who is very genuine in what I am doing, but we can't sit here forever.

Tony Sturniolo: Agreed. And I don't want to make you sit here forever. I would like to move this thing forward, too. But we go back to that DEP Catch 22 scenario back and forth.

Dominick Ferrovicchio: But we have good relationships with DEP. That Armonk, the Bedford project, we were involved with them for a long time. We're still involved with them now.

Tony Sturniolo: I have no idea what that is, I don't. What are my fellow board members feelings? What do you think we should do? Promote the concept of a reaching out to DEP via Nanette's office to get some preliminary work done?

Stanley Bernstein: I don't think that will do any good. The DEP has their ways of doing things. And one of the ways is that they won't look at this officially until they get a SEQRA determination. I want to defer to Whitney from a legal standpoint if he feels that premature SEQRA determination would put Mount Kisco in jeopardy, then of course, I don't want to do it. And I also don't want to hold up the project. So I think it's a matter of a legal issue more than anything else. I don't think we're going to get anything out of this new representative from DEP. I've never met her, but based on what I know of the DEP and the bureaucracy involved, I don't think we're going to get anything out of it except some lip service.

Tony Sturniolo: Even though, and I'm not trying to see the concept – even though this is getting into the wetland buffer for the sole purpose of a sewer line connection versus something of greater magnitude.

Stanley Bernstein: Let's backtrack on that. They are not going into the buffer for the sewer connection, they are going into the wetland itself, which I have no objection to because it will be restored, I'm quite confident it will be restored properly. My objection, what I don't like, is storm water management within a buffer. The CAC had ten days to respond. Nancy, did they respond within the ten day period? Well, we should give them the letter from the CAC because they are opposed to storm water management within a wetland buffer. Again, I don't want to raise the specter of the DEP but they are people there who might very well say they won't allow it. There is really no way to mitigate it, because if you're using up a good part of that buffer for storm water management, and for SPPP there is no room to do any mitigation. It's just that basin, period. There is a possibility if we wanted to, and we do have control, if we wanted mitigation off site and demand mitigation off site somewhere else in the village, we could probably make some sort of a compromise that way. That's my feelings on it. I think at this point it's basically a legal issue and I would go along with whatever Whitney feels on the subject.

Tony Sturniolo: Before the rest of the ball gets thrown in the legal court, Sol, where are you on this issue?

Sol Gibbons: I don't have enough experience. I'm just on the board a short time, so I don't have the experience that you people have. I have to leave it up to you to resolve this kind of thing. I have no comment at this point.

Tony Sturniolo: Ralph?

Ralph Vigliotti: I'm going to divert to counsel on this, because it's going to end up going that way one way or the other.

Doug Hertz: I'm not sure what we lose other than two weeks. Believe me, I understand how much time is valuable, but we do have a meeting two weeks from now. We can see if we can make headway in that time with the new representative, and if not we can come back and re-visit this at the next regular meeting in July, at which time we can discover that we can make no headway, and then Whitney can have time to make a measured decision about our vulnerability about making a decision that we may have to rescind should the plan change.

Tony Sturniolo: Whitney, does a two week delay while we reach out to DEP put us and you in a legal compromising position, or is that something that the two weeks is a sensible business judgment?

Whitney Singleton: Quite frankly, this is the same issue that came up two weeks ago and I thought was going to be dealt with in another fashion. I've done some polling of what other municipalities do in this situation and I do not have a consensus as to how

they handle it. There are other municipalities that simply; if they are going to do something with a negdec they won't do anything with a negdec until the night of the approval. There are other communities which will do a negdec and rescind it should they think that's the appropriate thing to do. I understand the dilemma that you're in and I'm sorry that I don't have a decision for you tonight. Nanette and I conferred on it a little bit; unfortunately I think I need to dig a little more to get a definitive answer to the board.

Alan Pilch: Obviously on a night that you might give an approval for such a project would not be the time you want to have us to start initiating a formal contact with DEP. I was trying to avoid that for this board. It's an awkward way of doing it. That's what I was trying to avoid. But I understand your dilemma, believe me.

Whitney Singleton: I'll get a memo for your board in time for the next agenda, and I will confer with Nanette as far as reaching out to the DEP.

Nanette Bourne: Just to clarify the board's position for quite some time has not been to approve a resolution without SPPP granted. Your practice for years has been to get to a certain point of comfort, setting aside the whole SEQRA determination, ask the applicant to go submit the information necessary to DEP, and then when that's done, come back for the approval.

Tony Sturniolo: Okay. Why don't we do this if everybody is comfortable with this? Let's put this special discussion on for our next meeting. We'll have time to review a legal opinion memo.

Doug Hertz: And we'll make an overture to DEP in the meantime?

Tony Sturniolo: Via Nanette's office. Fair to you?

Alan Pilch: That's fine.

Dominick Ferrovicchio: Fine.

Tony Sturniolo: In the meantime, if you would generate that letter we talked about a few minutes ago.

Dominick Ferrovicchio: So we have some withdrawal to the permanent set of plans or the size?

Alan Pilch: We do have to go before the Architectural Review Board in any case.

Tony Sturniolo: Yes. The Planning Board hasn't seen the written comments yet. We'll incorporate it in the next agenda.

Ralph Vigliotti: Do you want to schedule a site visit?

Tony Sturniolo: The other part that we need to do is schedule a Saturday site visit. Actually, the chairman of the Planning Board has a concern about the parking situation in and along Cary Place and Kisona Road. There are some signs that say no trucks, or a million trucks, I'm making it up. I don't know what it is. But at the site visit we want to invite the Village Manager to look at it, and maybe some of these signs may need changing and adjusting along your property and along Kisona Road as well. So we'd like to schedule this Saturday visit. It would not entail going on to your property, although I know if we needed to you would grant us permission, but you're still not the property owner, per say of record. We would be just walking in the Village right of way on both streets.

Dominick Ferrovicchio: I can get you anything you need.

Tony Sturniolo: And we can let you know when that site visit has been scheduled. If you'd like to be there you are obviously more than welcome.

Alan Pilch: Would it be helpful if we were there too with a plan just in case?

Tony Sturniolo: Absolutely. Sure.

Alan Pilch: I suppose that perhaps Nancy will call just to let us know?

Tony Sturniolo: Yes. We can do that easily.

Whitney Singleton: Incidentally, for the purpose of your next meeting, the information you provided with the nationwide permit and all that, that was plenty sufficient. I don't think anything needs to be reproduced in the next agenda except for the EAF.

Nanette Bourne: The EAF is in here. The environmental documentation is the short EAF plus all of the attachments and it's a fair amount to be printed. So if you could bring it back.

Tony Sturniolo: Yes, to the next meeting.

Doug Hertz: We'll save a tree.

Tony Sturniolo: Thank you.

Dominick Ferrovicchio: Thank you very much.

4. Environmental Monitoring:

29 Carpenter Avenue – Juan & Deborah Camacho – Application #PB2001-02

Tony Sturniolo: The next item is also on the new, revised agenda. Environmental Monitoring, 29 Carpenter Avenue. I see Mr. Camacho is here. We have a letter from you to the Planning Board.

Juan Camacho: Yes. This is my wife Deborah.

Tony Sturniolo: Your letter. Hi. Welcome.

Deborah Camacho: Thank you.

Tony Sturniolo: If you would be kind enough to go through your letter, what you're looking to do and the approval process.

Deborah Camacho: Sure.

Tony Sturniolo: I need to address something with our counsel for a second.

Deborah Camacho: The purpose of the letter is in accordance with the resolution that requires us to ask permission to access the Town Property to plant trees.

Juan Camacho: The resolution is that the Board indicated that you needed to come out to review the retaining wall that is obviously there and also the planting of the trees. Mr. Michael Stein reviewed the retaining wall and there are some planting that has already happened. We brought to the village request and also permission to plant on the village property and suggestion and for you to exactly what it is to monitor what's been done there.

Tony Sturniolo: And what was the response from the Village Board to your letter?

Juan Camacho: Not yet – we haven't heard yet from the Village.

Tony Sturniolo: And when did you write the letter?

Deborah Camacho: The same day.

Tony Sturniolo: So you never wrote a letter to the Village back in the fall requesting permission to plant on Village property regardless of the location, but I thought, I was of the impression back some time when we did that site visit.

Doug Hertz: That was part of the resolution way back when.

Tony Sturniolo: Yes. You were going to reach out to the Village, say Mr. Village I want to plant dah dah dah dah dah dah, here; get their permission and then we would, through, Nanette's office, go to the site and kind of figure out where the trees should be going. But now you're saying that letter was never generated because that's part of the resolution of approval.

Juan Camacho: It is part of the resolution approval. We were going through the site work construction, so I waited to do that until most of the site work was completed because whatever planting we had to do has to be done either now or in the fall. So we

figured the planting for the property, this particular one because it's not completed, should be done in the fall. I think this is in time to do that.

Doug Hertz: Okay, but you still have to get permission from the Village and that hasn't been granted yet.

Juan Camacho: But there are two separate matters here. One is to plant them on village property, and the other one is a concern with the wall the height.

Doug Hertz: But the height – they are not separate matters, because if the village does not grant you permission we are going to require you to put in much more substantial plantings on the wall.

Tony Sturniolo: To compensate for the loss of...

Doug Hertz: For the loss of being able to screen it offsite. That's why they have to be coordinated. They're buffering the same view. So if we can't plant on Village property and you don't have permission, we are going to require you, and we mention this over and over again, to put in much more substantial plantings on site.

Juan Camacho: I understand that the Village property stores the corner, the left inside of the property. This particular area is an area of the corner of Building B, which is not on the Village property. My understanding was that you needed to basically see after the completion of the wall, exactly how the wall was going to look and what additional trees you wanted to plant on my property and make suggestions and monitor what I'm doing on my property. Now my understanding is now is that you want to have the Village first indicate where the trees should go and then come after.

Doug Hertz: No, that's not what's happening.

Tony Sturniolo: All you need is permission to access the Village land and permission to plant on their land as a screening from Main Street to turn by the bank, by the back area of the Legion, if you stand there and you look straight up you see the building. So what will screen that will be planting on Village property. All we want is permission

Doug Hertz: And the area of 117.

Tony Sturniolo: All you have to do at this point is write a letter to the Village asking permission to access the land for planting of trees as ordered by the Planning Board. It's as simple as that. And then we'll come in and say, well, put it there, put it there; we don't have to tell you, you know where to put it.

Doug Hertz: But additionally, you are correct partially in that what we talked about is once the retaining wall was up we were going to discuss the caliper and the size of the trees that were going on your property.

Deborah Camacho: We just thought it was time for you guys to come out.

Doug Hertz: Because if the Village will not allow planting on their property, this Board, I have a feeling, will require you to plant larger and probably denser than we would if we could plant in a much more natural way on your site and then some additionally on your site.

Juan Camacho: This is only on one corner of the property.

Tony Sturniolo: This is anything that needs to be planted on Village property. You need to write them a letter, and I'd be more than happy to tell you who should get this letter.

Juan Camacho: Is it the Village Manager?

Tony Sturniolo: The Village Manager is named Jim Palmer. And it should go to him, the Mayor and the Village Board of Trustees, 104 Main Street.

Juan Camacho: We have it.

Doug Hertz: And it should reference our resolution, the fact that it was required in the resolution.

Deborah Camacho: So you don't need to come out at this point to check anything.

Tony Sturniolo: Let's get through with this first.

Doug Hertz: And I hope we can do it all at once.

Tony Sturniolo: Yes, and I don't see this as a big time consuming deal. The next item on the agenda is, let's look at some correspondence while we're waiting for two more items and the Chairman to come. There is a letter from Neal Carnow to Chairman Cosentino regarding 487 Main Street.

5. Correspondence:

Letter from Neil Carnow to Chairman Cosentino and the Planning Board dated June 7, 2006, Re: 487 Main Street

Tony Sturniolo: Nancy can you help me out on this one? Do you have any background information?

Nancy Placona: Regarding what the tenancy is going to be for that site. **<inaudible>**

Tony Sturniolo: If you would be kind enough to – this is only a letter on the correspondence and I need some guidance of my fellow Planning Board members. Is anybody familiar with this letter and what it represents?

Stanley Bernstein: Yes. We discussed this awhile ago that the original plantings may have been very nice, but the design has deteriorated to a point where it doesn't look too good. Not only that, the trees has grown so quickly that there is no vegetation on the lower one-third of the trees. Wasn't that it?

Tony Sturniolo: See I'm not sure why this is even on the agenda, because this is a whole different ball game. This is a letter, not a new submission.

Neil Carnow: Correct. This is not a submission.

Tony Sturniolo: Then why are you handing out plans to us tonight?

Neil Carnow: Just as a point of information for you. Just for clarification, just a matter for the perspective of having this conversation. Just so you have some information.

Tony Sturniolo: In that case I don't think we have to go any further. We just received this tonight. I don't think anybody is prepared to go through this as a formalized submission tonight.

Neil Carnow: Again, we weren't looking to make a formal submission, if I might just take two minutes of your time. My name is Neil Carnow. I am the architect for the project. I will give you just a few minutes of history. My client required this property in 1993. At the time the property was fully leased. It had the Chinese restaurant, the Mailboxes, Etc., and D'Agostino Carpets. The Chinese restaurant left this last January. They are no longer there. D'Agostino Carpets left in April of '05, Mailboxes, Etc., is still there. We went to the Architectural Review Board for the proposal to re-do the façade which is one of the drawings that you have before you, and it was approved, and we have a signage package approved. As we've been having discussions with perspective tenants, we've been having those conversations with Mr. Cassidy with respect to our potential drawings that were going to be submitted; with respect to those conversations about whether some of the tenants that we will be re-locating in terms of the area of the building, but also be of a similar use. For instance, we're looking at a tenant that is in restaurant use, but about half the size of the former Chinese restaurant. And we went through all of those conversations with Mr. Cassidy; he suggested that because of the mix of tenancies that could now be in the building, that it was his opinion that the Planning Board might have some questions with regard to those kinds of tenancies. So in response to that suggestion, I wrote the letter requesting that we come before the Board simply to open up a dialogue of conversation with the Board, so that if you do have any concerns, we could understand what they are and look to address those concerns as we're dealing with those perspective tenants.

Tony Sturniolo: Our concerns are, to back up a little bit; this Planning Board and, Donna; if you would ask Nancy when she comes back to get a copy of the memo we asked to be drafted on our behalf. This Planning Board sent a memo to the building inspector that before anything "goes into this new location" we want to be a part of this from the early conceptual stages from day one, to keep us up to speed. Your letter, you did what you had to do, but it somehow doesn't tie in together of our request to the building inspector. Having said that, that's the history of what we generated.

Joseph Cosentino: We need to know, your use the mix, which is very good. But what is the mix? We need to know what's going in there.

Neil Carnow: Currently my client is looking at a small restaurant.

Joseph Cosentino: What kind of a restaurant?

Neil Carnow: I'm not sure. I have my client here.

Tony Sturniolo: If you would speak up and give your name and a business card.

Joseph Cosentino: You know, we should really put them on the agenda.

Tony Sturniolo: I agree.

Joseph Cosentino: This is only correspondence. We have other applicants here that we allocated time, and I appreciate that. We'll put you on the agenda and bring you back again so we can spend more time with you and get this done. Okay? Why don't we do it that way?

Client: Okay. Do you think it would be worthwhile for us to submit to you before we come back a list of anything - or potential tenants we're negotiating with?

Joseph Cosentino: You could do that. It would help us. We want to get this expedited for you, but right now we have people who are out there waiting. This was just correspondence, and in all fairness to them and in all fairness to you, we want to spend time with you and do the right thing for you.

Tony Sturniolo: That's why you threw me when I saw this.

Joseph Cosentino: But we'd be rushing this right now because of the people out there.

Neil Carnow: We were looking to respond.

Joseph Cosentino: I can appreciate that. We will put you on the agenda, and come back and we'll give you more time.

Doug Hertz: Is it the appropriate thing for them to submit a conceptual at this point, or are you not at the point where you could submit a conceptual?

Joseph Cosentino: It's not a conceptual - would it be a conceptual?

Whitney Singleton: They don't have a proposed tenant, so I think this whole thing is premature. If they are proposing a tenant, this triggers a Change of Use Permit Application, they will be before your board.

Joseph Cosentino: So get your tenants and check with Nanette.

Neil Carnow: The question is if we have a restaurant use that was in the building which is now vacant -

Joseph Cosentino: But you have another.

Neil Carnow: If we have another, is that considered a Change of Use?

Joseph Cosentino: We need to know everything that's going there.

Tony Sturniolo: A restaurant is a restaurant is a restaurant. It could be a small little something.

Joseph Cosentino: It could be fast food, too.

Tony Sturniolo: Or it could be a big chain restaurant.

Ralph Vigliotti: It could be a big generator of traffic and parking and everything else.

Stanley Bernstein: Ruth's Chris is a restaurant as well as a little place.

Joseph Cosentino: Here's what I want you to do. Get Nanette's telephone number, call her and work through Nanette and get back to us. And thank you for this information because it will be helpful. Okay. Thank you very much.

6. Formal Application:

**Joseph and Janet Rossi – 330 Lexington Avenue
Application #PB2006-17 Joseph Rossi, applicant
(Application authorized by the chairman for this agenda)**

Whitney Singleton: Mr. Chairman, because my firm has represented Mr. Rossi in the past not now to this application, I have to excuse myself.

Joseph Cosentino: Alright, what we have before us is an application for a, what he has is a carwash. He owns the building. There is a carwash presently there now. He wants to eliminate the car wash for reasons and move an auto body shop that's down the road up to his building which is a Change of Use. Am I right?

Doug Hertz: We have no attorney.

Joseph Cosentino: But it's a Change of Use. You're going from a car wash to an Auto Body Shop. It's good and it's bad, I've to be honest with you. We had a couple of phone calls on this. The good part is you get paid every month. The bad part is that you can't have cars stored out there. He washed cars and they went that night.

Joseph Rossi: Not really. They were parked there sometimes overnight.

Joseph Cosentino: But they weren't smashed cars, and he's going to keep these cars inside, right? So there is not going to be any cars outside that are going to be smashed and left?

Joseph Rossi: No, I don't think so.

Joseph Cosentino: You need to find that out because there can't be any cars left out there. What's he going to do on a new code for noxious fumes? We need to know what he is going to do on that also.

Joseph Rossi: Where do noxious fumes come from?

Joseph Cosentino: From spraying, if he has a spray booth.

Joseph Rossi: Well, he has booths in them with canvasses. They are boxed in, and he has a big vent that can go in the wall.

Doug Hertz: Right. Vents to the outside **<inaudible>**.

Joseph Cosentino: Right. Where do those fumes go? Well, there's places next door and it's right on Lexington Avenue. There is a deli and there is a hairdresser across the street, so we need to know where the toxic or non-toxic fumes are going to go on that part of the street. When you're down there, you don't really get it. We get the garbage smell.

Joseph Rossi: Well, that takes care of the whole town down that end; the garbage smell. You don't have to worry about the fumes, especially now in the summer now that it's humid.

Joseph Cosentino: You're right.

Ralph Vigliotti: This requires a change in use, right?

Joseph Cosentino: Yes.

Ralph Vigliotti: In all due respect to Mr. Rossi, I'm not sure if the Planning Board or the Village wants to go in this direction to put in an Auto Body Repair Shop in that area on Lexington Avenue. I just want to kind of share that with you. It would be interesting if it was something that maybe more compatible to what's happening on Lexington Avenue. I just kind of want to leave that thought with you. We're talking about storage of cars and we know if it is a successful auto body shop there will be cars stored outside without any question. In the Mount Kisco Bedford Hills area, any of the auto body shops have that tendency to be successful and to have cars stored outside, and it becomes a very difficult monitoring situation for us. So while I can appreciate that you're trying to change the use to accommodate this new use, I'm not sure if it's compatible.

Joseph Cosentino: It's a permit able use there, that's the thing. But you're absolutely right. It's a Change of Use for the permissible use. So we need to know what he's going

to do there. Is this something that engineering does? Toxic fumes? Is there something in your firm that does this, I don't know.

Michael Stein: There are Building Department ventilation requirements he'd have to meet. So it comes down to Austin.

Joseph Cosentino: We need to know this before we can go any further on this. It's just not a matter of saying go ahead and do it, you've got to know these things, otherwise we get in trouble or the Village gets in trouble. Somebody has to account for it.

Joseph Rossi: Well, it's not a big organization. It's not going to be knocking car out after car. There are only two guys there, a father and a son.

Joseph Cosentino: But he's still going to paint, Joe. He's still going to paint and sand and everything like that. We need to know where that is going to go. He's going to have an exhaust system there, and we need to know what kind of a filter system he has on it. I'm sure he has one on it now.

Doug Hertz: There are also some noise issues from the body shop and storage issues.

Joseph Cosentino: We need to know this. It sounds easy, it sounds like you can go in there without a problem, but these are the problems that we are going to incur later on, a month down the road, two months down the road. People are going to be calling us. The noise, the toxic odors - if he can tell us...

Joseph Rossi: There is no noise, or very, very little noise.

Joseph Cosentino: Well, from the fans. We need to know what kinds of fans and stuff like that.

Joseph Rossi: Well, they're quiet. They don't make any noise. Well, you could go down there and listen. They're quiet, they're not loud.

Joseph Cosentino: Nanette, this has never come across me before as far as an Auto Body Shop and I know there are booths that are going to be needed. I know that ventilation is going to be needed. It's something where it's beyond our expertise.

Nanette Bourne: This is in the CL District. It just caught my eye that someone wrote Special Use Permit. I'm looking at the principal uses in a CL district.

Joseph Cosentino: Is it CL?

Tony Sturniolo: Special permit use. On the short EAF.

Joseph Rossi: I don't know where is Columbus Avenue?

Nanette Bourne: Yes, here is Columbus right there, and here's Lexington.

Joseph Rossi: Well that's it right here in the first building.

Nanette Bourne: So it's CL and I'm looking at principal uses in the CL that's shopping centers, stores and shops, personal service establishments, restaurants, administrative business and professional offices, banks, counter drop off dry cleaners, Laundromats, governmental uses, educational training facilities, funeral homes, service establishments such as small appliance and electronic stores, photocopies, mailing establishments.

Joseph Cosentino: Well, there is an auto body shop there now, probably because it was there already.

Joseph Rossi: Well, it hasn't been there that long. We were there for many, many years.

Joseph Cosentino: But you didn't have a body shop there.

Joseph Rossi: No, it wasn't a body shop, no.

Joseph Cosentino: No it wasn't a body shop.

Joseph Rossi: But this guy with the body shop hasn't been there long neither.

Joseph Cosentino: Maybe he shouldn't have been there. We have to ask you a question. Is this CL?

Nanette Bourne: It's clearly CL.

Joseph Cosentino: And you're saying the use is not permitted there.

Nanette Bourne: I'm looking to see.

Doug Hertz: (to Whitney) I know you've excused yourself, but can we ask you a general question about zones?

Whitney Singleton: If somebody can review the building project and he gave an analysis of it. **(Too noisy)**

Joseph Cosentino: I'm looking for that analysis.

Nanette Bourne: It's under special permit uses.

Tony Sturniolo: Going back two weeks ago when this was first on our agenda is the Application for Site Plan Subdivision approval Special Use Permit and the short EAF, and no analysis.

Joseph Cosentino: Is it there?

Nanette Bourne: Yes. Actually, my zoning was missing a page.

Joseph Cosentino: So it's there, it's a permit use.

Nanette Bourne: It's a special permit use under automotive and equipment service and automotive repair and it's subject to the requirements of Article V, which is I think what you're getting at. It requires you can't store cars outside. And there is a whole list in Article V of performance standards.

Joseph Cosentino: See, Joe, he can't store cars outside. Whatever work he does has to be done internally.

Doug Hertz: Can you; is there a section of Article V that's relevant?

Joseph Rossi: If a wreck comes towed in he can't leave it outside, it has to go inside the garage?

Joseph Cosentino: That's what she's saying is in the code.

Joseph Rossi: Then I say I'm wasting my time. Everybody stores whatever they want on that road.

Joseph Cosentino: I see what you mean, but they must have done it. Can you read that Nanette? I want to be perfectly sure, you know?

Joseph Rossi: They would never be able to survive under those conditions.

Joseph Cosentino: I know. I can see what you mean. If a wreck comes in, he's got to make room for it to bring that in.

Joseph Rossi: He's got four cars in there.

Joseph Cosentino: What if he has four cars and a wreck comes in, he's got to put it someplace.

Joseph Rossi: Maybe he can make a deal with Donny Flood and park them down there, what they're doing now. It's only two hundred feet.

Nanette Bourne: Here it is. It's Item G for motor vehicle repair shops and when you get to what we're just talking about, any property which is used for this purpose all repair work is to be carried on indoors. All automobile parts wrecked or damaged motor vehicle or similar articles shall be completely stored within a building. Outdoor storage of vehicles is not permitted except when necessitated by unavoidable delays.

Joseph Rossi: I have about three or four parking spaces next door to the building. I own both of those buildings. He could store some in there, if there's three or four.

Joseph Cosentino: No, that's the same zoning.

Doug Hertz: That's the same zoning. It wouldn't work their either.

Joseph Rossi: The whole street is the same zoning?

Joseph Cosentino: That's right but they started it just before the zoning changed down there. That's the problem. In other words, if they move out, they would have to come back before us and they probably wouldn't get what they wanted. I'd like to get an interpretation in writing from Austin.

Joseph Rossi: Do you want to take care of that?

Joseph Cosentino: Yes, I'll take care of that. I'll get an interpretation from Austin in writing, and I think that's going to help us.

Joseph Rossi: Okay. Thank you. That would have been a good deal for me. Thank you, gentlemen.

Continuing Review:

b. Lexus – 275 Kisco Avenue – Application #PB2005-15 Gary Gianfrancesco, architect representing the applicant, Sam Scatterday, president of Lexus, Robert Roth, Roland Baroni, attorney fro the applicant, John Collins, traffic engineer

Joseph Cosentino: Let's take a five minute break, and then we'll take Lexus.

Tony Sturniolo: Please identify yourself for the record, and if you have a business card.

Roland Baroni: Roland Baroni from Lexus. When we were last before you, you asked us to accomplish four things for you. One was to take a look at the access point off of Holiday Drive, the second was to study the customer and car wash facility and water consumption issues, a third issue was whether or not we could re-locate the detention basin that was proposed to front on Kisco Avenue and of course the fourth subject was additional traffic mitigation and our discussion of that. We have most of the project team here tonight, and what we'd like to do is have the project architect come up and talk to you about the customer car wash facility and re-location of the water detention, and then we'll have Bob Roth talk about the access point off of Holiday Drive, and John Collins will speak to you about traffic.

Joseph Cosentino: Okay. Identify yourself for the record, please.

Gary Gianfrancesco: Gary Gianfrancesco of Arconiccs Architecture, PC, on behalf of the applicant 275 Kisco Avenue, LLC. As Roland said, we were given specific directions at the last meeting. I have in front of you the layout plan which I would like to point out some of the larger changes from the last meeting with regard to the detention basin at the front at Kisco Avenue has now been eliminated. Nanette had expressed some concerns about the viability of it and the long-term maintenance of it at the front of the property. In the interest of moving things along, we've eliminated that basin. It was basically treating a rather minor amount of storm water, so that has been eliminated. With regard to the other basins, the basin along Holiday Drive has now been extended, and the basin on Kensico has also been extended both in response to comments from the DEP. Bob Roth will speak to the issue of the access off Holiday Drive and regardless of the logistics of the elevational changes; the extension of the basins will also prevent some conflicts of moving forward. With regard to the impervious surface on the site along with the storm water detention basins, we have no cut back on the impervious service again. As you will recall the original application we had placed with the Board had a reduction of 8,600 square feet of impervious surface from the existing site conditions. We have now moved that number up to 14,790 square feet less than the site development which currently exists there and significantly less than the amount that we are allowed to by code. Finally, the last issue with regard to the carwash, we have given you cuts on a closed-loop system which is representative of the specific system which we'll be installing here. The average water usage, even on a closed loop system is six gallons, and we have generated the calculations for you. We had done the domestic water calculations as part of the EAF, and we had estimated 900 gallons of water would be used by the domestic water, and we have conservatively estimated the water consumption as it pertains to car washing, we are estimating that we are going to be servicing approximately 40-50 vehicles in the first couple of years. We will probably ramp up to a point where we'd be at 50 or 60 cars.

Joseph Cosentino: Servicing 40-50 a year?

Gary Gianfrennesco: A day. I'm sorry. There's no way we could do all that heavy lifting with this site development. With the car wash generating seventy cars the total water usage including domestic water will be about 13,000 gallons a day for the entire facility. That's domestic and the car wash.

Stanley Bernstein: The car wash is only the amount needed to overcome the evaporation, is that correct?

Gary Gianfrennesco: There is evaporation, there is loss there is a certain amount that is not capable of being filtered through as well.

Joseph Cosentino: Okay.

Stanley Bernstein: I have one more questions. Do you have some sort of contingency plan when not if the Village goes back on water conservation?

Gary Gianfrennesco: I'm not sure that I know.

Stanley Bernstein: Well, you know, what are we in now, Class One water use situation where a restaurant doesn't ask – they have to be asked for water, you can't wash your car or do any outside water use unless you do it on the same day.

Joseph Cosentino: If I'm not mistaken, Stan, I was told, you couldn't do power washing, people that have car washes, recycling water, they are exempt from that part.

Stanley Bernstein: They are?

Joseph Cosentino: Yes. And if they aren't they have to abide by the code; they have to shut down. But I believe they are exempt from that.

Doug Hertz: Before we get to the next thing, the change in the basins from out front, does that push the two parking lots, the two display lots; does that push that closer to Kisco Avenue?

Gary Gianfrennesco: No. The lots have remained unchanged.

Doug Hertz: Okay, so that distance is similar. And then, looking at the landscape plan that's included, can you estimate how much of those existing trees that have been proposed to be saved are being removed?

Gary Gianfrennesco: In this immediate area? I can't say exactly, but the vast majority, though. Once we have some direction from the board as to the finalization of the layout, we are in discussion with John Slaker in regard to potential ways to mitigate the view into the detention basins.

Joseph Cosentino: So John Slaker is going to be doing it?

Gary Gianfrennesco: Correct. We've discussed potentially berming up a little bit to the basin and that would allow us to plant the berm so that the view in would be mitigated as well as the view down into the basins.

Joseph Cosentino: Okay. Thank you.

Robert Roth: Good evening, I'm Bob Roth with John Meyer Consulting. I have three plans here. What we did was take a sincere look to alternatives to developing a driveway access coming off of Holiday Drive, and we came up with three alternatives in checking out the feasibility if this is do-able or not. This is the first; what's on this side here on your left is the lay-out and then this is the grading. So we looked at the topography issues so we could evaluate if we needed detaining walls, if we had steep driveways or what have you, and we also looked at the layout to determine the geometry to the extent of can large vehicles, delivery vehicles, etc., maneuver that? This first alternate; this would be the driveway, which would be about 300 feet down from Kisco Avenue. Kisco Avenue is up here, just about a turn in Holiday here. This would be 24' wide, it would provide for two lanes of travel. Because of its kind of alignment here, though, a truck would not be able to maneuver it. The curbs and the radii are too tight. This also would preclude what DEP has asked us to do, which is to take the storm water management area here and bring it around the corner here to maximize the amount of space that could be used to treat the storm water. What this does is it would bring people into the site but essentially bring them to the back of the house. It really drops them off at the rear of the building, so anybody who wants to go to the showroom to

buy a car would have to drive through the back area here to get to the front, or if you arrived here and wanted to have your car serviced, you'd have to drive all the way around the building, 180 degrees around to get to the service ride up area. The grade here is relatively gentle. This is about a 3% grade, but in doing that, we need to put a retaining wall between the driveway and the retaining wall would be three foot in height; in that rank. So that's alternative one. Alternative two is almost a reverse of what I just showed you, but instead of the driveway coming off here and traveling that way, we are now about 450 feet into Holiday Drive, and just before you go into this curve here would make a curb cut, again it's two lanes of traffic ingress and egress, 24 feet in total width, 2 12 foot lanes. Again, because of the space we have to work here and the alignment, it would preclude the ability of delivery trucks to get in and out of there. It does not bring a customer as far to the back of the house, it brings him a little bit closer to the front of the building where they would be destined, but it still does bring them into this inside corner here of service area. Here we also have a grade, its a little steeper, it's 4% instead of 3%; still what I would call a moderately steep grade, but again it requires a retaining wall which would be four to five feet in height. One of the issues here though that we see is that anyone going out here, when you come down to leave, the site distance is compromised. You have vehicles coming around the curb, and you're coming to the inside of a curb, so your site distance is limited to make a left turn to be able to see who's coming at you. So those are some of the cons associated with this Alternative No. 2. Oh, one more thing, also this again precludes the ability to achieve what DEP has asked us to do, which is to elongate that storm water management area, cause it would be taken up by the driveway. Alternative Three is pretty much going back to the location of Alternative One where we came off of Holiday Drive and really go straight in. But by reducing the length, the reason we had the length, was so we could have a three to four percent grade. By going straight in, it's 8 per cent, and it's essentially a ramp, you would just kind of -vroom - drive right up. It again brings the customer a little bit closer to the front, you're not really all the way in the back of the house, but you're still not at the front door where we would want to bring our customers, and there is, as you would come in here, an off ward site line issue. You'd really have to look well over your shoulder, almost 45 degrees back in order to see if there was a vehicle coming around here in order to know if you should venture. This does not require a retaining wall, because we really went right with the topography.

Joseph Cosentino: But you're a ramp.

Robert Roth: You're a ramp, and in the winter, if it's icy, you're going to slide right out into the road also, because there's not enough room to have a flat spot at the bottom. All in all I think all of these alternatives have more going against them than any promise of it being an alternative way of getting the driveway on Kisco Avenue closed.

Doug Hertz: Was there a reason that all these look at this corner? Was there no other way to consider?

Robert Roth: The grades are even tighter there.

Doug Hertz: What if you used some distance to get into that?

Robert Roth: We really want to be down at least 300 feet from this intersection as it is here before you even penetrate. So that's what brought us to here. You really wouldn't want to have it come right in here and turn.

Joseph Cosentino: Are you talking about in back of the building?

Doug Hertz: No, I'm talking about the front of the building.

Joseph Cosentino: The very front.

Doug Hertz: Well, not Kisco but closer; off of Holiday closer to the front parking lots.

Joseph Cosentino: But you still would have that ramp, wouldn't you?

Robert Roth: You would. It would be steeper, and you've got much more topo to deal with here than you do here (pointing). Here you come right in; you're that far from the building. Here you have more length.

Ralph Vigliotti: You use the word ramp.

Robert Roth: Well, steep driveway; whatever you want to call it.

Ralph Vigliotti: I'm looking at the elevation and 94 at the base of this driveway on Holiday Drive and at the top it's 100. So we're talking a drop or a rise of 6 feet. What is the length of that rise?

Robert Roth: 80 feet.

Ralph Vigliotti: So you're going 80 – it's six feet over eighty.

Robert Roth: Yes, whatever equivalent to 80 and 100.

Joseph Cosentino: There is something else to realize on this, and I could be wrong. I'm not a traffic expert, but you've got 40 or 50 cars being serviced, coming down that road to make a left or a right hand turn into there. There's no way that's going to happen. There is going to be bottle neck traffic. We're causing a bottle neck right on that road itself. You're not going to have 40 or 50 cars come in there. That's only for servicing. But on the front you're going to have a light. I mean, who are we kidding over here? Do you think I would put up a building over eleven million dollars and want to have my car serviced through the side there?

Robert Roth: Customers, too.

Joseph Cosentino: Can't happen.

Robert Roth: And slide down to the parking lot.

Joseph Cosentino: We'll leave ourselves open for liabilities. Can't happen. I don't think it can. I'm only one member here, but I don't think it can work. I think this ingress and egress has to be on Kensico Drive with a light. I really do.

Doug Hertz: You mean on Kisco.

Joseph Cosentino: On Kisco Avenue with a light. First of all, for aesthetic reasons. You're going to have a beautiful driveway going into a beautiful building half the size of what's there now.

Robert Roth: Well, we have a perfectly good driveway coming off of Kisco now that's been there all these years. All the other businesses have driveways on Kisco. The light would be at –

Joseph Cosentino: I think it was worth looking at, but when you really see on paper – I am just one member here, and I'm telling you it just can't work the other way.

Roland Baroni: It's just the ingress we're proposing, not an exit onto Kisco.

Joseph Cosentino: Yes. I think you need that coming in Kisco Avenue.

Roland Baroni: Our business plan <inaudible>.

Ralph Vigliotti: You're not showing a holding lane on Kisco Avenue. Is that something you discussed with DOT?

Whitney Singleton: We are offering the traffic light at that intersection.

Ralph Vigliotti: I don't know if that mitigates ingress at the front of the Lexus Dealership. Unless there's a whole new lane just beyond that to hold the cars that want to make a left, it's not the cars that want to make a right going north.

Doug Hertz: But they don't have control over that.

Roland Baroni: I think John can answer those questions.

John Collins: For the record my name is John Collins, John Collins Engineering. You should have this as part of your packet. This was a proposed striping of an aerial photograph that we put together.

Doug Hertz: Can we refer to you as Dr. John?

John Collins: No, please. I also have smaller hand-outs. Also, this was in the recent letter to Mr. Cosentino, which deals with the queuing that we ran from the synchro analysis for you to review. This was all submitted previously. Let me give you a little bit of an update. The Board requested last time that we – at the southbound exit ramp

from the Saw Mill River Parkway where this proposed traffic signal. There is a letter from the DOT to the Village indicating a 2008 installation. Some initial discussion what the DOT looks like I think it may be promising to move it up. I'm going to need the assistance of the village supervisor to write a letter to the DOT, and I think we may have a very good opportunity to get it into the 2007 year as opposed to 2008. What we did on this plan was show the striping along Kisco Avenue. Right now it's basically two wide lanes, one lane in one direction and one lane in the other direction. What we proposed doing is doing what should happen out there, that's to stripe the roadway to provide two lanes for direction. And by doing that striping we creating that holding lane as it is today for people to turn left into not only the Lexus driveway but also into the Toyota dealership, into Hubbell, etc., and then ultimately that lane becomes a left turn lane down in Preston Way. So were directing people as they go from the Saw Mill down towards Preston Way. If they are going through traffic they would be in the right lane, if they make a left turn or want to go through they can be in the center lane. In the opposite direction, we are again basically taking two lanes as it is today that allows for right turns into the various parcels of land, as well as through traffic and then as we discussed last time, as we get up near the intersection of the Saw Mill River Parkway ramp, we're suggesting that we assign that curb lane as right turn only because, as you go under the bridge of the Saw Mill you only have one lane so you are getting rid of that confusion. This, I think will also help or assist the people trying to make a left off of the Saw Mill. Right now you see a car coming down the middle of a two lane - effectively a wide roadway, you have no idea whether he's going underneath the parkway or making a right turn northbound. This plan also shows, as the Board requested, the signalization at Holiday Drive. We also, at the request of the Board, ran queuing analysis to supplement the other previous information that we've submitted, and basically what it shows is, as we had before, do you see how the southbound ramp by the state eases the queuing problems on the ramp and safety concerns by the DOT and the Village, especially during the morning hours backing onto the Saw Mill River Parkway southbound. What the installation of a signal does at Holiday Drive is facilitates left turns out of Holiday Drive and that entire area between Kisco Avenue and the railroad because it gives positive control. You don't have to wait at a stop sign, and we anticipate that some of the traffic currently making a left out of Hubble would divert up to Holiday Drive to make that left turn because it's under signal control. In similar fashion it will improve the level of service, but what it does do, just simply because I put a signal there, there is currently no queue on Kisco Avenue. There is going to be a small queue developed on Kisco Avenue simply because I'm putting a stop light stopping traffic on Kisco Avenue and Holiday Drive. This basically illustrates what we would propose as a striping at the various locations, and a long re-striping of Kisco Avenue to better delineate the lane-age. The roadway is wide enough, there is no reason it shouldn't be striped too. While we analyze at Holiday, if the Board decided they didn't want the signal on Holiday but they wanted the signal at Hubbell, the same type of analysis would apply, but we've shown it at Holiday Drive, and I think it works well at that particular location.

Joseph Cosentino: I think more traffic is going out onto Holiday Drive than on Hubbell because of the Saw Mill.

John Collins: You're going to get the right turn, you're going to get the left turn. And then you also have the people coming from the Saw Mill River Club. The development intensity on this end is stronger than on the other end.

Joseph Cosentino: It is.

Doug Hertz: And you've got the parkway.

John Collins: In summary, that's the issue.

Joseph Cosentino: I think that works.

Tony Sturniolo: John, where is the in and where is the out?

John Collins: This is an inbound, and all outbound goes out to Kensico. And then they would come around, most likely make a left turn, come back Holiday Drive.

Joseph Cosentino: At least they've got the light to get them out.

Stanley Bernstein: The light on the southbound exit ramp of the Saw Mill, DOT's light, the DOT and you both feel that would not back up traffic onto the parkway.

John Collins: Definitely.

Stanley Bernstein: How many cars can you stack from here to here?

John Collins: There's over four hundred feet there now, so if you figure on an average of twenty five feet per car or four cars every hundred feet, you've got sixteen cars. But what happens in the morning is that if you have the 17th, 18th, 19th car, the problem is that you have a potential fatality on the Saw Mill. Queuing by itself doesn't cause any difficulty; the fact is if I put queuing on a roadway that I can have a fatality that's a concern.

Stanley Bernstein: The same problem arises on the northbound exit ramp of the Saw Mill at 133. There are times of the day with the 16th, 17th and 19th car don't make it onto the ramp. And you could see that.

John Collins: Then I would suggest the Village write the DOT because you can always put a queue detector on the ramp.

Stanley Bernstein: Well, they have it now. They have the electronic light.

John Collins: There are two types of detectors. The first detector is just right near the signal, the other one is, let's say the ramp is 400 feet long, you would go 300 feet back to the system; you start getting back here, you start giving a little more green time to get the ramp clear to avoid that issue.

Stanley Bernstein: May I continue? I have another concern. I'm not a traffic expert as you well know, and of course I have a great deal of faith – you know this village almost as well as anybody and you know every street and all the effects.

John Collins: Even the shortcuts.

Stanley Bernstein: And the shortcuts? I still have a problem. All you traffic guys create a model and you plug in so many cars coming off a facility and that fits in the model somehow or other on your computer and it works out – this looks good, that looks good. Now I've gone through a few of these. This latest analysis you did was very hard for me to understand. Again, because of my lack of expertise. But the previous one where you have it graphically shown, the various turns at the different times of day is very easy to understand. Now my problem is when I drive, when I come out of Lexus or I come off the Saw Mill or any of these, and I go down South on Kisco Avenue, and I intersect with West Main Street, 133, that intersection right now is a horror. I know that so many cars are turning onto 133 making a right turn; I think you had eight cars. I don't have the page.

John Collins: This is traffic generated by Lexus. In other words, the traffic generated by Lexus during the morning hour – most of the traffic from Lexus during the morning hours coming in for service, and then they're gone. So what happens is the number of vehicles coming out of Lexus going down to Main Street making a right to get back to the Saw Mill, they wouldn't have gone that way. Some people may.

Stanley Bernstein: I don't know anything about plug in models; I just go by empirical observation, which these models don't do. There is no empiricism at all here. I pass this corner everyday. Everyday, and at 5:00 in the afternoon, on any given day, not only can't you make a left turn from Maple, but you can't make a right turn.

Joseph Cosentino: That's at every intersection in the Village.

Stanley Bernstein: That's true, but this is the worst. The light at the Saw Mill is the Croton Avenue light and the light here on Kisco, what is that distance? Less than ¼ of a mile. Much less. I don't know how many cars stack up there. But there are more cars that can be stacked from light to light. And it creates a tremendous, tremendous problem. I, myself, go around the back way. I go down to Mclain Avenue, come up and go down Nolton, make my turn by Preston Way, and I get on the Saw Mill and get off the southbound ramp at 133, no traffic.

Joseph Cosentino: Truthfully, Stan I think you're right in one respect, I agree with you. But I think the people that are coming out of Lexus after going to Chappaqua, 133, they are going to make a right hand turn and get on the parkway and go down.

Stanley Bernstein: There are people that still will come to that intersection. And that's the way it is now. I followed the cars; they don't get on the Saw Mill. They all go down to Millwood. There is a tremendous amount of traffic going down to Millwood.

John Collins: There is also a tremendous amount of traffic coming off the southbound Saw Mill at Kisco Avenue in the morning.

Stanley Bernstein: Right, and that's where the back up is.

John Collins: They are basically cutting through the village to get to 172.

Stanley Bernstein: It's from 4:45 to 6:30 everyday.

Joseph Cosentino: Try 172, you've got the same problem there.

Stanley Bernstein: The only way is to go around and get back on the Saw Mill southbound. I'm afraid that once Lexus opens up I will no longer be able to get off a Moulton, and get up and make my right turn onto Kisco to get onto the Saw Mill, I'll probably have to go to Bedford Hills and then get on the Saw Mill and go southbound. There is just no way you can get through the middle of the village. What I'm trying to bring out is that every development that comes on line adds that many more cars to the mix, and as it is now we've reached the absolute limit. What do we do when that limit is just impossible to live with? How do you mitigate it? You can't.

John Collins: What happens many times is the fact is that there are two types of traffic that occurs in the village. There's the traffic that's oriented to the village, for example the Lexus dealership. I can go to either buy a car or to drop off a car at different times. I'm not locked into any particular time. Then there's traffic that's what I call commuter traffic or through traffic that has nothing to do with the village, just basically passing through the village. Usually that's the traffic that is not sensitive to – they don't have the flexibility. You get off of work; you're going to try to get home. If, on the other hand, I'm trying to go to a car dealership, be it Lexus, be it Toyota, be it the BMW dealership, etc., I could pick different times of the day. I could pick alternate routes. There are some times that you can just do nothing with traffic as a finite capacity. The question always comes up do you keep on widening roadways? Because there's been some studies that say as you widen a roadway, it just attracts more traffic. So it's a situation that you try to manage to flow. I've been coming to Kisco for 30 years and I remember when there was less development, and depending upon where I am going, I'll take different routes. I was annoyed when the DOT closed Green Lane, because that was a back door, but there was a real safety concern when they closed Green Lane. There is another end. From an economic end that says traffic congestion sometimes is good because it means economic vitality.

Stanley Bernstein: From a retail standpoint. Now, we're going to put into this mix again, a hospital. In the Hospital study I was reading, and I pulled it out yesterday just to compare it to this, there was no mention, or they minimized the traffic coming from the west to the hospital. Where as I could see again, an empirical study on my part, ambulances coming from Millwood into the Hospital. Therefore it means there will be traffic coming into the hospital. It's not merely coming from 684, it's also coming across from 133. A tremendous corridor from Millwood. Just go out there any day, the light on Croton Avenue backs all the way up, miles.

Joseph Cosentino: I can remember in the '70's, when Bill Nelligan was Chief here and they had the Nelligan Plan.

Stanley Bernstein: I remember the Nelligan Plan.

Joseph Cosentino: Even then, there was traffic that was a problem.

Stanley Bernstein: I remember.

Joseph Cosentino: It's not going to get better in this village. We have to accept it. We don't want a lot of traffic, but it's going to be there. Until the Village does something else, we have to cope with it, and we have no choice. But it's very valid what you say. You have some good points. But we have to live with it. It's what we're in.

John Collins: That's the basic summary, Mr. Chairman. Thank you very much.

Joseph Cosentino: Okay. Thank you, John. I myself safety reasons, aesthetics, I think the original plan coming in and going out, I think is the best plan for this site. I don't know how you members feel about it, but I really do. We can go on and on and on and on, we're not going to get any place.

Doug Hertz: Well, I certainly concur that the alternatives presented were not even slightly better.

Joseph Cosentino: You're absolutely right. If I was going to put up a project like this, half the size, aesthetically it would make my stomach sick just to look at that. Anybody else? Ralph?

Ralph Vigliotti: Silence is golden.

Joseph Cosentino: I think the consensus of the board is to leave it the way you had it and continue. I think you're doing a good job, so far, it's looking good. You just need to keep.

Roland Baroni: We have our second appearance tomorrow night before the Architectural Review Board. I think it's the second week in July we'll meet hopefully with the ZBA for the variance that we need for the length of the building. Is there some direction that you can give us at this point as to, have we satisfied all the outstanding issues? Would it be proper to start the preparation of a resolution draft?

Nanette Bourne: If I can address that, please.

Joseph Cosentino: Sol, you feel the same as we do.

Sol Gibbons: Yes.

Joseph Cosentino: Nanette?

Nanette Bourne: Just some timing and coordination issues. If when I hear from the board is that you're fairly comfortable with the state of the site plan right now, at your next meeting, the July 11th meeting, you can formally declare your negative declaration, you have a conditional negative declaration time frame will be over, that allows the applicant to continue with the ARB and with the ZBA and formally submit an application to the DEP. The next thing that you're going to want to see is the results of their interaction with the DEP, the new changes that might be required as part of the DEP permit. Your board's practice has been not to grant approval until DEP has issued their permit.

Joseph Cosentino: Is this the Catch 22 with the DEP?

Nanette Bourne: Not particularly.

Joseph Cosentino: I wouldn't want to hold the process.

Nanette Bourne: Well, they need to finish with DEP before you grant resolution.

Joseph Cosentino: Okay, then it's their job to finish with DEP and then get back to us so we can continue with the process.

Nanette Bourne: One additional item in terms of timing. For instance, if you were able to get through DEP, you'd get your storm water pollution prevention plan permit by September and be back before the Board September, you have how long a period before you'd like to open? Six, eight months?

John Collins: What we're actually trying to do is have permits in process to demolish the existing building and be able to start the site work before winter comes in. that's a necessity. And then it's about an eleven month process.

Joseph Cosentino: But if he did that he would do it on his own risk anyway.

Nanette Bourne: Where I was going with this is that the Village will have influence but not control over the light to be installed by DOT. The light to be installed by the applicant is what the applicant and the village control. So I would recommend that the applicant get started on that as soon as possible so that when you're ready to open up your building, even if the Village is waiting for the DOT light, your light will be in place and there will be nothing to keep you from getting a Certificate of Occupancy. But don't underestimate the lead time for getting that plan ordered, installed, etc.

Joseph Cosentino: So, bottom line is while we are in the work, you get done what you have to get done so we can continue with our process and get this done.

Whitney Singleton: Is there any outstanding issues with your board right now?

Joseph Cosentino: We don't have any other outstanding issues.

Doug Hertz: Mr. Chairman, I would just like clarification next time they are before us that the changes that have been to the enlargement of these basins on the side, if I could just get clarification about what trees; what are the existing old growth trees that John Slaker intended to keep we are now losing, so we could see if there could be some mitigation in some other way.

Joseph Cosentino: I think we're getting there.

Tony Sturniolo: Mr. Chairman, I just have one question of the applicant. If it turned out differently tonight, and you were going to go out on Holiday Drive, would this be an absolute deal breaker with Lexus and you?

John Collins: Yes.

Tony Sturniolo: Then I guess we made the right decision.

Ralph Vigliotti: I still find that hard to believe that that would be a deal breaker. I don't think it's for this board to know whether it's a deal breaker or not. It's for this board to move ahead on the plans.

Joseph Cosentino: I think Vice-Chair brought the question up after the fact. If he brought it up before the fact, I would agree with you. But if it was brought up after the fact, we had knowledge of that and we think we made the right decision.

Ralph Vigliotti: We've never discussed that at a Planning Board Meeting whether any decision we made was a deal breaker or not, and I don't want to – we've already established that tonight and I think it didn't need to be placed on record. Thank you.

Correspondence:

Joseph Cosentino: There's a letter from Department of Environmental Monitoring, 29 Carpenter Avenue?

Tony Sturniolo: We did that. The only thing we've got to do is address is address under correspondence the last letter from the building inspector to Appleby's.

Joseph Cosentino: I don't accept that letter. It was wrong from the start. The letter doesn't make it right.

Whitney Singleton: You and I have discussed that, Tony and I have discussed that. Tony sent me an e-mail on this. I sought some input from Austin. Austin indicated that they – this is dating back – are they continuing the practice, as far as you know?

Joseph Cosentino: Yes they are.

Whitney Singleton: I discussed the issue with Austin, and he indicated that that letter was sent back was not to dispense with the issue once and for all. They will be coming back to your board with a site plan application.

Joseph Cosentino: Let them cease what they're doing. I'm not going to entertain an application unless they cease what they're doing. They're in violation.

Tony Sturniolo: Just to read it into the record, the letter says –

Joseph Cosentino: Do you agree they're in violation?

Whitney Singleton: Without giving them an opportunity to present their case, yes, I would agree they are in violation.

Joseph Cosentino: So they didn't get a permit for what they did, so they have to cease what they're doing, file an application and come in. Wouldn't you think that is the proper way to do it? We would do it with anybody else if they have a violation.

Whitney Singleton: I would certainly think that they should come in, and I would certainly think that they are in violation of their site plan. I don't know I would go as far as to say I wouldn't entertain the application.

Joseph Cosentino: So let them work under a violation.

Whitney Singleton: Yes.

Joseph Cosentino: Okay. That's all I wanted to hear.

Whitney Singleton: If there is a violation, it should be prosecuted.

Tony Sturniolo: Austin writes, "However, in the interim you may not continue the practice. Please be advised that any failure to comply with this order immediately will be treated as a site plan violation, and a court appearance ticket will be issued accordingly. We don't have to wait till this date of June 6, this issue was discussed with the Building Inspector months and months ago when we did a site inspection along Christmas weekend. He writes, "You may not continue the practice." Let them stop. Then they can go ahead and do what they want. If that want to make an application to amend their approved site plan.

Whitney Singleton: And I'm telling you that's what I understood to occur in this particular action.

Tony Sturniolo: They haven't stopped; they haven't complied with this letter as of tonight.

Whitney Singleton: Austin needs to issue them, in his discretion; he needs to issue them a Notice of Violation.

Tony Sturniolo: How do we get that conveyed to Austin, that he needs to do this?

Whitney Singleton: Why don't we bring this up at Thursday morning's meeting?

Tony Sturniolo: Do we need to wait till Thursday?

Nancy Placona: We have a staff meeting on Thursday.

Joseph Cosentino: Thursday morning we'll bring it up. Is there anything else before this board?

Nanette Bourne: There was an issue that was brought up at our last staff meeting. They are just some procedure clarifications.

Joseph Cosentino: How long is it going to take? It's hot in here.

Nanette Bourne: We can talk about these. It was recognized that our application fees may not be rational across the board. If we were to consolidate all the fees it might present a picture that some were way out of line and that we should create a table that shows all of the fees and to find out what's out of line and make some adjustments. It was concluded and directed by the Village Manager that the consultants allocate the amount of time spent per application at Planning Board meetings and include those in the monthly charges. On the submission dates, this is a little bit open for a discussion, but on occasion when you ask an applicant to come back with some minor adjustment change, for instance, adding some more day lilies in the front on their site plan but they can't submit it time to meet the 15-day rule, at your discretion you will waive the 15 day rule as long as it gets to the Village in time to make it in your packet. We talked about it either being a Friday following the meeting or the Monday, but in plenty of time. There was some discussion about whether or not it should be prohibited altogether, or the discretion should be left to the Planning Board.

Joseph Cosentino: I have a question on the billing part. "Time spent waiting for a quorum should be billed to the Village of Mount Kisco Planning Board."

Nanette Bourne: There is a budget for just Planning Board Administration.

Joseph Cosentino: You mean, you are talking about yourself?

Nanette Bourne: Right.

Joseph Cosentino: Is this something new now?

Nanette Bourne: What?

Joseph Cosentino: Waiting for a quorum that we would be billed?

Nanette Bourne: No. If I'm here for four hours and we're downstairs for one half hour, whatever, I can't really charge that to an applicant. It's not a huge amount of time. It was something that was brought up by the Village Manager. On the bill it's not going to say sitting there on my hands waiting for the Planning Board members to show up.

Joseph Cosentino: Right. Go ahead, continuing review, that's self explanatory. Conceptual review, that's self, nothing changed.

Nanette Bourne: On the conceptual review, you should look at this to see if it really reflects what we want for the Conceptual Review. One thing we found out that the Conceptual Review Form was not on the website.

Joseph Cosentino: The only thing is on conceptual reviews. The person comes before us on the conceptual and we don't seem to like it. They don't come back to us again for another conceptual.

Nanette Bourne: Unless you ask them to.

Nancy Placona: Unless you ask them to. You have in the past asked for a second appearance.

Nanette Bourne: But it's at your discretion.

Joseph Cosentino: But a lot of times we haven't and they've come back, and they get a freebie.

Nanette Bourne: There are very few instances where they have done that.

Joseph Cosentino: We have to be careful of that. Outstanding violations, we have to know when they have to bring in more money. You have to tell us.

Nanette Bourne: I have no way of knowing.

Joseph Cosentino: Nancy, I meant to say. Nancy has to tell us. And, Nancy if they are behind and they don't bring in their money, call me and I will remove it from the agenda.

Nancy Placona: I need meet with finance before every agenda to make sure that escrows are paid along with any outstanding bills.

Joseph Cosentino: There are some people that owe us money now, and if they don't pay they are coming off the agenda.

Nanette Bourne: Tony, are there some other things?

Tony Sturniolo: We had one point that we talked about downstairs.

Nanette Bourne: Yes.

Tony Sturniolo: No, no. We talked about adding something else to this conversation, and it wasn't the faxing of information to your office early enough. I can't think of it.

Nanette Bourne: It made sense when you told me.

Tony Sturniolo: Yes. I said let's discuss it later on. Maybe what we should all do is spend time reading this.

Joseph Cosentino: I'm going to the office tomorrow and go over it.

Tony Sturniolo: And if we have suggestions, who should we forward them to?

Joseph Cosentino: Nanette.

Tony Sturniolo: If we want a suggestion to make a change in a paragraph?

Nanette Bourne: Right. We can make those changes and bring it back to the board and see if it's what you want.

Joseph Cosentino: That's the best way to do it.

Nanette Bourne: And we can also, on Thursday, if you and I remember.

Doug Hertz: Would it have been a checklist?

Tony Sturniolo: The other part of this whole thing is, Nancy how is this going to work?

Nanette Bourne: Oh, I know it was the resolutions.

Tony Sturniolo: Yes, the resolutions. Could I make a motion to –?

Nancy Placona: We need to – if you're going to vote on the minutes for the 25th of March.

Tony Sturniolo: Alright you want to do that, and then we'll close the meeting and get back to the resolutions.

Joseph Cosentino: Alright, we have the minutes of March. Mr. Bernstein?

Stanley Bernstein: Motion was made, but I'll make it again. I move that we accept the minutes of March 25 with modifications, with changes.

Joseph Cosentino: And who second that motion?

Doug Hertz: I will second that motion?

Joseph Cosentino: Can you second? You made a motion for a change?

Doug Hertz: It's wasn't a change, it was just a question.

Joseph Cosentino: Okay, second by Mr. Hertz.

Motion: Mr. Bernstein

Second: Mr. Hertz

Vice Chairman Sturniolo: Aye

Chairman Cosentino: Aye

Tony Sturniolo: I make a motion that we close the meeting.

Stanley Bernstein: Second.

Meeting adjourned at 10:20 pm.

Respectfully Submitted By,

Stanley Bernstein
Board Secretary